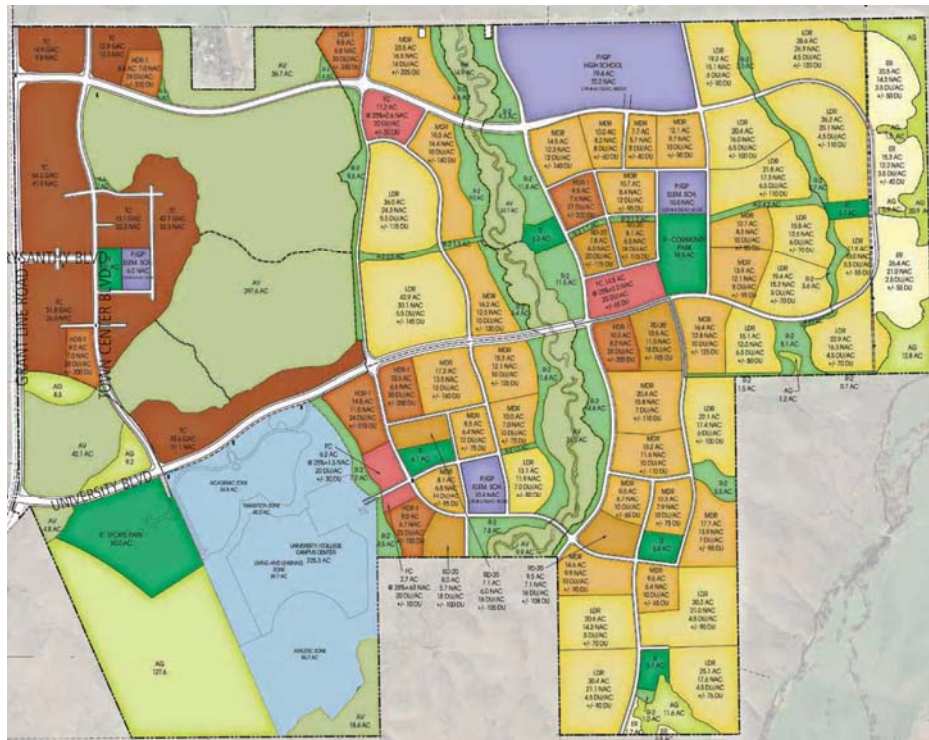

FINAL ENVIRONMENTAL IMPACT REPORT

VOLUME III OF III

CORDOVA HILLS



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COUNTY OF SACRAMENTO
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ENVIRONMENTAL REVIEW
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20 RESPONSE TO COMMENTS

The written comment period for the DEIR was set to close on February 22, 2012 at 5 p.m, but was extended to March 5, 2012 at the request of the California Department of Transportation (Caltrans). A total of 20 individual letters were received during the written comment period. Each letter has been given a numeric designation (e.g. Letter 1), which can be found on the upper right-hand corner of the attached letters. All 20 letters are included at the end of the Response to Comments chapter, except that the letter from Caltrans received during the comment period was superseded by a July letter; it is the July correspondence which has been included. Opportunity for oral comment on the DEIR was offered at the Sacramento County Planning Commission on September 24, 2012, at which time the comment period was closed. Each Draft EIR reviewer that submitted written comments is listed below. The letters are listed by respondent, in alphabetical order. Oral comments received during the public hearings before the Sacramento County Planning Commission are also included and are organized in accordance with the order in which they spoke. Oral comments begin after the written comments.

Individual comments addressing separate subjects within each letter are labeled in this chapter based on the letter's numeric designation and comment number (e.g. 1-1). Where a letter essentially addresses only one subject, comment numbers are not assigned. The text of the comments on DEIR adequacy has been provided, followed by a response. In cases where there is substantial letter text (spanning multiple pages), but little or none of the text addresses DEIR adequacy or this specific Project, the text of the comment has not been provided and reviewers are directed to the appropriate page of the attached comment letters. Also note that the preface language of the letters is often excluded (where the text consists of salutations and brief descriptions of the commenting organization). Oral comments have been paraphrased with a response following each comment. Oral comments which duplicated written comments submitted by the speaker are not presented; the text instead refers the reader back to the letter submitted by the speaker (this text is presented in brackets).

In some cases the response to the comment is "comment noted". Pursuant to Section 15088 of the CEQA Guidelines, no written responses are provided for those letters or comments that did not address the adequacy of the DEIR. While no response to the comment is provided, the comment letters are forwarded to the Board of Supervisors for consideration via this EIR.

LIST OF WRITTEN COMMENTS ON THE EIR (WITH PAGE ON WHICH RESPONSE BEGINS)

1. California Department of Transportation (20-5)
2. California Native Plant Society, Sacramento Valley Chapter (20-7)
3. California Native Plant Society, Sacramento Valley Chapter, Supplemental (20-45)
4. California Natural Resources Protection Agency, Central Valley Flood Protection Board (20-53)
5. California Regional Water Quality Control Board, Central Valley Region (20-54)
6. City of Rancho Cordova (20-69)
7. Elk Grove Unified School District (20-72)
8. Environmental Council of Sacramento (20-74)
9. Friends of the Swainson's Hawk (20-93)
10. Pacific Gas and Electric Company (20-104)
11. Sacramento Area Bicycle Advocates (20-105)
12. Sacramento Area Sewer District (20-112)
13. Sacramento County Department of Transportation (20-115)
14. Sacramento County Department of Waste Management and Recycling (20-120)
15. Sacramento County Environmental Management Department (20-124)
16. Sacramento Local Agency Formation Commission (20-130)
17. Sacramento Metropolitan Air Quality Management District (20-134)
18. Sacramento Regional County Sanitation District (20-141)
19. Sierra Club, Mother Lode Chapter (20-145)
20. Southeast Capital Connector Joint Powers Authority (20-147)

ORAL COMMENTS: SACRAMENTO COUNTY PLANNING COMMISSION SEPTEMBER 24, 2012
(BEGINS ON PAGE 20-151)

1. Larry Greene, Sacramento Metropolitan Air Quality Management District (20-151)
2. Tom Zlotkowski, Capital SouthEast Connector Joint Powers Authority (20-152)
3. Peter Christiansen, Environmental Council of Sacramento (20-153)
4. Sean Worth, Environmental Council of Sacramento and Sierra Club (20-154)
5. Keith Roberts, Environmental Council of Sacramento (20-155)
6. Kristain Heston, Rancho Cordova resident (20-156)
7. Glen Holstein, Environmental Council of Sacramento (20-157)
8. Betsy Wyland, Save the American River Association (20-158)
9. Jim Wiley, Taylor and Wiley (20-159)

Written Comments on the EIR

LETTER 1

Eric Fredericks, California Department of Transportation; written correspondence; originally dated March 1, 2012 but superseded by July 6, 2012 letter

Comment 1-1

We disagree with the assertion that there are not “*any funding mechanisms established to collect money to fund such improvements*” listed on page 16-50. Caltrans has established specific mechanisms to collect and retain fair share funding to support the State Highway System (SHS) mitigation related to local development.

Response 1-1

Though Caltrans does have the means to collect fair-share funds, the statement quoted from page 16-50 is not general in nature, but refers only to the Zinfandel Drive and US 50 ramp intersection. It is accurate to state that there are no established funding mechanisms which are designed to collect funds for improvements to the facility where the Project impact is identified. There must be a nexus between an impact and the identified mitigation, so a lead agency cannot properly require payment of fair-share funds if there is no means to ensure that those funds will be used to offset the Project impact identified.

Comment 1-2

Approximately 10% of the overall trip generation is going to-or-from United States Highway (US) 50. As a result, this segment will degrade from Level of Service (LOS) E to F (Page 16-80). As mitigation for this significant impact, the DEIR has proposed to contribute fair share fees to add a transition lane on US 50 between Sunrise Boulevard (Blvd) and Hazel Avenue (Ave) in both directions. We do not agree with the Traffic Impact Study that adding a transition lane on Eastbound (EB)-50 between Sunrise Blvd and Hazel Ave will improve the LOS on this segment of EB-50 (Page 16-52). The bottle neck is located near the Folsom Blvd interchange due to the lane drop and the vertical/horizontal curves. In order to relieve the congestion on EB-50 between Sunrise Blvd and Hazel Ave, we request a fair share contribution for construction of a transition lane on EB-50 from Folsom Blvd to Scott Road (Rd) in addition to a transition lane from Sunrise Blvd. to Hazel Ave.

Response 1-2

The statements within this comment are not supported by the evidence. Firstly, of the seven freeway segments impacted, only two are a case in which the LOS is E without the Project and F with the Project (both of these are Cumulative Plus Project impacts). The mitigation referenced by this comment is for the Existing Plus Project condition, and the traffic impact study indicates that it would change LOS from F to E in the westbound direction, and from F to D in the eastbound direction. Though Caltrans states that they

do not believe the mitigation will have this effect on LOS, no evidence has been provided in support of this statement. Caltrans then suggests improving a freeway segment which is not within the study area, and which is not impacted by the Project. Though Caltrans staff may think that the reach of US 50 from Folsom Boulevard to Scott Road is in greater need of improvements, the purpose of the EIR analysis is to identify Project-related impacts and appropriate mitigation with a nexus to those impacts. Mitigation has been included for the segment of US 50 from Sunrise Boulevard to Hazel Avenue, because that is the segment impacted.

Comment 1-3

In addition, the following TDM strategies could be considered: hiring a full-time TDM coordinator for the development, providing commute shuttles to nearby Regional Transit/Capitol Corridor stations, coordinating carpools/vanpools, providing on-site satellite office space for telecommuting, incentivizing off-peak commuting, developing an internal job-housing match program, and reducing housing prices or Home Owner Association dues for units with reduced parking provision.

Response 1-3

The proposed SPA does include measures such as those recommended in this comment, including a Transit Management Association and a transit service which will connect to the Mather/Mills light rail station. Refer to the SPA Master Plan "Circulation" chapter for detailed descriptions.

LETTER 2

Glen Holstein, Botanist, California Native Plant Society, Sacramento Valley Chapter; written correspondence; undated (received February 16, 2012)

Comment 2-1

Due to length, reviewers are referred to the attached letter; the comment has not been included here. The comment begins at the outset of the letter and includes two pages of text, with a final paragraph on the third page (the portion which precedes the heading "Aesthetics").

Response 2-1

This is not a comment on the adequacy of the EIR. Comment noted.

Comment 2-2

Page 3-6 of the DEIR provides color examples of high and low visual quality places. The high quality example looks much like the Cordova Hills site does now except for its lack of oaks, while the low quality example resembles numerous places littering California left half built when the bubble burst and money ran out. The proposed Cordova Hills project promises to provide one more.

Subsequent photos in the aesthetics chapter suggest the project will have little visual impact, but all views are from outside the project site looking in. None examine the visual impact the project would cause inside its 2,669 acres. This is a significant omission since it is theoretically possible to cover the Grand Canyon's walls with condominiums invisible just a few yards from the its rim.

That's relevant to Cordova Hills since its central stream valley and the Grand Canyon share similar origins. Both are incised by erosion into nearly level flat-lying sediments (Twidale 1976). The central stream valley at Cordova Hills is tiny relative to the Grand Canyon, of course, but its relief is a rare and significant aesthetic resource in mostly level Sacramento County equal to 12.5% of total county relief (Suttle 1994). The central stream valley at Cordova Hills may be the last place in the county where natural landscapes free from the works of man can be seen. This place largely hidden from current public view is where the Cordova Hills project proposes to develop most intensively.

Response 2-2

Comment noted. CEQA requires that the impacts of a project be examined in light of the existing conditions. The site is vacant private property, and thus there are no existing public viewer groups within the Project boundaries which would be affected by Project construction. The EIR properly examines the impact of Project development on the existing viewer groups surrounding the site. The EIR found that the Project would substantially degrade the existing visual character and quality of the site and determined that the Project would have significant and unavoidable aesthetic impacts. See Draft EIR at Pages 3-10 to 3-20. It is also worth noting that the central drainage feature pointed out in this comment will be preserved within one of the Avoided Areas; it will not be filled and developed.

Comment 2-3

At the beginning of the air quality chapter (chapter 5) several air pollutants are defined but in latter parts of this chapter a pollutant category (ROG) appearing often in tables and text is left completely undefined. That kind of editorial carelessness suggests DEIR preparers were more interested in producing large numbers of pages than informing the public. Hidden in this lengthy chapter on Page 5-28 is the important conclusion that the proposed project would “exceed daily emissions thresholds” for NO_x and ROG ozone precursors that contribute significantly to unhealthy air pollution. Consequently Page 5-30 concludes that implementation of the project would have a significant and unavoidable impact on implementation of regional air quality plans

Response 2-3

The EPA uses the term VOC rather than ROG, and thus the term VOC was used in the explanation of ozone formation; however, the term ROG (reactive organic gases) is still the constituent reported by many models, and is still the term in use pursuant to the Sacramento Metropolitan Air Quality Management District’s thresholds for ozone precursors. A clarification has been added to the Air Quality chapter on this subject. Though a description of the acronym ROG was accidentally omitted, it is apparent from text located throughout the chapter that ROG is an ozone precursor (e.g. the impact heading “Impact: Operational Emissions of Ozone Precursors (NO_x or ROG)”). The conclusion referenced by the comment as being “hidden” is in fact clearly located under the major heading referenced in parentheses above.

Comment 2-4

The project’s distant location from places of employment is also in clear conflict with Sacramento County General Plan Policy EN-5 to “Reduce travel distances and reliance on the automobile and facilitate increased use of public transit through appropriate land use plans and regulations.”

Response 2-4

The Project includes an internal transit system with linkages to existing external transit provided by Sacramento Regional Transit, and also includes other trip-reducing features (described in the Air Quality Mitigation Plan and the Greenhouse Gas Reduction Plan). As described in the Climate Change chapter, compared to a “business-as-usual” development in this location, the Project design will reduce vehicle miles traveled.

Comment 2-5

On the very first page of this chapter the DEIR completely mischaracterizes vegetation of the Cordova Hills project site by stating: “The dominant vegetation is non-native grassland comprised of ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), barley (*Hordeum* species), and ryegrass (*Lolium multiflorum*).”

In fact these are only the site’s weeds. Similar areas in the site’s vicinity are native California prairie dominated by the native non-grass species *Holocarpus virgata* (Holstein 2001), and that author found during visits to Cordova Hills it also likely dominates there. Nothing in the DEIR suggests any effort was made to survey the site’s vegetation. Consequently its statement above about dominance by non-native grasses is utterly without supporting evidence.

Response 2-5

The Draft EIR states on page 6-58, “The Project site was surveyed for special status plant species in May 2007, April and June 2008, and May and July 2010 by ECORP Consulting Inc.” All plant species observed on-site during those visits were documented by the surveying botanists, which is consistent with standard protocols for rare plant surveys (Appendix BR-3). The description of the grass species growing on the site is an accurate one, not just for this site but for the County’s (and even the Central Valley’s) grasslands as a whole. It is well-documented that most of the Central Valley grasslands are now dominated by non-native grass species¹. It would be inappropriate to describe these grasses as “weeds”; the term “weed” is not a scientific one², as all it means is a plant which is growing where it is not wanted. Calling the grasses weeds would seem to imply that the grassland area is not of habitat value – not wanted – when that is clearly not the case. The site supports the native plant *Holocarpha virgata*, commonly known as tarplant, but the purpose of the DEIR description was to describe the grass species which made up the grassland, not to describe all of the annual forbs. It is also worth noting that *Holocarpha virgata* is actually quite common in Central Valley grasslands, and has no special status designation. At the request of the commenter, a sentence listing some of the most common herbaceous plants on the site has been included after the description of the grasses on the site (page 6-1 of the FEIR).

¹ Kie, J. G. 2005. Annual grassland. In Mayer and Laudenslayer 1988.

² http://www.blm.gov/wo/st/en/prog/more/weeds/weed_definition.html

Comment 2-6

This is extremely significant because among the 32 Sacramento General Plan policies cited on pages 6-3 to 6-6 are:

CO-59. Ensure mitigation occurs for any loss of or modification to the following types of acreage and habitat function: native vegetative habitat. (California prairie is native vegetative habitat.)

CO-70. Community Plans, Specific Plans, and Master Plans, and development projects shall include the location, extent, proximity, and diversity of existing natural habitats and special status species in order to determine potential impacts, necessary mitigation and opportunities for preservation and restoration.

Most significantly not included among the 32 Sacramento County General Plan policies cited in these pages, however, is the following one perhaps most relevant of them all to Cordova Hills:

CO-135. Protect the ecological integrity of California Prairie habitat.

Since that is unquestionably the actual dominant habitat at Cordova Hills (Burcham 1957, p. 80; Shelford 1963, pp. 354-355; Keeler-Wolf et al. 2007, p. 22; Lulow & Young 2009), the proposed development project there would be a clear and utterly unmitigated violation of this Sacramento County General Plan policy. Cordova Hills is over 2,600 acres of the finest quality California Prairie habitat and is among the largest and most pristine areas of this habitat in Sacramento County. It is exactly what CO-135 intends to protect.

Consequently it violates the major goal outlined in the Conservation Element of the General Plan of management and protection of natural resources for the use and enjoyment of present and future generations while maintaining the long-term ecological health and balance of the environment.

Response 2-6

The term California Prairie and the relevant policy were not included due to some internal staff confusion over this policy, which was adopted two months prior to the release of the Project DEIR. Most documentation of habitats in the Sacramento Valley refers to the habitat assemblage known as Valley Grassland³, including the anticipated draft South Sacramento Habitat Conservation Plan; these same sources document that the dominant species within the grasslands are non-native, not native. It was assumed that the term California Prairie referred to a different type of grassland habitat than the term Valley Grassland, so the policy was excluded. Further investigation found that usage of the term California Prairie exists within published literature, but that it is not broadly used, and thus has no generally-recognized scientific definition. Examining the administrative record on the 2030 General Plan indicates that when the new policy was originally drafted, it was simply intended to apply to grasslands in general. Thus, the EIR has been revised to include the policy.

³ D'Antonio, et. al., Ecology and Restoration of California Grasslands with special emphasis on the influence of fire and grazing on native grassland species, page 5: "The California grassland has long been divided into two major community types, the Coastal Prairie and the Valley Grassland."

Though the term California Prairie was not used in the DEIR and the policy was excluded, it should be emphasized that the EIR does in fact analyze the impacts of the project on the ecological integrity of grassland habitats – which is to say, on the ability of the grassland habitat to support special status species reliant on that habitat. Furthermore, the Cumulative and Growth Inducing Impacts chapter specifically discusses cumulative grassland loss in the eastern County, and describes that impact as significant. Mitigation is also included for the loss of grassland habitat. The only thing absent from the EIR is the usage of the term “California Prairie”; the impact to grassland habitats has been properly assessed.

Comment 2-7

The United States Fish and Wildlife Service Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon to achieve self-sustaining populations of many species which rely on vernal pools identifies Cordova Hills as part one of its highest priority core areas vital to achieving the plan’s goals (Page 6-26). Despite this the project proposes to eliminate 46% wetlands and 33% vernal pools at Cordova Hills (Page 6-28). Such deliberate destruction of these vital wetlands would be an unconscionable environmental crime exacerbated by the project’s dubious economic prospects.

Despite DEIR discussion of mitigating this net loss, loss of vernal pools especially is essentially unmitigatable because they require specific intact soil profiles with permanent aquaculdes to pond water and thus function (Ferren & Gevirtz 1990; Leidy & White 1998). The typical mitigation project of creating artificial vernal pools is also usually done in natural California prairie landscapes. Since such construction of artificial vernal pools violates the ecological integrity of these prairie landscapes it is in direct conflict with Sacramento County General Plan policy CO-135.

Response 2-7

The Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon (Recovery Plan) is cited on page 6-28 of the EIR, and it is disclosed that the Project lies within an area designated as vital to achieve the goals of the Recovery Plan. Although mitigation is included to reduce project impacts, the EIR found that “given the extent of wetland loss (46% of the wetlands on the site) and the fact that this is in a Rank 1 Vernal Pool Recovery Plan area the mitigation is not sufficient to reduce impacts.” Loss of wetland habitat was identified as a significant unavoidable impact of the Project.

Vernal pools are a functional part of grassland habitats in the County and in much of the Central Valley, and thus the inclusion of created vernal pools in grasslands – which are typically completed under the guidance of the Fish and Wildlife Service – does not degrade the ecological integrity of grasslands. The re-creation of vernal pools has long been required by the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service as a manner of providing compensatory mitigation for lost vernal pools, with monitoring periods and success criteria that must be satisfied. In fact, created vernal pools are noted as a recovery strategy in the U.S. Fish and Wildlife Service’s Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon.

Comment 2-8

Special status species sections of the DEIR contain numerous errors of fact and interpretation. These errors do not appear to be accidental or random since they consistently minimize the impact of the proposed project on these species. Random errors are expected to be a mixture of those maximizing and minimizing impact. Examples of such errors are:

1. On Page 6-33 Ferruginous Hawk is listed as having moderate potential for occurrence on the site because “the nearest recorded occurrence is just under 6 miles west of the site.” It is well known that the recorded occurrence grid for this and several other highly vagile species is very incomplete. Consequently they must be assumed to at least occasionally use all available good habitat within their range. Since that includes all the Cordova Hills site (Small 1994, Wheeler 2003), Ferruginous Hawks have high rather than moderate potential for occurrence there.
2. On Page 6-33 Golden Eagle is listed as having moderate potential for occurrence on the site because “there are no recorded occurrences of this species within ten miles” although it is acknowledged that the species “could forage on the grassland of the site.” This is another vagile species with a very incomplete occurrence grid. Consequently they must be assumed to at least occasionally use all available good habitat within their range. Since that includes all the Cordova Hills site (Small 1994, Wheeler 2003), Golden Eagles have high rather than moderate potential for occurrence there.

Response 2-8

This is a suite of comments which takes issue with Table BR-3 of the EIR (“Special Status Species Matrix”). The reasoning behind the potential for occurrence designations is explained in the text preceding the table, and the probability of occurrence for the ferruginous hawk and golden eagle is consistent with this reasoning. The table simply provides a quick reference of all species considered, and provides a means of describing the available data for each of the species. If habitat was present but no recorded sightings occurred within five miles, the potential was “moderate” and if sightings had occurred within five miles, the potential was “high”. A rating of “high potential” versus a rating of “moderate potential” makes no difference to the subsequent analysis; all species with at least a moderate potential for occurrence are analyzed, because habitat is present for all such species. Presence of an occurrence on the CNDDDB was *not* used as the sole means to determine whether an analysis was warranted, as it was clearly stated that both lack of CNDDDB occurrence *and* lack of adequate on-site habitat must be confirmed before a discussion of the species would be excluded.

CEQA does not require the data used in an EIR to be exact, and an EIR may rely upon informed estimates. Use of an industry-standard approach for assessing an impact is also appropriate. (See, *Eureka Citizens for Responsible Government v. City of Eureka* (2007) 147 Cal.App.4th 357, 54 Cal.Rptr.3d 485. Reasonable assumptions may also be used in the impact analysis. See, *State Water Resources Control Board Cases* (2006) 136 Cal.App.4th 674, 39 Cal.Rptr.3d 189. The CNDDDB is commonly used as a database for the preparation of environmental documents. Like any database, it has its limitations (as noted by the commenter) and – to repeat – was not the sole source of the biological resources information used to prepare the Draft EIR for the Cordova Hills Project. There were also a number of site-specific biological surveys performed by

professional biologists, and a review of site habitat. Taken together, these data sources demonstrate that a good faith effort was made by the preparers of the Draft EIR to provide accurate and sufficient information to examine the proposed Project's impacts to biological resources. Please see the sources listed in the Draft EIR at Pages 19-1 to 19-9 and the Draft EIR Appendices BR-1, BR-2, BR-3 and BR-4.

Comment 2-9

3. On Page 6-33 Grasshopper Sparrow is listed as having moderate potential for occurrence despite being recorded "2.5 miles east of the site [which] contains potential foraging and nesting habitat." The DEIR thus violates its own criteria for high potential, which Page 6-31 gives as "Habitat is present and the species has been observed within five miles of the site." The DEIR emphasizes the site's lack of shrubs in an apparent attempt to minimize its habitat value for Grasshopper Sparrows, but they don't require habitat with shrubs (Small 1994). Their nests that I've personally seen were in areas completely lacking shrubs.

Response 2-9

The comment is correct that the "moderate" designation is an error, and should indicate "high". The correction has been made in the FEIR. As discussed in Response 2-8, this change has no effect on the discussion for the species, because the table was simply a means of displaying the habitat and occurrence data for each species examined, and an analysis was provided regardless of whether the potential was designated as "high" or "moderate".

Comment 2-10

4. On Page 6-34 Loggerhead Shrike is listed as having low potential for occurrence even though "the site contains foraging habitat" and "The nearest recorded occurrence is just over three miles to the west." Thus by the DEIR's own criteria given on Page 6-31 Loggerhead Shrike has high rather than low potential to occur on the site.

Response 2-10

The designation of "low potential" accurately reflects the data available for the species, and is consistent with the definitions described prior to the table. Page 6-30 of the Biological Resources chapter indicates that if the species is listed for loss of a particular habitat then the likelihood of occurrence will be based specifically on that habitat type. The loggerhead shrike is listed specifically for loss of breeding habitat. The California Department of Fish and Game Life History Account (links to these are provided at the end of Table BR-3 in the DEIR) indicate that the species breeds in shrublands or open woodlands, neither of which habitat is present on the site.

Comment 2-11

5. On Page 6-34 Northern Harrier is listed as having moderate potential for occurrence on the site because “no occurrences are recorded within ten miles” even though it is acknowledged that “foraging habitat is present on the site.” This is another vagile species with a very incomplete occurrence grid, but in suitable habitat like Cordova Hills it is seasonally abundant in Sacramento County (Bell et al. 1983). The DEIR emphasizes that the site lacks shrubs sometimes used by the species for nesting, but their use is only occasional since they often nest directly on the ground (Wheeler 2003). Since Cordova Hills is excellent habitat for Northern Harriers, their potential for occurrence there is high rather than moderate.

Response 2-11

Subsequent to DEIR release Environmental Review was made aware that northern harrier had been observed flying over the site. On this basis, the relevant section within Table BR-3 of the EIR has been changed from “moderate potential” to “high potential”. As discussed in Response 2-8, this change makes no difference to the actual analysis of the Project’s impacts to the species. Though northern harriers rarely nest within the Central Valley (refer to DEIR page 6-50) and the site nesting habitat is not optimal, the species has been added to the required raptor nesting surveys, in order to address the commenter’s apparent concerns.

Comment 2-12

6. On Page 6-34 American Badger is listed as having low potential for occurrence on the site for no apparent reason. Once again the DEIR violates its own criteria since Page 6-34 states that this species occurs in “grasslands” and “The nearest recorded occurrence is approximately 2.5 miles to the west.” According to Page 6-1 of the DEIR “grassland” is the site’s “dominant vegetation type”, and according to Page 6-31 species like American Badger for which “Habitat is present” that have “been observed within five miles of the site” have high, not low, potential for occurrence.

Response 2-12

The CNDDB occurrence listed in this comment as being 2.5 miles is noted within the CNDDB as “extirpated”, because the area was developed with residential uses. The nearest extant occurrence is more than five miles away. The American badger requires friable soils for denning; friable soils are those that break or crumble easily when handled. Dens are used on a more long-term basis for breeding, but according to the California Department of Fish and Game Life History Account for the species, they are also used in the short-term for cover – in the summer, some badgers have been observed digging a new den every night. This makes the presence of friable soils a critical habitat component. The species also prefers areas without steep topographic variation. Based on the Soil Survey of Sacramento County, the majority of site soils have a shallow hard-pan layer – which is not friable. For instance, the soils on the eastern plateau are mainly the Redding soil series, which are described as friable only up to a depth of 20 inches, after which the hardpan is usually present. This is very shallow for an animal the size of an adult badger (up to 40 pounds and, particularly when accounting for the nesting chamber necessary for the rearing of young. Areas where deeper friable soils are present on the site are located in the areas of greatest steepness, right along the margins of the deeply incised channels on the site. Soil

conditions are described in the Biological Resources chapter and in the Geology and Soils chapter.

Comment 2-13

7. On Page 6-38 Tuolumne Button-celery (*Eryngium pinnatisectum*) is listed as “Not Present” for no apparent reason. Since it is known to occur in vernal pools and in Sacramento County (Tibor 2001), its potential to occur at Cordova Hills is at least moderate and probably is high.

Response 2-13

Table BR-3 of the DEIR clearly states that the suitable habitat for Tuolumne button-celery is “mesic areas [seasonal wetland areas] within cismontane [foothills] woodland and lower montane [lower elevation mountains] coniferous forests”. The species can be found within vernal pools, but it is found within vernal pools in the above types of vegetative habitats. The site is clearly neither cismontane nor lower montane coniferous forest. There is a single occurrence of the species in Sacramento County, as noted in this comment, and it occurs near the eastern County line in the woodlands of the lower foothills.

Comment 2-14

8. On Pages 6-38 – 6-39 five rare vernal pool annual plants Dwarf Downingia, Bogg’s Lake Hedge Hyssop, Ahart’s Dwarf Rush, Pincushion Navarretia, and Slender Orcutt Grass are listed as not present at Cordova Hills because plant surveys didn’t find them. Such vernal pool annuals may not appear every year, however, even though they are present as seeds undetectable by standard plant surveys (Holland & Jain 1981). One such California annual, although not a vernal pool species, apparently survived exclusively as seeds for 102 years. Long thought extinct, it was rediscovered when its seeds finally germinated (McCune 2005). Many other examples of such rediscoveries are known in California although the duration of their presumed extinction is usually not a century long (Tibor 2001). In all such cases soil profiles have remained intact so seeds could germinate when conditions were favorable. There is at least some potential that any or all of the five rare vernal pool annuals not found by Cordova Hills plant surveys may exist there as seeds. As long as the site’s natural soil conditions are intact they might reappear at any time. The project’s proposal to destroy 33% of the site’s vernal pools significantly diminishes this possibility.

Response 2-14

The rare plant surveys were performed consistent with the guidelines established by the United States Fish and Wildlife Service, California Department of Fish and Game, and the commenter’s group, the California Native Plant Society. This included an examination of reference populations nearby the Project site, to ensure that the reference populations were in bloom at the time the on-site surveys were conducted. The EIR does conclude that wetland impacts, the habitat on which the listed rare plants are reliant, are significant and unavoidable despite mitigation.

Comment 2-15

9. On Pages 6-43 – 6-45 & 6-51 mitigation for Swainson’s Hawk habitat loss is discussed in a mishmash of statements. Some are quite strange like the claim on 6-43 that proposed avoided areas “will be connected to thousands of acres of open space to the north and west.” That conveniently ignores the likelihood of growth inducement by the proposed project that would encourage elimination of this open space.

Response 2-15

The impact of the Project to biological resources should be assessed by comparing the existing plus project condition to the existing condition. In the existing plus project condition, the lands to the north and west of the Project site are open grassland habitat, and thus the Project avoided areas would remain connected to open habitat. Certainly these lands are all within the Urban Services Boundary, and it is presumed that at some future time which is unknown these lands may develop. However, it is speculative to determine when such a future project would occur, and if it did, where and how that future project would develop. That being the case, it is also speculative to draw conclusions about the affect of such a project on the Cordova Hills avoided areas, since the impact would depend on the design of the future project (e.g. does it include preserves, and of what size, and where). Moreover, any impact would be the impact of that future project, not the impact of Cordova Hills. See, CEQA Guideline Section 15144; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 48 Cal.Rptr.3d 544; *Save Round Valley Alliance v. County of Inyo* (2007) 157 Cal.App.4th 1437, 70 Cal.Rptr.3d 59.

Comment 2-16

The many potential mitigation measures discussed on 6-44 – 6-45 promise or propose nothing specific. On 6-45, for example, it is stated that “Projects impacting 40 acres or more of foraging habitat must provide land acceptable to CDFG and County.” The proposed project would clearly impact far more than 40 acres but makes no commitment to provide any land at all.

Response 2-16

The County Code referenced in the mitigation clearly indicates that projects impacting more than 40 acres cannot use the fee payment option, and must dedicate land. Mitigation Measure BR-4 also clearly indicates the amount of land which must be mitigated by land dedication (far more than 40 acres), and indicates that mitigation must be provided prior to recordation of the final map or approval of either building permits or improvement plans (whichever occurs first). In short, land dedication is explicitly required in the mitigation.

Comment 2-17

10. On Page 6-48 a “Fish and Game Life History Account” is listed as a source but not referenced in the DEIR’s bibliography. That may be another careless oversight or deliberate avoidance of sometimes inconvenient information from this source (Zeiner et al. 1990). For example the claim that “since [Ferruginous and Swainson’s hawks] use the same habitats, additional mitigation is unnecessary” is unsupported by either the source or the DEIR. Swainson’s Hawks primarily use cropland while Ferruginous Hawks mostly use rangeland (Zeiner et al. 1990), and the DEIR proposes no specific mitigation for destroying habitat of either species. The DEIR particularly emphasizes a brief and apparently casual statement in Zeiner et al. that Ferruginous Hawks successfully compete with Swainson’s Hawks to clearly imply they threaten them. If this occurs, it is likely very insignificant since in California Swainson’s are mostly present only in summer and confined to cropland while Ferruginous are present only in winter and confined to rangeland (Small 1944), and such interaction is unmentioned in modern surveys of western raptors like Wheeler’s (2003). Since Cordova Hills is significant as one of the largest remaining intact tracts of ideal wintering habitat for rare Ferruginous Hawks in the region, the DEIR’s claim that “The Development of the Project site would not result in substantial negative effects to the sustainability of the species and thus impacts to ferruginous hawk habitat are *less than significant*” is patently absurd.

Response 2-17

Links to the Life History Accounts published by the California Department of Fish and Game were provided in the DEIR at the foot of Table BR-3, and thereafter are simply referenced in the discussions as “the Life History Account for the species”. In the case of the Project site the two species do, in fact, use the same habitat – and it is the Project site under discussion, not a site with cropland habitat. Mitigation Measure BR-4, which requires mitigation for loss of Swainson’s hawk foraging habitat, explicitly states that dedication land must be grassland or a similar open habitat. This statement is included specifically because the grassland on the site provides habitat for other species – such as ferruginous hawk – and should be replaced with like habitat. Page 4-48 of the DEIR accurately summarizes the basic information within the Life History Account published by Fish and Game for the species. The summary includes a single sentence indicating that the species “has a tendency to displace red-tailed hawks and Swainson’s hawks” – no particular emphasis has been placed on this information.

Comment 2-18

11. Also on Page 6-48 the DEIR even more blatantly misrepresents the Golden Eagle life history account in Zeiner et al. (1990) than that of Ferruginous Hawk. The DEIR states Zeiner et al. says Golden Eagle “does not occur in the center of the Central Valley.” What it actually says is Golden Eagles don’t permanently reside in or migrate through that area. It makes quite clear, however, that they forage there in winter at places like Cordova Hills (Zeiner et al. 1990), a widely recognized fact (Wheeler 2003) even the DEIR acknowledges. Its claims that “mitigation for the golden eagle is unnecessary” because “Mitigation for foraging habitat loss has already been required as part of Swainson’s hawk impacts” and “The development of the project site would not result in substantial negative effects to the sustainability of the species, and thus impacts to golden eagle habitat are *less than significant*” are once again absurd since Golden Eagles and Swainson’s Hawks use completely different habitat and the DEIR identifies no specific mitigation plan for either species. It also fails to even mention Rough-legged Hawk, another raptor species that, like Ferruginous Hawk and Golden Eagle, uses prairie/grassland habitat for winter foraging but is somewhat less uncommon (Bell et al. 1983). Consequently it is likely to use Cordova Hills even more frequently.

Response 2-18

Refer to Response 2-17. The Fish and Game Life History Account for the species states: “Uncommon permanent resident and migrant throughout California, except center of Central Valley”. The sentence from Fish and Game does not use the term “migrate”, which would merely imply that migratory routes do not pass through the center of the Central Valley; it uses the term “migrant”, a term which describes all golden eagles which migrate. Thus, the sentence states that while the Golden Eagle exists uncommonly in California, neither migrants nor resident golden eagles (and this captures all golden eagles) occur in the center of the Central Valley.

The site is grassland, not cropland, and mitigation requires the dedication of grassland. As stated in the DEIR, to the extent that Swainson’s hawk and golden eagle individuals may forage in the same grassland habitat on the site, mitigation for the Swainson’s hawk habitat will also mitigate any impacts to golden eagle foraging habitat. Thus, it is entirely accurate to state that the species use the same habitat on this particular site, and that mitigation is sufficient for both species; the commenter has not provided any substantial evidence which runs contrary to this finding. Rough-legged hawk is not a special status species, and this comment has provided no evidence to support including a specific discussion for this species.

Comment 2-19

12. On Pages 6-48 – 6-49 the DEIR associates another species, Grasshopper Sparrow, with Swainson's Hawk despite very different habitat requirements. Grasshopper Sparrow, a California Species of Special Concern, is the California passerine species most obligately associated with undisturbed prairie/grassland habitat, and Cordova Hills is among the largest tracts of it in central California. While the species may use shrubs while singing, the DEIR's implication that lack of shrubs at Cordova Hills reduces its habitat value for this species is incorrect (Small 1994, Shuford & Gardali 2008). Once again the DEIR claims that the proposed project won't negatively impact this species because a non-existent mitigation plan for Swainson's Hawk will protect it are completely inaccurate. Large contiguous tracts of prairie/grassland habitat like Cordova Hills are the most important Grasshopper Sparrow habitat requirement, and urbanization by projects like the one now proposed there is the greatest threat to its survival (Shuford & Gardali 2008).

Response 2-19

Refer to Response 2-17. The Project site is undoubtedly large, and California's grassland habitats are being impacted by urbanization and agriculture, but it is unclear what evidentiary basis the commenter relies upon to offer the supernumerary statement that it is "among the largest tracts" of grassland in central California. There are equally large and larger tracts even in Sacramento County, as a simple review of parcel data and aerial photographs will demonstrate. Furthermore, since mitigation for lost Swainson's hawk habitat specifies grassland or a similar open habitat, this will also mitigate for any impacts to potential grasshopper sparrow habitat.

The Fish and Game Life History Account for the species states: "In general, however, Grasshopper Sparrows in California prefer short to middle-height, moderately open grasslands with scattered shrubs." The project site does not match this description, because while it is "short to middle-height" grassland, it is very open and contains no shrubs. Thus, it is accurate to state that this may inhibit use of the site when compared to nearby areas which do contain some scattered shrubs.

Comment 2-20

13. On Page 6-49 the claim is again made that a non-existent mitigation plan for Swainson's Hawk will greatly reduce the impact of development at Cordova Hills on a California Species of Special Concern, the raptor Northern Harrier, despite DEIR acknowledgement that thousands of acres of ideal harrier habitat would be lost. Contrary to the DEIR claim such "impacts to northern harrier are *less than significant*", California Department of Fish and Game states that "The primary threats to breeding harriers are loss and degradation of nesting and foraging habitat" (Shuford & Gardali 2008).

Response 2-20

Refer to Response 2-17. As stated in the DEIR, to the extent that Swainson's hawk and northern harrier individuals may forage in the same grassland habitat on the site, mitigation for the Swainson's hawk habitat will also mitigate any impacts to northern harrier foraging habitat.

Comment 2-21

14. On Pages 6-53 – 6-54 the DEIR claims “Project impacts to western spadefoot toad are *less than significant*” because various “conservation lands” it names are preserved, but it provides no evidence Western Spadefoot actually exists at any of them. Numerous places with apparently suitable habitat lack records of Western Spadefoot, a California Species of Special Concern that requires a specific pattern of wetland and upland habitat and associated fauna to survive (Jennings & Hayes 1994). The thriving population of Western Spadefoot at Cordova Hills confirms it has these suitable conditions, but the named “conservation lands” lack its unique wetland/upland geometry or any evidence provided by the DEIR of spadefoot presence. The healthy Western Spadefoot population at Cordova Hills makes it a biological treasure of great value. Wanton destruction of that treasure would be a crime against nature.

Response 2-21

The DEIR cites the Vernal Pool Recovery Plan published by the United States Fish and Wildlife Service, which is the source for many of the conservation lands listed as being regional preserves which support western spadefoot. Western spadefoot toads have been documented at both the Gill Ranch Conservation Bank (as reported in the *California Tiger Salamander Assessment-Level Aquatic Larval Survey for Gill Ranch*) and at the Mather Regional Park (CNDDDB Occurrences 56, 167, and 396). The reasoning for the determination that impacts could be mitigated is explained in the DEIR. The comment cites Jennings and Hayes, which is in fact the same source used by the EIR preparers to develop the habitat description for the species used in the EIR (the internet link to the publication is provided at the foot of Table BR-3). Nothing in Jennings and Hayes provides information which conflicts with the information presented in the EIR.

The commenter has provided no evidence that this particular population of western spadefoot is more “healthy” or “thriving” – terms which are subjective in any case – than other populations. Even for species listed under the California or federal Endangered Species Act, protocol surveys are not required to provide detailed assessments of populations and their abundance; the purpose of a survey is simply to determine presence or absence, so that it can be determined whether mitigation is necessary.

Comment 2-22

15. On Pages 6-54 to 6-55 the DEIR acknowledges that several special status invertebrates are expected to occur in Cordova Hills wetlands. These are three Federal Special Concern Species (California Linderiella, Ricksecker’s Water Scavenger Beetle, and Midvalley Fairy Shrimp) and one Federal Threatened Species (Midvalley Fairy Shrimp). It also acknowledges that the project’s proposal to eliminate 43% of Cordova Hills wetlands providing their habitat would be a “*significant and unavoidable*” impact to them.
16. On Page 2 of BR-3 (Special Status Plant Survey Reports) the presence of common vetch at the site is mentioned but it is not included in the site plant list (Attachment C). That’s a great rarity for this DEIR, an honest mistake.

Response 2-22

Comment noted. The Cordova Hills plant list has been amended to include the common vetch.

Comment 2-23

17. On Page 6 of BR-3 it is reported that the earliest rare plant surveys started April 21, 2008, and even later in other years. Starting that late and only including a single year of any April surveys may cause species to be missed, especially in years with early heat waves like 1988 when 90 degrees was recorded on March 28 at Sacramento (The Weather Channel 2012). The latest surveys ended August 9, too early to clearly record the site's dominance by native *Holocarpha virgata*.

Response 2-23

Refer to Response 2-14. The surveys were timed to identify rare vernal pool plants, not to identify a common, native species not found in vernal pools.

Comment 2-24

18. Page 12 of BR-3 states that Tuolumne button-celery was not surveyed for because it occurs in cismontane woodland and conifer forest, which aren't present at Cordova Hills, but it also occurs in vernal pools and in Sacramento County (Tibor 2001), which makes it a potential Cordova Hills rare species that should have been surveyed for.

Response 2-24

Refer to Response 2-13. The source quoted by the commenter is simply an inventory of listed species with a very basic listing of species facts (scientific name, a bullet-list of habitats, elevations, etc), and does not include life history details and other background information. Thus, the commenter appears to have taken the bullet-list of habitats for the species (cismontane woodland, lower montane coniferous forest, vernal pools) and erroneously determined that it occurs in vernal pools as a stand-alone habitat, wherever they may be found, rather than having more accurately concluded that they occur in vernal pools *within* cismontane woodlands and lower montane coniferous forest. The vernal pools on the site are not within woodland or forest habitats, and thus the site does not include suitable habitat for the species.

While the Tuolumne button-celery was not considered a target species for Project plant surveys, the surveys were floristic in nature, and would have detected and noted Tuolumne button-celery if it was present on-site at Cordova Hills.

Comment 2-25

This chapter is a vast haystack of information about climate change that's mostly irrelevant to Cordova Hills, but hidden in that haystack are a few very relevant needles. They are:

1. On Page 7-13 there is very brief reference to the Sacramento County Climate Action Plan goals of "reductions in vehicle miles traveled" and "higher density development". The proposed Cordova Hills development plan's great distance from existing communities and realistic employment opportunities is in direct conflict with these goals.
2. On Pages 7-26 – 7-27 it is acknowledged the proposed project would exceed acceptable levels of greenhouse gas emissions because its isolation from existing communities would cause too many long car trips. Consequently "it is concluded that [its] impacts [on greenhouse gas emissions] are *significant and unavoidable*." The DEIR also suggests the model determining the project would violate greenhouse gas reduction targets is biased against it in various ways, but the model is actually strongly biased in the project's favor since it assumes a university at Cordova Hills will provide employment and reduce car trips despite lack of evidence or any prospect such a university will ever be built (see above).

Response 2-25

The primary purpose of a community-level Climate Action Plan is to address emissions from the existing built community; at this time it is the thresholds of significance that are intended to address whether or not proposed future projects are contributing their fair share of offsets. The Climate Change chapter acknowledges well-known modeling limitations, but concludes that it is unknown whether removal of those limitations would result in higher or lower VMT – it specifically states that it should *not* be assumed that it would lower impacts. The university/college campus center is part of the proposed project; it is not "bias" to analyze a project as it has been proposed.

Comment 2-26

The DEIR's climate change chapter completely ignores an important and very relevant issue regarding its mitigation. The over 2,600 acres of natural California prairie habitat at Cordova Hills currently provides a critical ecological service of sequestering the atmospheric carbon dioxide that primarily contributes to climate change. This habitat has greater and more sustainable capacity to provide this ecological service than the better known contribution made by forests in comparable climate zones since temperate prairies, grasslands, and steppes sequester an average of 21.2 kilograms of carbon per square meter while temperate forests sequester an average of only 19.8 (Schlesinger 1991). The Cordova Hills development project proposes eliminating the critical climate change mitigation ecological service California prairie currently provides there.

Response 2-26

There is a one-time release of greenhouse gases due to permanent changes in landscapes – for instance, when a forest burns down. Areas temporarily disturbed that will eventually recover to become vegetated do not need to be counted as part of that release, nor do areas which will be avoided. There is no standardized protocol for project-level modeling of greenhouse gases in California at this time. Methodologies and significance thresholds differ between jurisdictions and between Air Quality Management Districts. Landscape-level changes in greenhouse gas emissions can be a particular challenge to model, because research on the amount of sequestration provided by certain landscape types is highly variable. For instance, this comment cites

a study identifying grassland sequestration as approximately 87 metric tons per acre (converted from 21.2 kilograms per square meter), while the California Air Pollution Control Officer's Association (CAPCOA) lists a default number of 4.31 metric tons of CO₂ accumulation per acre for grassland. This is a dramatic difference in numbers. Due to these uncertainties, including the landform sequestration potential in greenhouse gas analyses is not the part of the standard methodology used by Sacramento County, nor was it required by the Sacramento Metropolitan Air Quality Management District. Sacramento County and the Sacramento Metropolitan Air Quality Management District have indicated an interest in calculating or otherwise including the usage of individual tree planting as mitigation, and thus there was a credit given for the planting of 15,000 trees (a very conservative number). But no credit was given for the planting of shrubs or groundcover, and no greenhouse gas reduction credit was taken for the removal of the cattle from the property, despite the fact that cattle generate methane, a high global warming potential greenhouse gas.

Comment 2-27

Page 9-19 acknowledges Sacramento County General Plan policy AG-28 requires "The County shall actively encourage conservation of soil resources." That is necessary in general for implementation of policy CO-59 ensuring that mitigation occurs for any loss of native vegetative habitat and in particular for implementation of policies CO-134 to maintain and establish a diversity of native vegetative species in Sacramento County and CO-135 to protect the ecological integrity of California Prairie habitat. Cordova Hills are almost entirely California Prairie habitat and currently support a diversity of native vegetative species highly dependent on soil resources with intact and undisturbed soil profiles (Jackson et al. 2007). The proposed Cordova Hills project thus directly conflicts with Sacramento County General Plan policies AG-28, CO-59, CO-134, and CO-135 because it would eliminate over 2,000 acres of intact soils and native California Prairie vegetation.

Response 2-27

The cited policy, AG-28, is preceded by language which states that the intent of the policy is to reduce soil losses associated with tillage of light-textured soils in the Delta, which are highly susceptible to wind erosion and are prime for agricultural use. The Project is not in the Delta, and does not contain light-textured soils. The policy should not have been included in the DEIR for that reason and has been stricken in the FEIR. Mitigation for habitat on the site has been provided; refer to the Biological Resources chapter. Also refer to Response 2-6. The Project does not "conflict" with the General Plan policies listed, because appropriate mitigation has been provided.

Comment 2-28

This chapter attempts to spin the unspinnable fact that the proposed Cordova Hills project is the opposite of smart growth and violates numerous policies encouraging it. Among them are the following Sacramento County General Plan policies:

1. LU-1 (P. 12-2) – “The County shall not provide urban services beyond the Urban Policy Area.” The proposed project is beyond the Urban Policy Area.
2. LU-12 (P. 12-2) – “The County will prohibit land use projects which are not contiguous to the existing UPA, city boundaries, or existing planned communities or master plan areas (i.e. leapfrog development.” The proposed project is a textbook example of leapfrog development.
3. LU-21 (Pp. 12-2 – 12-3) – “Promote a better balance of employment, neighborhood services, and different housing types by reviewing development projects and the surrounding community and designing new projects wherever feasible so that they maintain or improve the mix of uses in the community.” The proposed project has no surrounding community and depends for employment on a hypothetical university with no realistic prospect of ever existing.
4. LU-22 (P. 12-3) – “Specific Plans and Community Plans should provide a balance of employment, neighborhood services, and different housing types wherever feasible.” The proposed project’s Specific Plan depends on a hypothetical university with no realistic prospect of ever existing for employment.
5. LU-113 (P. 12-4) – The County shall work with SACOG to support implementation of Blueprint’s policies and land use objectives.” The proposed project massively conflicts with those objectives.

Response 2-28

All of the land use policies described in these comments were considered in the analysis of the Project. These comments are one-line statements indicating the commenter’s opinion about the Project’s interface with these policies. The comments do not provide any discussion indicating how or where the DEIR is deficient with regard to these. In fact, the comment on LU-113 states that the Project conflicts with the Blueprint – which is precisely the conclusion drawn in the DEIR. The statements are unsubstantiated, do not always even disagree with the DEIR, and the Land Use chapter provides substantiated analysis of the policies. Comment noted.

Comment 2-29

6. LU -120 (Pp. 12-4 – 12-5) – “The County shall only consider approval of a proposed UPA expansion and/or Master Plan outside the UPA if the Board finds that the proposed project is planned and will be built in a manner that: meets all the requirements per PC-1 through PC-10 and; meets one of two alternative performance metrics.” The proposed project meets neither all the requirements nor the performance metrics. Among requirements not met are:
7. PC-6 (P. 12-7) – “Inclusion of an infrastructure Master Plan and Financing Plan [is required].” While such a plan is provided, its assumptions are unrealistic as discussed below.
8. PC-8 (P. 12-8) – “Consistency with all applicable County adopted plans not sought to be amended by the proposed project [is required].” The proposed project is inconsistent with numerous elements of the adopted Sacramento County General Plan as discussed in these comments.
9. PC-9 (P. 12-8) – “Inclusion of a discussion/analysis of how the proposed UPA expansion/Master Plan relates to broad-based and regional planning efforts, such as SACOG’s adopted Blueprint Vision and Metropolitan Transportation Plan, Sacramento County’s Visioning documents created for the Jackson Highway and Grant Line East Areas, any applicable Habitat Conservation Plan(s), The Sacramento Metropolitan Air Quality Management District’s State Implementation Plan, and Regional Transit’s Master Plan [is required].” While discussion/analysis of how the proposed UPA expansion relates to these broad-based regional planning efforts is present, it clearly shows it violates their spirit and letter as is discussed elsewhere in these comments.
10. PC-10 (P. 12-8) – “Inclusion of a discussion/analysis of the proposed UPA expansion/Master Plan’s jobs-housing balance [is required]. Master Plans should provide an internal jobs-housing balance and/or improve jobs-housing balance within the project’s vicinity.” The proposed UPA expansion depends for jobs on a hypothetical university with no realistic prospect of ever actually existing.

Response 2-29

Project impacts related to this policy are described beginning on page 12-32 of the DEIR. The policy states that it is up to the Board of Supervisors to make a finding of consistency or inconsistency. The DEIR provides the Planning section’s analysis of the Project in light of this policy, which concludes that the Board could find the Project is consistent. Responses from the Planning section are provided in bulleted form:

- PC-6: The policy requires an Infrastructure Financing Plan, which has been provided. The Cordova Hills Financing Plan, including associated assumptions, was subject to an extensive review by several county and non county staff. This effort was coordinated by the Infrastructure Financing Services of County’s Building and Code Enforcement Department. This comment provides no supporting evidence for the alleged deficiency.
- PC-8: The Project has been designed to be consistent with adopted infrastructure master plans. The Cordova Hills application includes several General Plan Amendment entitlements to bring the project into compliance with the adopted General Plan including amendments to the Urban Policy Area, Land Use Diagram, Transportation Diagram and Bikeways Master Plan. This comment provides no supporting evidence for the alleged inaccurate assumptions, nor does it identify the specific inaccurate assumptions.

- PC-9: The policy language requires such a discussion, but does not require any particular conclusion. A discussion has been provided; this criteria has been satisfied.
- PC-10: The Draft EIR, Appendix TR-1, Table 1 - Projected Land Use (page 152) identifies the 4,633 employees projected in Cordova Hills in addition to the 2,036 employees projected at the university/college campus center for a total of 6,669 employees. Thus, the majority of jobs are not affiliated with the university/college campus center. The non-university jobs include retail, business professional, public services, and schools. Minus the university site, the Cordova Hills Land Use Plan designates over one million square feet of commercial and office uses. Jobs will also be created following the establishment of the Cordova Hills Community Services District or County Services Area and construction of school sites. There is also an abundance of jobs within a five mile radius of Cordova Hills which includes the employment center along Highway 50 corridor in Rancho Cordova.

Comment 2-30

11. In Alternative #1 Criteria-based performance metrics the DEIR uses to justify a proposed UPA expansion increase desirable densification by counting group quarters at this entirely unrealistic hypothetical university (P. 12-10).

Response 2-30

Comment noted. The university/college campus center is part of the proposed Project, and must be analyzed as such – it should not be treated as being any more hypothetical than any other use in a long-term master plan.

Comment 2-31

12. In Alternative #1 Criteria-based performance metrics “Planned transit service shall be defined as service identified in SACOG’s Metropolitan Transportation Plan (MTP), Regional Transit’s (RT) Short Range Transit Plan (S RTP), and/or service to be provided as part of the Master Plan and funded via a secure financial mechanism (example: CSA 10; North Natomas TMA/developer fees). The MTP has a 20+ year planning horizon and is updated every four years; the S RTP has a 10-year planning horizon and is updated every year. Both the MTP and S RTP must be “financially constrained” in that only transportation projects and programs for which funding is reasonably expected to be available may be included in the plan. Therefore there is high likelihood that transit service identified in these plans will ultimately be provided. Service to be provided as part of a Master Plan and funded via a secure financial mechanism would provide similar assurances that identified service will ultimately be provided. In contrast transit service envisioned in RT’s long range TransitAction Plan cannot be implemented until a significant new revenue source is secured, making such service far more speculative. For example, a new ½ cent sales tax increase would only partially fund transit service envisioned in the TransitAction Plan. Therefore, service(s) identified in the TransitAction Plan and similar visioning documents will not be considered.” As discussed elsewhere in these comments, financing for transit and other services for the proposed project are hypothetical, highly speculative, and ultimately infeasible.

Response 2-31

The Draft EIR passage cited in the comment clearly states that the performance metrics consider “services provided as part of the Master Plan and funded via a secure financial mechanism” (example CSA 10; North Natomas TMA Developer fees). The Cordova Hills Master Plan includes a lengthy description of just such a transit service and finance mechanism. The planned Cordova Hills transit service does not rely on the MTP or Regional Transit Short Range Transit Plan or RT’s Long Range Transit Plan for implementation. As an example, the Draft EIR mentioned the North Natomas TMA as a transit system that is locally funded and does not depend on the SACOG or RT plans for funding. It is not speculative or infeasible to utilize a similar system at Cordova Hills. The comment does not substantiate the alleged deficiency. The appropriate County departments and agencies, including the Infrastructure Finance Section, have thoroughly vetted the adequacy of the Infrastructure Master Plans and the Financing Plan. Consideration and ultimate approval of these plans by the Board of Supervisors will be made with the input and recommendation of the appropriate agencies and departments. Commenter has not provided any substantial evidence that any specific assumptions used in those plans were unrealistic or inaccurate.

Comment 2-32

13. In Alternative #1 Criteria-based performance metrics (P.12-14) “Analysis of existing employment/jobs within a five mile radius of the proposed UPA/Master Plan boundary [is required].” Such employment/jobs are essentially non-existent at Cordova Hills.

Response 2-32

This statement is unsubstantiated. The Draft EIR, Appendix TR-1, Table 1 – Projected Land Use (page 152) identifies the 4,633 employees projected in Cordova Hills in

addition to the 2,036 employees projected at the university/college campus center for a total of 6,669 employees. Also see Response 2-29. Comment noted.

Comment 2-33

14. Low Vehicle Miles Travelled (VMT)/Greenhouse Gas (GHG) Emission metrics are Alternative #2 performance metrics (Pp. 12-14 – 12-15), but the DEIR's climate change chapter determined the proposed project's VMT and GHG are "*significant and unavoidable*" impacts on climate change (P. 7-26).

Response 2-33

Consistency with PC-1 through PC-10 is mandatory, after which an applicant must be consistent with Alternative criteria #1 or Alternative criteria #2. The applicant chose to use Alternative #1, and the Planning section reviewed the Project on that basis. Alternative #2 performance metrics are therefore not applicable to the project.

Comment 2-34

15. Sacramento County General Plan Policy LU-123 (P. 12-15) requires that "Before granting approval of an amendment to the Land Use Diagram, the Board of Supervisors shall find that the request is consistent with the objectives and policies of the General Plan; the request is consistent with the goals and objectives of a Sacramento County adopted Habitat Conservation Plan; approval of the proposal will not adversely affect the fiscal resources of the County; [and] the project will be consistent with the performance standards in this Plan and, for urban uses in urban growth areas, the project complies with the requirements of LU-13." The proposed plan violates this plan because it is inconsistent with numerous other Sacramento County General Plan policies, there is no adopted Habitat Conservation Plan and it would be inconsistent with the goals and objectives of one if it were adopted, fiscal resources of the County would be adversely affected as discussed below, and financial aspects of LU-13 are not adequately complied with as discussed below.

Response 2-34

Refer to Response 2-27, Response 2-28, and Response 2-29. The General Plan policy does not require an approved HCP to be in existence before an amendment to the General Plan's Land Use Diagram can be approved, it merely indicates that a project must be consistent with any existing plans. It is entirely speculative to declare that the Project would be inconsistent with an HCP after having just stated (correctly) that an HCP doesn't exist. The comment claims inadequacies in the financial analysis and numerous policy inconsistencies, but does not specifically identify any particular inadequacy.

Comment 2-35

The proposed Cordova Hills project also directly conflicts with the Sacramento Area Council of Governments (SACOG) Blueprint since it violates at least two of its seven core principles (Pages 12-15, 12-16):

1. Principle 5 is “strengthen and direct development toward existing communities.” The project directs it away from existing communities toward open space.
2. Principle 7 is “preserve open space, farmland, natural beauty, and critical environmental areas. The project is proposed to be sited entirely on open space of great natural beauty and critical environmental importance.

“The ultimate purpose of the ‘smart growth’ concept supported by the principles is sustainable communities, and is a reaction to the recognized health and safety impacts of urban sprawl and vehicle-centric development strategies.” The latter describes the proposed project, which is definitely not smart growth since that “must be consistent with all seven principles” (P. 12-17).

On Page 12-18 the concept of developing in existing communities is explained as follows:

“Directing development toward existing communities is accomplished by building on infill land and urban brownfields before developing greenfields, building on greenfields only after the prime infill and brownfield land is developed and developing greenfields in a logical and phased progression beginning in those areas nearest to existing urban lands.” Much Sacramento infill and brownfield land has not been developed, and the project proposes building on greenfields distant and isolated from existing urban lands (P. 12-30).

Page 12-19 states that the purpose of preserving open space in Principle 7 is to “ensure that a project preserves the most sensitive and prime resources within the area. This is partly accomplished through principle 5, which directs development toward existing communities.” Not only does the project not direct development toward existing communities, even its own inadequate environmental analysis acknowledges it will eliminate 43% of its environmentally critical wetlands. Its even more extensive critical uplands are entirely written off and ignored by being falsely labeled non-native annual grassland (see above)

On Page 12-20 the DEIR acknowledges that “Based on the CEQA guidelines, a land use impact is significant if Project implementation results in ...Substantial conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.” These comments identify numerous examples of such conflicts.

Response 2-35

These comments do not appear to disagree with the analysis in the DEIR, but instead emphasize that the Project is inconsistent with Blueprint policies five and seven and that this is a significant land use impact. With regard to grasslands, refer to Response 2-5.

Comment 2-36

Other conflicts arise from the DEIR's internal contradictions. For example in reference to Swainson's Hawks P. 6-43 states "On the basis of the above research, the 298-acre Avoided Area on the western side of the site, plus two adjacent Avoided Areas to the north and south, will remain suitable habitat; this collective area is 382 acres, which will be connected to thousands of acres of open space to the north and west" while P. 12-24 states that "Although the land to the west of the Project is currently undeveloped open space, some of this area has land use entitlements and is likely to develop in the near-term." In other words the DEIR wants it both ways. The land to the west is long term open space when the goal is expanding Swainson's Hawk habitat but soon to be developed urban land when the goal is adjacency to other communities.

Response 2-36

There is no inconsistency between the cited sections. One section states that the onsite preserve will be connected to open space to the north and west, and the second section states that "*some* of the land to the west" (emphasis added) includes urban land use entitlements. A *portion* of lands to the west are the subject of an approved master plan (the Sunridge Specific Plan), while many other thousands of acres within the limits of the City of Rancho Cordova are not. The portion of land with the approved master plan is across from North Loop Road, while the land to the west which interfaces with the Project avoided area is not the subject of an approved master plan. Furthermore, Page 6-43 is focused on describing existing plus Project conditions as it relates to the Swainson's hawk, not cumulative conditions. In the existing condition, land to the north and west is largely undeveloped. It is also worth noting that there is connectivity to the Kiefer Landfill preserve areas, and that this direct connectivity links the onsite open space with large tracts of grassland and cropland outside of the Urban Services Boundary. Additional clarifying language, which mirrors this response, has been added to the FEIR discussion of Swainson's hawk.

Comment 2-37

On Page 12-26 it is acknowledged that "the [SACOG] Blueprint should be city-centric, focusing growth within the confines of incorporated city boundaries as a logical buildout from existing urban areas...on this basis the Project goes beyond the level of development assumed outside the city areas by the year 2050." Could there be any more explicit violation of the Blueprint? The same page states "The Project...includes a mass transit system operated by the Cordova Hills Community Services District." A reasonable person might think that means a significant mass transportation connection to Sacramento, but no. Page 16-82 makes it clear that "Since there are no plans to expand services to the Project site, it must be assumed that extension of existing transit to the Project area will not occur."

Response 2-37

The beginning of this comment appears to agree with Project analysis with regard to the Blueprint, but then discusses the planned transit system and misconstrues DEIR analysis by citing a section out of context. Sacramento Regional Transit District (Regional Transit) has no plans to extend existing service to the Project, but the Cordova Hills planned transit system, as described in multiple chapters of the DEIR (predominantly in the Traffic and Circulation chapter), will be coordinated with the Regional Transit Gold Line and will connect to the Mather/Mills light rail station.

Comment 2-38

Page 12-28 makes much of planned bicycle and pedestrian paths that “will make non-automotive routes the most direct line of travel in many cases.” An important question is travel to where? The plan is designed around a theoretical university with no realistic prospects of ever being built. Consequently what the project proposes are pedestrian and bicycle paths to nowhere. On the same page the DEIR claims this imaginary university will increase the project’s density and thus its “compact building and community design.”

Response 2-38

This comment seems to assume that all non-automotive travel would be going to the university/college campus center, rather than to the parks, elementary schools, restaurants, and adjacent neighborhoods that make up the bulk of travel in most communities. The university/college campus center is certainly a unique use in the proposed Project, but it is in the southwestern corner of the site, and is hardly the hub of the pedestrian and bicycle network. The pedestrian and bicycle network is an integral part of the proposal regardless of the university/college campus center. One hundred percent (100%) of all homes will be within ¼-mile of a park, paseo or open space corridor; 94% of all homes will be within ½-mile of a transit stop; 87% of all homes will be within ½-mile of a school; and 84% of all homes will be within ½-mile of a commercial service center. The university/college campus center is part of the proposed Project, and must be analyzed as such – it should not be treated as being any more hypothetical than any other use in a long-term master plan. The presence of student dormitories does increase the density of the Project.

Comment 2-39

On Page 12-29 the DEIR acknowledges that the project conflicts with SACOG Blueprint principle 5 since it proposes development directed away from rather than toward existing communities. It thus violates Sacramento County General Plan policies requiring conformance with Blueprint principles. The DEIR identifies the nearest existing communities to the site as being 4 and 6 miles away.

Principle 7 of the SACOG Blueprint is preserve open space, farmland, natural beauty, and critical environmental areas. The Cordova Hills site is 2,669 acres of such open space and has outstanding natural beauty. Its wetland acreage is identified as a critical environmental area of the highest priority in the United States Fish and Wildlife Service (USFWS) Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Nevertheless on Page 12-31 the DEIR acknowledges the proposed plan would eliminate 44% of the site’s wetland acreage and 33% of its vernal pool acreage despite its identification by USFWS as a highest priority critical environmental area. The site’s non-wetland open space, also proposed for elimination, is native California prairie habitat of great environmental value to many native plant and animal species, some of which are discussed elsewhere in these comments. The DEIR consequently concludes correctly that “the land area preserved is insufficient to meet the intent of the principle [7], and thus with General Plan Policy.”

On Page 12-32 the DEIR further concludes correctly that “the Project’s inconsistency with this principle [5] is considered a substantial conflict with the Blueprint and with General Plan policy which supports the Blueprint. Avoidance of this impact would require substantial Project redesign and relocation. Though Alternatives have been considered which would reduce this impact, there is no mitigation available and impacts are *significant and unavoidable*.”

Response 2-39

Refer to Response 2-29 and Response 2-35. Comment noted.

Comment 2-40

On Pages 12-32 – 12-34 the DEIR claims the proposed Cordova Hills project does not conflict with Sacramento County General Plan Policy LU-120 regarding growth management based on County Planning Division decisions summarized in Tables LA-2 and LA-3. These decisions so blatantly conflict with the plain language information both internal and external to the DEIR that they provide prima facie evidence of conflict of interest on the part of the Planning Division. A kindergartener could tell coal is black, snow is white, and the proposed Cordova Hills plan isn't smart growth. It takes the willfully blind, the insane, or highly paid advocates to claim otherwise.

Some examples in Tables LA-2 and LA-3 are:

1. Contrary to claims in Table LA-2 PC-1 the DEIR clearly demonstrates the proposed project is not "integrally linked" to existing communities. It is 4 to 6 miles distant from them. In current planning documents like the SACOG Blueprint such linkage is not contemplated until at least 2050. The DEIR also makes clear no significant transit linkage with existing communities is contemplated and public utility linkage is highly problematic.
2. PC-5 is about transit-oriented design, but the proposed project has no significant transit links to employment. Its transit proposal is almost entirely internal and consequently a system to nowhere since no realistic significant employment sources are identified at Cordova Hills.
3. PC-6 is about a Financing Plan. The one provided is utterly unrealistic and impossible to implement (see below).
4. PC-7 is about a Services Plan. The one provided conflicts with a water provider and potentially other service providers and depends on infeasible funding sources (see below).
5. PC-8 is about consistency with County-adopted plans. The project claims to be consistent with all County-adopted plans. In fact these comments identify numerous conflicts with such plans. An example is Sacramento County General Plan Policy CO-135 to protect the ecological integrity of California Prairie habitat. The project site is over 2,600 acres of the habitat this policy concerns, but it isn't even mentioned in the DEIR, which does, however, acknowledge the proposed project's conflicts with the County-adopted SACOG Blueprint (see above and below).
6. PC-9 is about consideration of regional planning efforts, but even the DEIR acknowledges the proposed project substantially conflicts with SACOG Principle 5 of directing development toward instead of away from existing communities and Principle 7 of preserving open space. Contrary to project claims, it is also not coordinated with regional transit and water plans (see above and below).
7. PC-10 is consideration of jobs-housing balance. The proposed plan's claim it will provide 6,548 jobs is patently false. It will provide essentially none beyond initial construction. Jobs claims are based on an imaginary "university" with no prospects of ever existing (see above).
8. On Table LA-2 the County Planning Department assigns the proposed project "points" for LU-120 Criteria in an apparently arbitrary manner. Five points are assigned for CB-1, minimum density. Much of this density is achieved through an imaginary "university" with no prospect of ever existing (see above).
9. Criteria CB-2 is about proximity to amenities. The proposed project claims that at least four of the amenity categories are within one mile but doesn't say which. In fact all amenities are entirely theoretical and may never exist. The most significant of these is the claim of an employment amenity at an imaginary "university" with no prospect of existing. Real amenities in actually existing communities are four and six miles away (see above).

10. Criteria CB-4a is about transit proximity. Its clear intent is interconnecting the Sacramento Metro area with mass transit. The proposed project's transit element is a primarily internal system to nowhere with little realistic prospect of connecting the isolated proposed project with the rest of the Metro area (see below).
11. Criteria CB-4b is about transit headway. The proposed project says its transit system will have headways of 15 minutes or less during peak hours, but since it has no realistic destinations and goes nowhere, it will have no peak hours.
12. Criteria CB-5 is about employment proximity. Since the proposed project's "employment" is based entirely on an imaginary "university" with no prospect of existing, the nearest realistic employment is a minimum of 4 to 6 miles away in existing communities, but is likely to be much farther (see above).

Response 2-40

Refer to Response 2-29. Responses from the Planning section are provided in bulleted form, numbered in the same manner as the comment:

1. The policy language of PC-1 states that a Project must "include a vision of how the development will connect to other adjacent existing and potential future development areas within the USB, including how roadways, transit, sewer, and water could occur within all adjacent areas". The Project clearly provides all of the above documentation, as described in the appropriate topical chapters of the EIR.
2. The Project proposes a local transit shuttle system consisting of two distinct but coordinated routes: one internal and one external. The internal system will be organized in a loop within the Project, and the external system will connect to the Mather/Mills Light Rail station. A transfer hub is envisioned in the Cordova Hills Town Center; both routes will be coordinated so that they can operate as a single continuous route with no transfer required. The external transit route would depart the planned transit node located in the Cordova Hills Town Center on Chrysanthy Boulevard, head west on Chrysanthy Boulevard, north on Rancho Cordova Parkway, west on Douglas Road, northwest on Mather Boulevard, north on Whitehead Street where it becomes Mather Field Road, and a final stop at the Light Rail Station. The external transit system would provide a link to employment centers along Highway 50 corridor in Rancho Cordova. Development triggers have been identified in the Cordova Hills Development Agreement to define start up and operations features of this service. The Development Agreement also provides additional details including the timing for such services, hours and days of operation, and peak and off peak frequency of operation.
3. The Cordova Hills Financing Plan, including associated assumptions, was subject to an extensive review by several county and non county experts retained by the County. This effort was coordinated by Infrastructure Financing Section of the County's Building and Code Enforcement Department. The commenter has provided no specific evidence that the Financing Plan is inadequate or based on specific faulty assumptions.
4. The methodologies, assumptions, and general conclusions of the Cordova Hills Urban Services Plan and Governance Plan and the Fiscal Impact Report were

reviewed by several county and non-county experts retained by the County and further verified by an outside third party consultant. The commenter has provided no specific evidence that the documentation is inadequate.

5. The Project has been designed to be consistent with adopted infrastructure master plans. The Cordova Hills application includes several General Plan Amendment entitlements to bring the project into compliance with the adopted General Plan including amendments to the Urban Policy Area, Land Use Diagram, Transportation Diagram and Bikeways Master Plan. Refer to Response 2-6. The SACOG Blueprint was endorsed by the Sacramento County Board of Supervisors and is supported by the Sacramento County General Plan, but it is not a County-adopted plan.
6. Policy language of PC-9 requires “consideration of regional planning efforts”, which should include a “discussion/analysis” of how the Project relates to regional planning efforts; it does not require absolute consistency. The required analysis has been provided in the DEIR (as acknowledged in this comment) to the degree that it relates to environmental impacts, and complete policy-level analysis has been included within the staff report for the Project. Also refer to item two of this response. The Public Utilities chapter provides an analysis of the proposed water supply, which included coordination with the Sacramento County Water Agency – the entity which will supply the water. This comment fails to support the allegations of inadequacy with any supporting evidence.
7. The Cordova Hills plan will generate an estimated 6,548 jobs, and over 4,500 jobs will be non-university jobs. The non-university jobs include retail, business professional, public services (Cordova Hills CSD) and schools. Minus the university site, the Cordova Hills Land Use Plan designates over one million square feet of commercial and office uses. Jobs will also be created following the establishment of the Cordova Hills Community Services District or Community Services Area and construction of school sites. There is also an abundance of jobs within a five mile radius of Cordova Hills which includes the employment center along Highway 50 corridor in Rancho Cordova.
8. Cordova Hills achieves a density of 10.1 dwelling units per acre based upon 8,000 residential units and 1,010 university residential units. A majority of residential units proposed in Cordova Hills are non-university housing units.
9. The Cordova Hills Land Use Plan has been designed to ensure that over 90 percent of all residential units are located within one mile of the following four amenities: transit, schools, shopping and parks/paseos/recreation. Several exhibits have been prepared to illustrate one-quarter and one half mile walking radius for each of the four destination land use categories. These exhibits are included in the SPA Master Plan. These linkages are also observable on the proposed land use master plan found in the DEIR, which clearly shows the integrations of parks, commercial, and institutional uses throughout the Project.
10. Refer to item two of this response.

11. Development triggers have been identified in the Development Agreement to define start up and operations features of Cordova Hills' internal and external transit service. The Development Agreement also provides additional details including the timing for such services, hours and days of operation, and peak and off peak frequency of operation.
12. Refer to item seven of this response.

Comment 2-41

On Pages 12-34 – 12-35 the DEIR claims the proposed Cordova Hills project isn't growth inducing although its own chapter on Cumulative and Growth Inducing Impacts says it is. It justifies this by claiming to be adjacent to "existing planned communities" to its west. The operable word here is "existing" since on Pages 12-29 – 12-30 the DEIR acknowledges no such communities actually exist. On Page 6-43 the DEIR even claims this area is "thousands of acres of open space to the north and west" that can help mitigate for Swainson's Hawk habitat the project proposes eliminating. The proposed project clearly is leapfrog development and thus directly violates Sacramento County General Plan Policy LU-12 prohibiting it. As noted above, even a kindergartner can understand leapfrog development. The frog leaps over a pond (open space) to a toadstool (development) but splashes mud (growth inducement) in its path. Only the insane, willfully blind, or well-paid advocates can deny that.

Response 2-41

The reason that the Land Use chapter and the Cumulative and Growth Inducing Impacts chapter differ is explained on the cited page 12-34. The Land Use chapter narrowly focuses on the impacts of the policy language, not the overall effects of the physical Project on growth inducement. With regard to Policy LU-12, the full text of the policy requires adjacency to "city boundaries, or existing planned communities or master plan areas". Though the policy states "or", and thus the Project need only satisfy one of these, the Project satisfies all of them. The Project is adjacent to the City of Rancho Cordova Boundary, and is adjacent to the existing *planned* communities within the existing approved master plan area called the Sunridge Specific Plan. The policy does not require that a project be adjacent to an existing *built* community. Refer to Response 2-36.

Comment 2-42

On Page 12-35 the DEIR briefly discusses public services and utilities and acknowledges "the need to ensure that adequate facilities will be constructed and that funding is secured for construction." It also claims a "facilities financing plan" and "Long term funding sources have been identified for the maintenance of public services." The DEIR's Public Services Chapter reveals, however, that the proposed project's financing plan and long term funding sources are unrealistic and grossly inadequate (see below). Consequently the project violates General Plan policies LU-13, LU-66, LU-110, and LU-123 to ensure minimum standards for public services and utilities are met.

On Pages 12-35 – 12-36 the DEIR lists Sacramento County General Plan Policies LU-34, LU-35, LU-36, and LU-46 but fails to discuss their call for development compatible with a regional transit system interconnecting the Sacramento Metropolitan Area. That's presumably because the proposed development would be largely distantly isolated from such a system and almost entirely dependent on roads for access. Since the only bone it throws transit concerns is a largely internal system to

nowhere lacking significant destinations, it greatly conflicts with General Plan policies mandating development compatible with regional transit.

Response 2-42

Refer to Response 2-31 and Response 2-37.

Comment 2-43

On Page 14-3 the DEIR says a new Cordova Hills Community Services District (CHCSD) will provide services for the proposed project, but CHCSD is purely hypothetical at this time since it must be approved by the Sacramento Local Agency Formation Commission (LAFCO). It's acknowledged on the same page that the proposed project is "not in close proximity to any existing public services, and as a result some extensive, costly improvements related to infrastructure and public facilities – discussed in the Public Utilities Chapter – will be required to adequately support the Project."

Pages 14-4 – 14-5 then explain how these "extensive, costly improvements" will be financed since they will cost "approximately \$453 million dollars." The DEIR states that some of this funding will be born by local, state, and federal taxpayers but it will also depend on construction and sale of 7,500 new homes out of the project's planned 8,000.

The 7,500 new homes needed to finance the proposed project are 2.5% of all new homes sold in the United States in 2011 (Kravitz 2012). Since the proposed project covers 0.0001% of U.S. area, that's 25,000 times its share of new American homes by area. Closer to home 14,000 new homes were sold in California in the first 7 months of 2011 (Lazo 1011). If we generously assume an equal number were sold in the last 5 months, that's a total of 28,000 new California homes sold in 2011. The 7,500 new homes needed to finance the proposed project are thus 27% of all new homes sold in California in 2011. The proposed project is 0.003% of California's area, so its 7,500 homes are 9,000 times its share by area in California.

Now of course all acres aren't the same. One in Silicon Valley may be much more desirable than many in the Mojave Desert. Is that the case for Cordova Hills? It may have been when gas was cheap and long commutes popular, but that's changing fast. Generation Y, the largest cohort of 21 to 30 year olds since the Baby Boom, is avoiding cars. They now contribute only 14% of miles driven even though that age group provided 21% of miles in 1995. They're so used to buying on line they consider commuting by car wasting time they could spend with their electronic devices on buses or trains (Ostroff 2010). That trend is evident in fewer young people getting drivers licenses and more moving to big cities where mass transit makes car ownership optional (Terlep 2012). Distantly isolated places with virtually no planned connection to urban areas by mass transit like the proposed Cordova Hills project are consequently becoming increasingly unattractive.

Despite these trends there will probably always be a niche market for rural homes made attractive by personal space provided by their often low density environments. The proposed Cordova Hills project is clearly rural since it is 4 and 6 miles from the nearest communities (DEIR Pages 12-29 – 12-30), but it is planned to be "twice as dense as the [Sacramento] county average (DEIR Page 12-28). High density rural developments certainly do exist like the neighboring Sacramento County Boys Ranch (DEIR Pages 12-36 – 12-37) but residence there tends to be less than voluntary and involve debts to society not paid in cash.

The proposed project's financial plan conflicts with far too many economic trends to be even marginally viable. Expecting the monopolization of 27% of the California new home market it takes to succeed is as realistic as expecting those with no jobs, income, or assets to make their mortgage payments. We know how that worked out. All the project offers is another ugly husk of a half built project like those that began littering the Central Valley after the real estate bubble burst. This would be doubly tragic at Cordova Hills since some of the Sacramento region's most beautiful and biologically critical habitat lands might be eliminated in the process for no good purpose.

The proposed project also increases taxes on the Sacramento region's current residents. For example:

1. On Page 14-18 the DEIR says "new fire stations will be built within the Project area" and that "funding for the construction and operation of the fire facilities will be provided by the District-wide Capital Fire Facilities fee." The district referred to is the Sacramento Metropolitan Fire District.
2. On Page 14-20 the DEIR says the financing plan doesn't call for "construction of additional police facilities" but the Urban Services Plan does.
3. On Page 14-21 the DEIR says "law enforcement services will be funded through the County General Fund" at least partially with the balance provided by the financing plan's shaky assumptions.
4. On Page 14-23 the DEIR says funding for new schools will come from "existing fee programs, state funding, and the [Elk Grove Unified School District] EGUSD" augmented by the financing plan's shaky assumptions.
5. On Page 14-28 the DEIR says "library operating costs will be fully funded through property tax revenue" assessed within the City and County of Sacramento.

Response 2-43

The Project is following the appropriate procedural pathway for the formation of a Community Services District, which obviously cannot be formed until the community it would serve is approved. Thus, at this stage, the requirement is to provide a plan for services. The remainder of this comment deals with the infrastructure financing for the project. This comment indicates that the issue being taken with the infrastructure financing plan is not that the plan inaccurately describes the costs, but rather that the reviewer believes that the profit margin for the project is too low to be viable given the high costs of infrastructure. It is the duty of the EIR preparers to describe what is physically necessary to complete a project, and what the potential environmental consequences of that will be; it is *not* to determine the profit margin of the Project.

The "half-built" communities referenced by the comment resulted from the fact that market conditions trended downward while projects were mid-stream in construction. That is not the case here; the current down conditions are well-known. Thus, even if the commenter is correct and the profit margin at this time is too low, the only potential result would be that the land would continue to be vacant until the market improved; it would not be a half-built "husk". Also, to bolster this statement the commenter presents an unsupportable calculation that purports to equate local residential absorption with the entire land mass of the United States. Then, in another calculation, the commenter uses the total housing proposed over a 30-year buildout and compares it with the real estate sales in a single down-market year. The Cordova Hills Project is estimated to have a 30-year buildout, not a one-year buildout. The comment concludes by asserting that a variety of taxes will increase in order to support Project infrastructure, which is not a comment on the adequacy of the EIR, and also ignores the funding which will be provided through the Infrastructure Financing Plan.

Comment 2-44

On DEIR Page 15-16 two Sacramento County General Plan policies related to water are incompatible with the proposed project. They are:

1. CO-23 is about “impact on valuable water supported ecosystems”. On Page 6-28 the DEIR acknowledges the proposed project would eliminate 46% of its wetlands and 33% of its vernal pools. On Page 6-26 it also acknowledges these wetlands are identified by the U.S. Fish and Wildlife as having their highest environmental protection priority.

Response 2-44

The purpose of policy CO-23 is to protect rivers and other water bodies, where water supplies are extracted, from experiencing the negative impacts of extraction. This policy is unrelated to the fill or excavation of seasonal wetlands.

Comment 2-45

2. CO-35 is about new development not being approved and building permits not being issued without sufficient water supply. The proposed project’s water supply is highly problematic as discussed below.

On DEIR Pages 15-26 – 15-36 a complex ad hoc system of pipes is proposed to bring water to the proposed project in a plan requiring approval by the Sacramento County Water Agency. On Page 15-34 the DEIR acknowledges that this agency opposes the project’s proposed water plan. Page 15-35 also acknowledges that the proposed water plan significantly impacts wetland resources and their species.

Response 2-45

This comment does not identify any deficiencies in the DEIR analysis. The water supply for the Project will require extension from an off-site location, and to that extent can be described as “problematic”. There are several means of conveying the water, only one of which the Sacramento County Water Agency has indicated is not supported for policy reasons. Instead, they prefer to use the North Vineyard well field, which was one of the delivery systems analyzed. It is not accurate to state that the Sacramento County Water Agency opposes the Project’s water plan. Comment noted.

Comment 2-46

On DEIR Pages 15-38 – 15-39 the need for significant new sewer infrastructure facilities to serve the proposed project is discussed. It is acknowledged their construction will have significant impact on biological resources but their financing is not discussed. Presumably Sacramento County Sewer District ratepayers are expected to fund these new facilities which are estimated to cost \$6.5 million for off-site sewer construction alone.

On DEIR Pages 15-42 – 15-45 construction requirements for extending electric and gas utilities to the proposed project are discussed but not their funding. Presumably Pacific Gas and Electric and Sacramento Municipal Utility District ratepayers are expected to fund these new facilities.

On DEIR Pages 15-45 – 15-46 the DEIR acknowledges the proposed project would violate Sacramento County General Plan policies LU-57 and LU-XX to not extend urban services beyond the Urban Policy Area except to 251 acres near the Kiefer Landfill. Its proponents consequently want these policies changed.

Response 2-46

The financing of the sewer system improvements is addressed in the Finance Plan. The commenter's presumption that the cost of improvements will fall on ratepayers outside of the Cordova Hills Project is incorrect. The Project will fund its fair share of the off-site sewer improvements through payment of SRCSD impact fees. It is the SRCSD that plans, designs, and constructs regional sewer infrastructure. With regard to sewer trunk infrastructure owned and operated by the SASD and required for the Cordova Hills Project, it is customary that such sewer trunk infrastructure would be constructed by the Cordova Hills Project. SASD will then give fee credits and reimbursements against the SASD sewer impact fees that Cordova Hills will otherwise have to pay to offset those construction costs.

Please see the "Cordova Hills Technical Dry Utilities Study" dated April 2010, prepared by Capitol Utility Specialists, and contained as Appendix PU-6, for a comprehensive description of the funding of the utility construction costs for electricity and natural gas.

The Project is not inconsistent with General Plan Policy LU-XX; this policy does not exist in the General Plan at this time. Pages 15-45 and 15-46 describe that because the Project is inconsistent with General Plan Policy LU-57, the Project includes a request to amend the policy and add the language in LU-XX. The amended language would make the Project consistent with the General Plan.

Comment 2-47

On Page 16-5 the DEIR acknowledges there are no transit connections to the proposed project. Without these the proposed project violates Sacramento County General Plan policy CI-4 on Page 16-7 to "provide multiple transportation choices to link housing, recreational, employment, commercial, educational, and social services." Since the proposed project provides no realistic significant local employment sources and only weak transit connections to those elsewhere, it appears to violate this policy.

The proposed project appears to violate two other Sacramento County General Plan policies presented on DEIR Page 16-7:

1. CI-5 calls for "Land use and transportation planning and development should be cohesive, mutually supportive, and complement the objective of reducing per capita vehicle miles travelled (VMT). Since the project proposes only weak transit connections between Cordova Hills and the Sacramento Metro Area it tends to isolate any residents in a place distant from significant employment centers or other urban amenities. Their only option would be greatly increasing VMT.
2. CI-27 says "Public Facilities Financing Plans shall incorporate capital costs for transit. Infrastructure Master Plans shall include transit planning." The purpose of such transit is explained in Policy CI-4. It is to "link housing, recreational, employment, commercial, educational, and social services." Instead the project proposes a primarily internal transit system to nowhere providing no such significant linkage.

DEIR Pages 16-36 – 16-38 confirm the project proposes a local primarily internal transit system only weakly linked to the Sacramento Metro Area. Its only rationale is internal trips to an imaginary college with no prospects of ever being built (see above). Consequently it is a transit system to nowhere also unlikely to viably ever exist since it is dependent on the unrealistic financing plan discussed above. Pages 16-37 and 16-38 in particular demonstrate the proposed transit system's entire rationale is the imaginary college. Pages 16-81 – 16-82 reiterate the proposed project's isolation from actually existing mass transit.

Response 2-47

Sacramento Regional Transit District (Regional Transit) has no plans to extend existing service to the Project, but the Cordova Hills planned transit system, as described in multiple chapters of the DEIR (predominantly in the Traffic and Circulation chapter), will be coordinated with the Regional Transit Gold Line and will connect to the Mather/Mills light rail station. The Project is consistent with Policy CI-4. The Project will reduce vehicle miles traveled when compared with a “business as usual” project in the same location, and is thus consistent with policy CI-5 (Response 2-4). The Project includes a Public Facilities Financing Plan and an Urban Services Plan which lays out the costs for the transit system; the Project is consistent with policy CI-27.

Similar to earlier comments, this one takes the stance that the university/college campus center is the sole destination and primary job source in the Project. In a previous comment it was asserted that pedestrian and bicycle trips were going “nowhere” (see Response 2-38). In this comment it is asserted that the “only rationale” for the internal transit system is to shuttle people to the university/college campus center, and that absent the university/college campus center the Project provides “no realistic significant local employment”. None of these assertions are supported by the evidence. Refer to Response 2-32. It is certainly not true that without a university there is no point to non-automotive forms of travel, or that no one will have a place to work.

Refer to Response 2-31, Response 2-37, Response 2-38, and Response 2-40. Even if a university/college campus center were not constructed, residents would still need a transit system connection to light rail and would still benefit from a system connecting the community to the Town Center retail and employment area. The data on page 16-38 of the DEIR supports this response, not the comment, as it indicates that 34% of person trips are to non-university internal uses, while only 11% of person trips are to the university. The Draft EIR, Appendix TR-1, Table 1 - Projected Land Use (page 152) identifies the 4,633 employees projected in Cordova Hills in addition to the 2,036 employees projected at the university/college campus center for a total of 6,669 employees; thus, the majority of Project jobs are not associated with the university.

Comment 2-48

Pages 16-78 – 16-83 of the DEIR demonstrate the proposed project will increase VMT so much even assuming the imaginary college will actually exist that traffic congestion will be significantly increased on numerous intersections, roads, freeways, and freeway ramps in the Sacramento area.

Response 2-48

Comment noted. Refer to Response 2-28, Response 2-38, and Response 2-40.

Comment 2-49

The proposed project has numerous cumulative and growth inducing impacts. Among them are:

1. Pages 18-2 – 18-3 acknowledge extending public infrastructure to the proposed project, which would cost an estimated \$6.5 million dollars for off-site sewer construction alone, would greatly facilitate development of its thousands of acres of adjoining open space. Consequently the DEIR states that “a major barrier to growth would be removed.”
2. Page 18-3 acknowledges the project’s proposed expansion of the Urban Policy Area (UPA) would facilitate development of adjacent open space but claims the proposed expansion conforms with General Plan policy LU-120. As discussed above such expansion clearly violates LU-120.
3. Pages 18-3 – 18-4 acknowledge the proposed project includes a General Plan Amendment to extend provision of public water beyond the Urban Services Boundary (USB). It further states that “This action sets a precedent, as Zone 40 water has never been provided outside of the Urban Services Boundary to serve *proposed* uses” and that this “proposal is constrained both by supply and by contribution toward a hazardous condition” because it “could impact groundwater remediation efforts at Kiefer Landfill.”
4. Pages 18-5 – 18-6 acknowledge the proposed project would “contribute to significant and unavoidable cumulative aesthetic impacts.”
5. Page 18-6 acknowledges the proposed project would cause “cumulative loss of farmland” and consequently its “impacts are significant and unavoidable.”
6. Pages 18-6 – 18-7 acknowledge the proposed project’s “cumulative impacts related to construction-level particulate matter, operational particulate matter and ozone precursors, and conflict with implementation of the State [air quality] Implementation Plan will be significant and unavoidable.”
7. Pages 18-8 – 18-9 acknowledge that because of the proposed project “Cumulative loss of grassland habitat (grazing land) [i.e. California prairie] may exceed 10,000 acres [that] support a variety of special status species” and “Project impacts to wetlands and some of the associated species are significant even after the application of mitigation; thus, it can be concluded that cumulative impacts will also be considerable, and that despite the application of mitigation cumulative [biological] impacts will remain significant and unavoidable.”
8. Page 18-9 acknowledges “mitigation may be insufficient to avert substantial climate change, and impacts are significant and unavoidable.” That conclusion doesn’t even consider how loss of California prairie that may exceed 10,000 acres will reduce carbon sequestration.
9. Page 18-11 claims the proposed project’s cumulative land use impacts “would be less than significant”, but this conclusion is contradicted in numerous places throughout the DEIR and in these comments. Since the land use chapter of this DEIR negates the SACOG Blueprint’s plain language regarding regional land use planning, it essentially abolishes this significant regional planning effort. The cumulatively huge negative impact would be giving carte blanche to completely unplanned growth and development.
10. Page 18-11 claims the proposed project’s cumulative impacts on public services are less than significant, but that conclusion is based on assumed taxpayer subsidy and a deeply flawed financial plan as discussed above.
11. Page 18-11 – 18-12 also claim the proposed project’s cumulative impacts on public utilities are less than significant, but that conclusion assumes taxpayer and ratepayer subsidies as discussed above.
12. Pages 18-12 – 18-15 acknowledge the proposed project’s impacts on traffic and circulation “cannot be fully mitigated, and impacts are significant and unavoidable.”

Response 2-49

Most of these comments simply state facts and conclusions reported in the DEIR, which are sometimes followed by the commenter's opinion. Some refer back to previous comments on topical chapters, which have already been addressed in this response to comments. Refer to Response 2-6, Response 2-15, Response 2-26, Response 2-43, and Response 2-48. The only comment needing more specific response here is #9, which indicates that the cumulative land use discussion is in conflict with the topical chapter on land use. As stated on page 18-11, the cumulative land use discussion is restricted to the issue of compatibility with adjacent uses, as that is the only land use topic which changes between the existing and the cumulative condition. There is no conflict between the chapters.

Comment 2-50

The No Project alternative presented on Pages 2-14 – 2-15 of the DEIR is recommended because of numerous reasons discussed in these comments.

Response 2-50

Comment noted.

LETTER 3

Carol W. Witham, CNPS Treasurer, California Native Plant Society, Sacramento Valley Chapter; written correspondence; dated February 22, 2012

Comment 3-1

This letter supplements the comments of Dr. Glen Holstein of the Sacramento Valley Chapter of the California Native Plant Society (CNPS). We hereby incorporate Dr. Holstein's comments by reference. CNPS incorporates by reference the comments of the Environmental Council of Sacramento and Habitat 2020 submitted by Sean Wirth. CNPS is highly concerned with the overall level of take, undermining of the South Sacramento Habitat Conservation Plan, and leap frog development resulting in poor urban connectivity. The project also proposes misuse of the proposed Southeast Connector which will set precedence for additional sprawl along this "expressway".

CNPS is a statewide non-profit organization of some 10,000 scientists, educators, and laypeople dedicated to the conservation and understanding of the California native flora. As a science-based conservation organization, we believe that good land use decisions must be accompanied by a thorough assessment of the environmental impacts as required by the state and federal Endangered Species Acts, the Clean Water Act, the National Environmental Policy Act, the California Environmental Quality Act, and other resource protection laws.

The Sacramento Valley Chapter of CNPS has been highly involved in participating in and commenting upon land use decisions at all levels that affect vernal pool ecosystems in Sacramento County. Chapter volunteers serve on the South Sacramento Habitat Conservation Plan steering committee and biological subcommittee. Chapter volunteers serve on a stakeholders group to determine land use planning for the former Mather Air Force Base and its vernal pool grassland ecosystem. Chapter volunteers participated in the General Plan revision and the Visioning exercises for the eastern part of the county. Chapter volunteers serve on local land trust boards, steering committees, and management committees. Chapter volunteers have testified at innumerable planning commission, board of supervisors, and city council meetings on projects that impact vernal pool resources.

The Sacramento Valley Chapter of CNPS has long viewed the region including the area referenced in the Cordova Hills Project as the "Yellowstone" of vernal pool landscapes in Sacramento County. Geospatial analysis independently conducted for the developing South Sacramento Habitat Conservation Plan has confirmed that this region is unique within Sacramento County from the perspective of both density and diversity of vernal pools present, and in listed species presence. The diversity of vernal pool sizes, shapes, and hydroperiods is strongly correlated to high species diversity and a high level of ecosystem supporting function. The density of aquatic resources and listed species indicates that losses of this habitat will not easily be mitigated for elsewhere in the county.

The following comments are based on our knowledge of the wetland and endangered species resources in the vicinity of the proposed project and our understanding of the resource protection laws and their associated public review process.

Response 3-1

This section is preface language which does not provide any explicit comments on the integrity of the EIR analysis. Comment noted.

Comment 3-2

The Cordova Hills project description *fails to describe the whole of the proposed action*. Specifically, a wetlands mitigation plan will be required to offset destruction of vernal pools and other wetlands within the development. Construction of a minimum of 41.37 acres of mitigation wetlands will have environmental impacts above and beyond those described in the DEIR. Additionally, these impacts will occur on another, undisclosed site for which a baseline biological setting has not been provided. Preparation of a mitigation plan after local entitlements are granted constitutes *improper segmentation or piecemealing* of the project and precludes the public from receiving full disclosure of the environmental impacts of the proposed project in its entirety including any proposed mitigation.

The California Environmental Quality Act (CEQA) requires full disclosure of environmental impacts for the whole project regardless of whether they are detrimental or beneficial. Preparation of an after-the-fact mitigation plan negates CEQA's intended public participation process. For the purposes of informing the public, simply stating that the plan will be approved by the regulatory agencies is also insufficient and lacks transparency.

Response 3-2

Formulation of mitigation measures should not be deferred until some future time; however, measures may specify performance standards which would mitigate the significant effect of the project (CEQA Guidelines, Section 15126.4(a)(1)(B)). Mitigation Measure BR-1 establishes a minimum mitigation ratio of 1:1, and describes the interface between this requirement and the regulatory permitting process. It is possible that the mitigation plan will involve construction of created wetlands, but it is also possible that it will be achieved through other means (such as purchase of mitigation credits from wetlands which have already been created). Measures which defer these particular details to a later time have been challenged in the courts numerous times, but these challenges have failed. A recent example in our region is the *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200, in which it was stated that “a condition requiring compliance with environmental regulations is a common and reasonable mitigating measure”. This statement was, in fact, a quote from yet another court case: *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308. Courts have approved deferring the formulation of the details of a mitigation measure where another regulatory agency will issue a permit for the project and is expected to impose mitigation requirements independent of the CEQA process, so long as the EIR included performance criteria and the lead agency committed itself to mitigation. Mitigation Measures BR-1 and BR-7 commit the County to ensuring that mitigation is provided at a minimum 1:1 mitigation ratio, which is a sufficient and common performance standard and is also consistent with County policy.

Comment 3-3

Throughout the DEIR, actual *mitigation measures are being deferred* to the future. The document continually refers to yet-to-be-prepared plans, studies, and reports. In addition to deferring a Wetland Mitigation and Monitoring Plan to some future date outside of the public review process, analyses and mitigation of other environmental impacts are also being deferred. For example, specific mitigation for noise will be determined after some future acoustical analysis and report. This failure to fully disclose impacts and to provide substantive and enforceable mitigation measures occurs throughout the document.

Simply creating a plan or an afterthought mitigation measure is not adequate for the purposes of CEQA disclosure. The DEIR must contain specific and measurable mitigation that demonstrates to both the land use authority and the public that impacts have been reduced through mitigation. The Board of Supervisors cannot make findings of "less than significant after mitigation" if they don't even know what the mitigation measures and success criteria are.

Response 3-3

Refer to Response 3-2. All of the mitigation measures within the document specify minimum performance standards, including the noise measures mentioned in this comment. The Noise measures indicate that developments must be consistent with the noise standards of the General Plan, and list potential options for achieving those standards. It is impossible at the master plan level to be more precise than this, because noise levels are highly dependent on specific lot layout details and construction designs which are not available until small-lot tentative maps and specific commercial site plans are proposed. The mitigation ensures that when these future project-level plans are submitted to the County, that they will comply with County noise standards. See CEQA Guideline 15126.4.

Comment 3-4

Deferral of a Wetland Mitigation and Monitoring Plan is particularly troubling because in its absence the project applicant cannot demonstrate that the mitigation measure(s) are feasible (able to be accomplished). Without sufficient information to determine whether the wetland mitigation is in fact feasible, the public is left with the uncertainty that it may never be accomplished.

The U.S. Army Corps of Engineers' (Corps) Record of Decision (dated 25 January 2011) related to the Sunridge Projects in the City of Rancho Cordova states the following:

- "e. The Corps recognizes the significant cumulative loss of vernal pool wetlands within the Mather Core Recovery Area. For future unavoidable impacts to vernal pools within the Mather Core Recovery Area... compensatory mitigation shall be:
- 1) based on a method for assessing the functions of all waters of the U.S. on the project site;
 - 2) accomplished at a ratio of greater than 1:1, after considering direct and indirect impacts, temporal loss and difficulties creating vernal pool wetlands; and
 - 3) located in the Mather Core Recovery Area, unless determined impracticable or inappropriate by the Corps."

A complete Wetland Mitigation and Monitoring Plan is necessary from two perspectives. First, the public has a right to know the environmental consequences of the proposed mitigation. Second, the Board of Supervisors has a public trust obligation to understand how this mitigation, supposedly to occur within the Mather Core Recovery Unit which is almost entirely within the USB, will impact future development (and mitigation) in the County of Sacramento. Will the mitigation for this project preclude development of a more worthwhile and better designed project in the future?

Response 3-4

Once adopted as part of an approved project, a mitigation measure cannot simply be deleted outside of a public hearing process. If Mitigation Measure BR-1 is adopted, then the applicant must provide 1:1 mitigation *before* building permits will be issued. The scenario posited by this comment, that unbeknownst to the public, the mitigation will fail to be carried out and yet the Project will be allowed to develop, is impermissible. Refer to Response 3-2. The final question posed by the comment is a policy question about regional prioritization of development. This is not an issue which can be or ought to be addressed by this individual master plan's CEQA document. Furthermore, it should not be assumed that the same conditions included in the Record of Decision for the Sunridge project will apply here.

Comment 3-5

The incomplete description of the environmental setting, the incomplete description of the proposed project, the inappropriately deferred mitigation measures, and the potential infeasibility of the proposed wetland mitigation all demonstrate that the DEIR is woefully inadequate for the purposes of public disclosure. CNPS requests that these deficiencies be remedied in a Revised DEIR to be recirculated to the public for additional consideration and comments.

Response 3-5

Refer to all of the responses to this letter. Recirculation is not required.

Comment 3-6Mitigation Measure BR-1

As discussed above, a commitment to prepare a (Wetland) Mitigation and Monitoring Plan is not mitigation. Additionally, the impacts of such a plan are not disclosed in the DEIR even though they are clearly an integral part of the proposed project.

Response 3-6

Refer to Response 3-2.

Comment 3-7Table BR-3: Special Status Species Matrix

Please note the comments of Dr. Glen Holstein on behalf of the Sacramento Valley Chapter of CNPS. In addition to his specific observations, we request the addition of *Lytta molesta* as a potential species of concern on the project site.

Response 3-7

Refer to the responses to Letter 2. *Lytta molesta*, also called the molestan blister beetle, has no federal or state special status designation through any agency⁴. It is tracked through the California Natural Diversity Database, and as part of that tracking is given a global and state rank of 2. This means that there are six to twenty element occurrences in the California Natural Diversity Database, and is on this basis considered through that database to be at high risk. The species is found on flowers, where they forage, and has been associated with dried vernal pools; very little is actually known about the life history of this species.⁵ The comment requests inclusion of this species, but does not explain why it is felt to be necessary. The species is not included – or even mentioned – in the anticipated draft South Sacramento Habitat Conservation Plan, and it has not been collected in Sacramento County. In addition, there are no documented occurrences of this species in the adjacent areas of Placer County and San Joaquin County. Nonetheless, the species has been added to Table BR-3, with a potential for occurrence designation of “low” – which means that no further discussion is included.

It is worth noting that Project mitigation already requires full replacement of all wetland and upland habitat which will be lost, and given that the molestan blister beetle is not agency-listed, it is reasonable to assume that this mitigation already in place would prevent substantial impacts to the species in the extremely unlikely event that it may use the site. It is thus unclear why the respondent wishes for the EIR to include treatment of this species, given the lack of any known occurrence in the County or adjacent counties and the fact that it would have no effect on the mitigation or conclusions of the EIR.

⁴ www.dfg.ca.gov/biogeodata/cnddb/pdfs/spanimals.pdf

⁵ http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/invert/Insects_-_Coleoptera/Lytta_molesta.pdf

Comment 3-8**Mitigation Measures BR-3 through BR-6**

An additional mitigation measure needs to be added to survey for ground nesting birds if construction occurs between March 1 and June 30. Several special status bird species written off as having low potential to occur on the site, actually have a high potential (again see Dr. Holstein's comment letter) and are ground nesters.

Response 3-8

The only ground-nesting (or near-to-the-ground) bird species listed as having a low potential for occurrence in Table BR-3 is the loggerhead shrike. As discussed in the table, this species nests in shrubs or low in trees, and the site contains neither shrubs nor trees. Thus, the site does not contain nesting habitat for this species and mitigation is not required to offset an impact. Nonetheless, since pre-construction nesting surveys will already be performed for many other species, it is not burdensome to add this species, in an overabundance of caution. To try and alleviate any concerns, the species has been added to the pre-construction nesting survey mitigation.

Comment 3-9**Western Spadefoot**

Loss of Western Spadefoot breeding habitat on the Cordova Hills project would be significant. There are less than a handful of extant populations within the Mather Core Recovery Area and these occur on the very periphery of its range. The Mather Specific Plan is also proposing destruction of a breeding pool with no mitigation, so cumulatively the impacts are also significant. The Cordova Hills project should conduct additional surveys to determine the locations and extent of the onsite population and prepare a specific mitigation and monitoring plan for this species in order to reduce the impact to less than significant.

Response 3-9

Refer to Response 2-21. The statement that the Mather Specific Plan proposes to impact a breeding pool of western spadefoot without providing mitigation is not correct. Firstly, federal and state permits are required for any destruction of wetlands, and a minimum 1:1 mitigation typically results from this process – sometimes more. Secondly, the EIR for the Mather Specific Plan includes policy language requiring that future projects in the Specific Plan obtain the appropriate permits, and that replacement mitigation be provided for all wetland habitat lost. With regard to the request for detailed surveys of populations and numbers, even for amphibian species where protocols have been developed for surveys, the level of detail requested by this comment is not required (e.g. California tiger salamander). The purpose of a survey is simply to determine presence or absence, so that it can be determined whether mitigation is necessary. Presence of the western spadefoot is already known, and mitigation is being provided for all wetlands and uplands lost.

Comment 3-10Translocation of Inoculum

Because there is not a Wetland Mitigation and Monitoring Plan included for review as part of this project, it is impossible to speculate on all of the measures that might be incorporated into such a plan. However, language in Mitigation Measure ALT-1 suggests that the project proponents intend to translocate inoculum (soil, seeds and cysts) from the impact site to some yet-to-be-identified mitigation site. Such translocation of materials is inappropriate over any distance. Vernal pool landscapes are very similar to island archipelago biogeography, with near neighbors being more closely related genetically than distant neighbors. The practice of translocating propagules from one area to another could have significant consequences including: i) genetic swamping of closely related species, ii) crossbreeding that leads to mortality/extirpation, or iii) crossbreeding that leads to superweeds.

As an aside, Mitigation Measure ALT-1 also contains language that appropriate success for mitigation of rare plant populations would be a restoration criteria (sic) standard of 60 percent survivorship. Given that the plants are all annuals and subject to precipitation and temperature patterns, this criterion is both nonsensical and immeasurable.

These are examples of why it is important to fully disclose environmental impacts during the public comment phase of CEQA disclosure. Who knows what other ill informed practices and immeasurable criteria might be proposed in the Mitigation and Monitoring Plan? Who knows if the plan will be feasible?

Response 3-10

As indicated by the "ALT" acronym, the measure referenced applies to a CEQA Alternative to the Project and is found within the EIR section describing impacts related to Alternative 1. The applicants have not proposed this measure for the Project, given that the Project avoids all impacts to wetlands containing rare plants. It is common practice for the terms and conditions of Section 404 Permits to require the translocation of inoculum to preserve the genetic diversity of the affected species. (See, U.S. Army Corps of Engineers San Francisco District's *Mitigation and Monitoring Proposal Guidelines*, dated December 20, 2004, at Pages 7 and 13; See also, U.S. Army Corps of Engineers, *Regulatory Guidance Letter*, dated December 24, 2002). The statement of 60% survivorship has been misconstrued by the commenter, and has been clarified to prevent future confusion. Survivorship should be measured based on the population density in the destroyed pool, meaning that the population in the created or inoculated pool cannot fall below 60% of the population which had been present in the destroyed pool. The point is taken that stand-alone, this could result in the applicant either having a standard which is too high or too low in any given year, as populations would naturally be more abundant or less abundant depending on climatic conditions. Comparison to an undisturbed reference pool has been included in the measure, to take this into account. Also note that any such plan would require the review and approval of the U.S. Fish and Wildlife Service, as inoculum collection from a vernal pool is prohibited without their express approval. A note has also been added to state that the measure may be superseded by any plan approved by the U.S. Fish and Wildlife Service.

Comment 3-11

On behalf of CNPS, I appreciate the opportunity to provide these additional comments on the Draft Environmental Impact Report for Cordova Hills.

As articulated above, we believe that the document fails to comply with the spirit of the California Environmental Quality Act. While the DEIR may satisfy minimum standards, it has unsuccessfully informed the public of the environmental setting and environmental consequences of the project including its offsite mitigation components. Therefore, CNPS requests that a Revised DEIR be prepared for this project that addresses our concerns and that the Revised DEIR be recirculated for an additional round of public comment.

Please keep me informed of activities related to projects in this area that might impact vernal pool grasslands and endangered species habitat.

Response 3-11

Comment noted. See prior responses.

LETTER 4

James Herota, Staff Environmental Scientist, California Natural Resources Agency, Central Valley Flood Protection Board; written correspondence; dated February 6, 2012

Comment

Please refer to the letter, which begins on page 28 of the “Cordova Hills FEIR: Comment Letters”. The letter explains when a permit from the Central Valley Flood Protection Board is required, and describes the types of issues which could impact flood control facilities.

Response

This is a standard comment letter, which has typically been received for many EIRs published in Sacramento County. The impacts of the Project on floodplains and hydrologic conditions have been examined, and impacts addressed in the Hydrology and Water Quality chapter. The Project does not involve levees and there are no existing structures on the site.

LETTER 5

Genevieve Sparks, Environmental Scientist, California Regional Water Quality Control Board, Central Valley Region; written correspondence; dated February 22, 2012

Comment 5-1
Basin Plan:

The Water Quality Control Plan (Basin Plan) is not described in Chapter 11 (Hydrology and Water Quality). The Basin Plan is briefly referenced on page 15-11 in Chapter 15 (Public Utilities).

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:
http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

The Draft Environmental Impact Report should provide an expanded discussion on the Proposed Project's consistency with the Basin Plan, in terms of protecting surface and ground water quality in, and downstream of, the Proposed Project area.

Response 5-1

Though the comment includes substantial text describing the Basin Plan and its adoption procedures, the only sentence which discusses the EIR is the final one, which simply requests an expansion of the discussion to tie the analysis of surface and groundwater quality to the Basin Plan. The Basin Plan is a broad-level policy document, while the Project is specific to a small area within the total area encompassed by the Basin Plan. Given this fact, it is typical for an analysis to focus on the specific local water quality rules and regulations which have been enacted as a means of determining consistency with overarching policy documents such as the Basin Plan. This is consistent with case law, which has found that an EIR need not contain an exhaustive description of the regulatory requirements and plans that may apply to a Project⁶. For clarity, text has been added to the Porter-Cologne Water Quality Act section of the Hydrology and Water Quality chapter to explicitly reference the Basin Plan as one of the enacting frameworks for Porter-Cologne. Discussion has also been added which describes the “Implementation” section of the Basin Plan, because the implementing programs are those which are discussed in the DEIR. In the DEIR it was determined that the Project would have no adverse impacts to surface water quality (pages 11-23 to 11-27), or to groundwater/groundwater recharge (pages 15-51 to 15-52).

⁶ City of Long Beach v. Los Angeles Unified School District (2009) 176 Cal.App.4th 889 at 918-919, 98 Cal.Rptr.3d 137 at 163.

Comment 5-2**Statement of Policy With Respect to Maintaining High Quality of Waters in California (State Water Board Resolution 68-16):**

State Water Board Resolution 68-16 is briefly described in Chapter 15 (Public Utilities) on page 15-12.

A key policy of California's water quality program is the State's Antidegradation Policy. This policy, formally known as the *Statement of Policy with Respect to Maintaining High Quality Waters in California* (State Water Board Resolution No. 68-16), restricts degradation of surface and ground waters. In particular, this policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses. Under the Antidegradation Policy, any actions that can adversely affect water quality in all surface and ground waters must:

1. meet Waste Discharge Requirements which will result in the best practicable treatment or control of the discharge necessary to assure that a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained;
2. not unreasonably affect present and anticipated beneficial use of the water; and
3. not result in water quality less than that prescribed in water quality plans and policies.

Furthermore, any actions that can adversely affect surface waters are also subject to the Federal Antidegradation Policy (40 CFR Section 131.12) developed under the Clean Water Act.

For more information on this policy, please visit our website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf.

The Draft Environmental Impact Report should provide an expanded discussion on the Proposed Project's consistency with the State Board Resolution No. 68-16, in terms of protecting surface and ground water quality in the Proposed Project area.

Response 5-2

Refer to Response 5-1. Also see pages 11-23 to 11-27 of the DEIR, where it was determined that the Project would have no adverse impacts on water quality, and pages 15-51 to 15-52 where it was determined that the Project would not have adverse impacts on groundwater quality or recharge. Since the DEIR determined that the Project would not result in adverse impacts, there is no need to provide an expansive discussion of consistency with Resolution No. 68-16. The comment does not provide any evidence to the contrary.

Comment 5-3**Clean Water Act 303(d) Listed for Impaired Water Bodies**

The Clean Water Act 303(d) List for impaired water bodies is discussed briefly in Chapter 11 (Hydrology and Water Quality), including pages 11-8, 11-10, 11-13, 11-14, and 11-26.

Please use the 2010 Clean Water Act 303(d) list for impaired water bodies, which can be located at

http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

The Final Environmental Impact Report should provide a comprehensive list of all water bodies located within, and downstream of, the Proposed Project area which are included on the 2010 Clean Water Act 303(d) list for impaired water bodies, and the constituent(s) or parameter(s) each water body or water body segment is listed for.

If Total Maximum Daily Load (TMDL) and implementation plan is under development or completed for any receiving water body or water body segment listed on the Clean Water Act 303(d) list, the Draft Environmental Impact Report should include an expanded discussion on the Proposed Project's compliance with that TMDL and implementation plan.

Response 5-3

The DEIR discussion uses what this comment refers to as the 2010 Clean Water Act 303(d) list, but calls it the 2008 list. It appears that the State Water Board website needs updating. The comment directs the lead agency to the website www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml, while the information from the chapter was obtained from www.swrcb.ca.gov/rwgcb5/water_issues/tmdl/impaired_waters_list/303d_list.shtml. The latter website indicates that the current version is the 2006 list, and that the update is called the "2008 Update". The website referenced by the letter indicates that the list was approved in November 2010, and that it is called the 2008 – 2010 303(d) list. In either case Environmental Review has reviewed both sources cited and determined that it is the same list. Page 11-15 of the DEIR indicates the status of all three rivers to which Project waters will flow, via onsite tributaries, and notes the constituents for which they are listed. There are no TMDLs for these waterways. The text of the DEIR has been revised to reflect the current adoption status and nomenclature of the relevant 303d list.

Comment 5-4**Construction Storm Water General Permit**

The Construction Storm Water General Permit is briefly referenced in Chapter 11 (Hydrology and Water Quality) on page 11-9.

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

The Final Environmental Impact Report should provide an expanded discussion on the Proposed Project's compliance with this permit, including, but not limited to, the development of a SWPPP.

Response 5-4

The DEIR describes all of the grading permit requirements referenced by this comment, including that the County will not issue a grading permit until proof is submitted showing that a Notice of Intent was filed with the Regional Water Quality Control Board, and until submission of a site-specific SWPPP showing compliance with standards set forth in the County's Municipal Stormwater Permit (see page 11-9 of the DEIR). The DEIR does discuss construction stormwater impacts which could result from future developments, and describes common best management practices used to avoid impacts (see page 11-25). A master planned project of this size will be developed in increments over a long time period. Site-specific SWPPPs can only be prepared for specific areas when project-level proposals (small-lot subdivision maps, improvement plans, etc) are submitted.

Comment 5-5**Municipal Separate Storm Sewer System (MS4) Permit**

The MS4 permit is briefly referenced in Chapter 11 (Hydrology and Water Quality) on pages 11-3, 11-4, and 11-9. References to hydromodification and low impact development are made in Chapter 11 (Hydrology and Water Quality) and Chapter 15 (Public Utilities), among others.

The federal Clean Water Act makes municipalities responsible for regulating and managing the quality of storm water runoff throughout their jurisdictions, since municipalities own and operate the storm drain pipes and drainage channels that collect runoff prior to its discharge into creeks, rivers, and other water bodies. Under the Clean Water Act, storm water discharges are regulated through National Pollutant Discharge Elimination System (NPDES) storm water permits.

In California, the State Water Board and its nine Regional Water Boards have been authorized by the USEPA to oversee implementation of the Clean Water Act. The Central Valley Water Board issues and enforces NPDES municipal storm water permits in the Sacramento area. As such, the County of Sacramento and the cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt and Rancho Cordova are subject to the Sacramento area wide NPDES Municipal Storm Water Permit (NPDES No. CAS082597; Order NO. R5-2008-0142) (Storm Water Permit). This Storm Water Permit, originally issued in 1990, was re-issued by the Central Valley Water Board in September 2008, covering the period November 2008 –September 2013. The Storm Water Permit (Provision A) states:

1. Discharges from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance as defined in § 13050 of the California Water Code are prohibited.
2. Discharges from MS4s which cause or contribute to exceedances of receiving water quality standards and water quality objectives (designated beneficial uses of the Basin Plan and water quality objectives developed to protect beneficial uses) for surface water or ground water are prohibited.
3. Discharges from MS4s containing pollutants that have not been reduced to the maximum extent practicable (MEP) are prohibited.

In addition, the Storm Water Permit contains specific requirements related to:

- Reporting and other project management functions
- Reducing specific target pollutants
- Monitoring and conducting special studies
- Reducing storm water impacts from new development projects, construction projects, municipal operations and commercial/industrial businesses
- Conducting public outreach and watershed stewardship

- Conducting public outreach and watershed stewardship
- Preventing illicit discharges
- Assessing program effectiveness

The current Storm Water Permit differs from the prior one in several notable ways:

- Many of the requirements are more general (less prescriptive) than in the prior permit.
- The permit includes requirements pertaining to protecting creeks from erosion and other harm caused by increased runoff volume and flow rate (i.e., hydromodification) due to new development and redevelopment.
- It requires a modest amount of additional monitoring (in addition to the existing extensive monitoring program) to learn more about discharges of pyrethroid insecticides and mercury, which are impairing water quality in various local waterways. The data could lead to new understanding on how to control these pollutants and eventually to additional requirements amended to the Storm Water Permit.

Storm Water Quality Improvement Plan (SQIP)

Another component of the Storm Water Permit is the implementation of the SQIP. The SQIP describes the storm water pollution prevention efforts to be implemented either jointly or individually by the County of Sacramento and the Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt and Rancho Cordova. Those agencies, collectively referred to as the Sacramento Storm Water Quality Partnership (Partnership), developed the SQIP to protect local waterways and fulfill regulatory requirements. The SQIP outlines Partnership priorities and activities planned for the 2008-2013 permit term. It also includes background information to provide readers with an understanding of the environmental and regulatory context as well as the Partnership's past accomplishments. The SQIP, adopted on 29 January 2010, supersedes and replaces all previous management plans developed for the Partnership, including the 1994 Comprehensive Storm Water Management Plan, the 1995 Effectiveness Evaluation Plan, the July 2003 SQIPs and their amendments, and the draft 2007 SQIPs.

The overall goals of the SQIP, as identified in the Storm Water Permit, are to: a) reduce the degradation of waters of the State and waters of the United States by urban runoff and protect their beneficial uses; and b) develop and implement an effective SQIP that is well understood and broadly supported by regional stakeholders. The core objectives of the SQIP are to:

- Identify and control those pollutants in urban runoff that pose significant threats to the waters of the State and waters of the United States and their beneficial uses;

- Comply with the federal regulations to eliminate or control, to the MEP, the discharge of pollutants from urban runoff associated with the storm drain system;
- Achieve compliance with water quality standards;
- Develop a cost-effective program which focuses on pollution prevention of urban storm water;
- Seek cost-effective alternative solutions where prevention is not a practical solution for a significant problem; and
- Coordinate implementation of control measures with other agencies.

As it relates to the Storm Water Permit, the SQIP proposes compliance activities to be conducted during the five-year term of the Storm Water Permit, and as specified, the SQIP is considered part of the permit and is enforceable as such.

For more information on the MS4 Permit the Proposed Project applies to, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

The Final Environmental Impact Report should provide an expanded discussion on the Proposed Project's compliance with the MS4 Permit held by Sacramento County, including, but not limited to, the implementation of specific Low Impact Development measures throughout the Proposed Project area and a post-construction hydromodification strategy.

Response 5-5

A discussion of hydromodification is included on page 11-24, and the EIR includes a detailed hydromodification technical appendix. A discussion of the SQIP for the region is provided beginning on page 11-26 of the DEIR. Also note that the proposed Cordova Hills Master Plan includes a section listing the low impact development proposals which will apply in the Project area (Chapter 7, Section 7.7.1 of the Master Plan). More detailed discussion cannot be included at this time because this is a plan-level proposal, and specific grading plans and other details will not be prepared until subsequent requests for subdivision maps and other discretionary approvals are submitted.

Comment 5-6**Clean Water Act Section 401 Permit – Water Quality Certification**

Water Quality Certifications issued under Section 401 of the Clean Water Act are briefly described under Chapter 6 (Biological Resources) on page 6-8.

If an United States Army Corps of Engineers (USACOE) permit, or any other federal permit, is required for the Proposed Project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification(s) must be obtained from the Central Valley Water Board prior to initiation of Proposed Project activities.

The Final Environmental Impact Report should clarify that (a) there are no waivers for Clean Water Act Section 401 Water Quality Certifications in the State of California; (b) a Clean Water Act Section 401 Water Quality Certification serves as both a certification, in part or in whole, of a federal permit, under Section 401 of the Clean Water Act, and as a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act; and (c) under Section 401 of the Clean Water Act, the State of California can review and approve, condition, or deny all federal permits that may result in a discharge to waters of the State, including wetlands.

The Central Valley Water Board does not issue Individual 401 Water Quality Certifications and/or Waste Discharge Requirements for Proposed Projects that are not in final design.

Required items for a complete Clean Water Act Section 401 Water Quality Certification application are based on Sections 3836 and 3856 of Title 23 of the California Code of Regulations.

Should one federal permit be issued for the all future individual projects, the Central Valley Water Board may opt to incrementally certify the federal permit according to the project proponent's demonstration of readiness-to-proceed with specific project phases. Should this occur, a sequence of 401 Water Quality Certifications and/or Waste Discharge Requirements may be issued in 5-year increments as specific project phases are ready-to-proceed and implemented.

Please clarify in the Final Environmental Impact Report whether the Project Proponent will be seeking one Water Quality Certification for the Proposed Project based on this environmental document, or a series of Water Quality Certifications for future tiered environmental documents.

Response 5-6

Comment noted. Page 6-8 of the DEIR indicates that any activities requiring a Section 404 permit will likewise require a Section 401 permit. The applicant has submitted a single application for a Section 404 permit which would cover the entire site, and will seek a Section 401 permit in the same manner.

Comment 5-7**Compensatory Mitigation**

Mitigation Measure BR-1 should be amended to include a discussion on the Central Valley Water Board's compensatory mitigation requirements. The Central Valley Water Board may require compensatory mitigation for impacts to waters of the State. Compensatory mitigation must comply with the State of California's 1993 Wetlands Conservation Policy, which ensures no overall net loss of wetlands for impacts to waters of the State.

If conservation easements are implemented as part of the compensatory mitigation strategy, the recorded executed conservation easement shall be consistent with California Civil Code Sections 815-816.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the Proposed Project area, the Proposed Project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

In the case a Water Quality Certification(s) is issued for the Proposed Project, the Water Quality Certification(s) would serve as to certify the federal permit(s) and as a Waste Discharge Requirement under Porter-Cologne Water Quality Control Act.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

Response 5-7

Mitigation Measure BR-1 already requires 1:1 mitigation of wetlands, regardless of federal jurisdictional status, consistent with County policy. Though already required by law, the mitigation has been amended to require that the applicant obtain all applicable federal and state permits (the term "permit" covers either a Section 401 permit or Waste Discharge Requirements). Any conservation easements used to implement the compensatory mitigation will comply with California Civil Code Sections 815 – 816. All wetlands on the site are both Waters of the U.S. and Waters of the State.

Comment 5-8**Definition of "Waters of the State"**

Page 6-11 Chapter 6 (Biological) of the Draft Environmental Impact Report references "waters of the State" under the discussion of the Porter-Cologne Water Quality Control Act.

The Final Environmental Impact Report should clarify the definition of "waters of the State", as related to "waters of the United States." "Waters of the State" are defined more broadly than "waters of the United States." According to California Water Code Section 13050(e), means "any surface water or groundwater, including saline waters, within the boundaries of the state", and includes all waters within the state's boundaries, whether public or private, including waters in both natural and artificial channels.

"Waters of the State" includes all "waters of the United States", including all federally jurisdictional and non-federally jurisdictional waters, whether hydrologically isolated or not, and territorial seas.

This definition is relevant and central to any action taken by the Central Valley Water Board on the Proposed Project and should be incorporated within the Final Environmental Impact Report accordingly.

Please clarify throughout the Final Environmental Impact Report, including, but not limited to, the discussion provided on page 6-11, in preface to any discussion regarding waters of the United States or federal jurisdictional waters, the definition of "waters of the State." All tables, figures, maps, discussions, and references to "waters of the United States" should be revised to "waters of the State and waters of the United States" throughout the entire Final Environmental Impact Report.

Response 5-8

Page 6-8, which describes the Clean Water Act permits, specifically states that although the SWANCC decision limits the applicability of federal jurisdiction over isolated waters, state and local jurisdiction still applies. A second note to this effect has been added to the Porter-Cologne discussion section on page 6-11, as requested by this comment. Rather than revising all exhibits, as this comment requests, a sentence has been added to the beginning of the "Wetlands and Surface Waters" section of the impact discussions noting that all delineated waters on the site are both Waters of the State and Waters of the United States; there are no "isolated" waters present. Also note that the wetland delineations of the Project site, as included in the DEIR, have already been verified by Army Corps and an application for a Section 404 Clean Water Act Permit is currently pending with the Army Corps.

Comment 5-9**Aerojet Facility Site**

Pages 10-4 through 10-5 and 10-14 of Chapter 10 (Hazardous Materials) provides a discussion on the Aerojet site, as related to the Proposed Project.

The description of the Aerojet site provided on these pages contains numerous errors and does not provide an adequate description of the Aerojet Site. The Central Valley Water Board has the following clarifications:

Response 5-9

This is simply a preface to the comments below. Refer to the comments and responses which follow.

Comment 5-10

- On page 10-4 the authors provide a description of the Aerojet facility and discuss underground tanks sites and associated contamination associated with the tanks sites. The tank sites provide an infinitesimal portion of the soil and groundwater contamination at the 8500-acre facility. Rocket manufacturing and testing and chemical manufacturing have led to extensive soil and groundwater contamination, with the groundwater plumes extending over 25 square miles. In fact there are over 350 potential source areas being investigated on the Aerojet Superfund site. Contamination includes solvents, components of liquid and solid rocket fuels, and chemical manufacturing residuals. Investigation of the contamination commenced in the late 1970's.

Response 5-10

Page 10-4 simply provides a brief background of contamination present at Aerojet; it is not intended to serve as a comprehensive description of all contamination present. The section states that the Aerojet site is a Federal Superfund site – it does not merely indicate that contamination is due to leaking tanks – and states that there is contamination of wells and groundwater from “volatile organic compounds and solvents (among other contaminants)”. A comprehensive list of the hundreds of known and potential contaminants would be unnecessary for the purposes of this EIR – it is simply necessary to establish that Aerojet is a Federal Superfund site which involves contamination of both soil and groundwater. The analysis section of the DEIR, which begins on page 10-14, gives a more detailed account of contaminants and their sources, to the extent that they are relevant to Project impacts.

Comment 5-11

- On page 10-14, the writer mistakenly talks about both the Inactive Rancho Cordova Test Site (IRCTS) and the Aerojet Superfund site as a single site. In fact, they are two distinct sites. The Aerojet Superfund Site currently comprises the 8500 acre site bounded roughly by US50, the Folsom South Canal, White Rock Road and Prairie City Road, plus Area 39 (portions of the State Highway Off-Road Vehicle Park), Area 40 (area east of Prairie City Road) and the former Cavitt Ranch (400 acres on Scott Road, east of Area 40). This site has significant soil and groundwater pollution and is being investigated and cleaned under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The IRCTS is 4000 acres south of White Rock Road, north of Douglas Road, east of Sunrise and extends about halfway to Grant Line Road. The IRCTS is being investigated and cleaned up under the State hazardous waste site cleanup program.

Response 5-11

The EIR does not mistakenly conflate the Aerojet Superfund and the IRCTS. An EIR will sometimes characterize or frame issues more simplistically, provided that the more precise or technical realities are not necessary in order to understand the outcome of the analysis. The EIR notes that the Aerojet Superfund and the IRCTS are two separate areas, but then notes that for the purposes of analysis they will both be referred to as Aerojet, given that they are adjacent, are both associated with the Aerojet company, and that soil and groundwater contamination are the relevant issues of concern for both areas. There was no need to discuss each separately for the purposes of describing probable impacts to the Project.

Comment 5-12

- On the IRCTS rocket-testing activities have ceased and the site is being cleaned up. The site will be developed as the Rio Del Oro project by Elliot Homes and Aerojet Real Estate. The groundwater pollution at the site and it is migrating to the west and southwest, away from the project site.

Response 5-12

Comment noted.

Comment 5-13

- The main groundwater pollution in the area is coming from the Superfund site and consists primarily of volatile organics such as trichloroethylene, perchlorate and n-nitrosodimethylamine. There are several different groundwater plumes associated with the Aerojet site. The main one of concern to this project is the plume emanating from the liquid rocket test-area on the far east side of Aerojet, west of Prairie City Road. This plume is heading south and bit west, and extends as far south as the southern edge of the Teichert processing facility on Grant Line Road. The southern edge of the plume is approximately 1.7 miles north of the project site and moving in the direction of the project. Aerojet is undertaking remedial actions to control the leading edge of the plume, but those actions are not yet complete. Failure of containment will allow the plume to continue to migrate to south and west. There is an additional groundwater plume associated with Area 39, but are in shallow groundwater and not moving very much.

Response 5-13

The EIR contains a link to a map showing the various areas of groundwater contamination (including the IRCTS). All of the various groundwater contamination plumes and their direction of migration are shown. There is a plume to the north of the Project site, but as stated in the comment this is nearly two miles from the site. The analysis focuses on the plumes closest to the Project site. At a distance of nearly two miles, it would take a serious and long-term containment failure before such a plume could reach the site. Such a serious failure is highly unlikely given that the scope of the problem is known, a plan for remediation is in place, and that similar remediation efforts in other Aerojet areas have been proceeding successfully. Also, the Project will be relying entirely on a public water system, not on groundwater beneath the site; the Project does not include drilling any groundwater wells.

Comment 5-14

- Not all of the cleanup sites in the vicinity of the project have been included in this section. There is another cleanup site just north of White Rock Road and west of Grant Line Road as is called the White Rock Road North Dump. The contaminants of concern in the groundwater plume are volatile organics and perchlorate. The plume associated with this project extends as far south as the Aerojet plume described above and is on the west side of Grant Line Road.

Response 5-14

The White Rock Road North Dump was included in the EIR, but it was included in the section on landfills, not in the "Aerojet" section. Refer to page 10-5 of the DEIR.

Comment 5-15

- Aerojet has had a groundwater extraction and treatment system program operating since 1982, not 2002. The 2002 date is associated with Aerojet's Western Groundwater Operable Unit and the commencement of remediation of that Operable Unit.

Response 5-15

The line in the EIR was meant to refer specifically to the GET system for the Administration Area of the IRCTS, which came online in 2002 and is the source of the nearest contaminated groundwater to the site. The section has been clarified.

LETTER 6

Ted A. Gaebler, City Manager, City of Rancho Cordova; written correspondence; dated February 22, 2012

Comment 6-1

The City of Rancho Cordova is submitting the following comments on the Cordova Hills EIR focusing on two primary areas of concern, municipal services and traffic mitigation. The Cordova Hills project is uniquely situated at the eastern boundary of our city and will rely heavily on City infrastructure and services. We anticipate some level of mutual impacts across jurisdictional boundaries from various development projects within the City and the County, but this project is extremely dependent on Rancho Cordova's urban investments. There are virtually no County services and very limited infrastructure in the Cordova Hills area. While the City generally supports the proposed development, these concerns must be addressed within the EIR prior to certification of the environmental document by the County Board of Supervisors.

Given Cordova Hills is far removed from other developed unincorporated areas that receive County services, there will be significant additional time and costs of trying to provide quality, timely services to the new development if services to the area are provided by existing County municipal service providers. Adjacent and neighboring service providers, by comparison, could provide more effective and efficient municipal services to Cordova Hills.

With government facing financial challenges into the future, it is critical that the most cost effective and efficient way to provide municipal services to new development be utilized. One such way would be to have Cordova Hills services be provided by the adjacent and neighboring service providers. Another option would be the formation of an additional government organization, such as a community services district (CSD). However this option seems duplicative and inefficient as it would require the additional expenses of its own board, manager, legal, human resources, finance, technology, and other costs for what would remain a small district.

The EIR should consider whether it is feasible for the County to provide all infrastructure and services needed to support the Cordova Hills project and whether providing services to the project in this manner has the potential to adversely affect the City of Rancho Cordova's infrastructure capacities and municipal services.

Response 6-1

The Project includes an Urban Services Plan (See Appendix PS-1 to the Draft EIR) that describes the service levels and financing strategy to fund an urban level of services that will be provided to future residents, businesses, and employees in the Project area. Services to be provided by independent agencies and by the County will be funded from the County General Fund, user fees, and existing property tax allocations. The services provided by the Cordova Hills Local Services District (which may consist of a County Service Area or a Community Services District) will be funded by user fees and special taxes or assessments on those utilizing those services. Other details regarding the funding of facility construction and operation are described within the Public Services and Public Utilities chapters of the DEIR, and are also considered in the required Infrastructure Financing Plan. This comment does not provide any evidence that these analyses are insufficient. There is also no evidence that if the County provides services

to areas which lie within the County, that this will negatively impact the City of Rancho Cordova. CEQA does not obligate the EIR to discuss the possibility of having the City provide services for an area within the County.

Comment 6-2

The City is in agreement that the majority of the project's off site trips will rely on roadways, transit facilities and bikeways that are within City of Rancho Cordova's jurisdictional boundary. As such, we are concerned about reasonable contributions to the development of our transportation facilities from the Cordova Hills development.

The Cordova Hills EIR identifies mitigation requirements within the City limits and indicates the project's intent to fairly participate in the development of the City's transportation infrastructure. However, we remain concerned that the alternatives analyzed in the traffic study do not adequately represent the actual timing and phasing of infrastructure development.

It is likely that most of the physical transportation improvements identified in the existing plus project scenario will be built once the Cordova Hills development begins to trigger these requirements. We agree that the mitigation trigger should be associated with level of service (LOS) standards, but feel that Rancho Cordova developments or other County projects, such as the Teichert and Stoneridge quarries, will have already triggered many of these requirements. As a result Cordova Hills will rely upon, and benefit from investments by other developing properties. This concern is also evident in the cumulative plus project scenario. The limited number of required improvements in the cumulative scenario is the consequence of very large infrastructure investments provided by other projects. The EIR should include mitigation measures that ensure the Cordova Hills project will pay its fair share of traffic improvements needed to mitigate impacts.

Response 6-2

Part of the implementation of the various transportation measures includes requirements within the Development Agreement that the County and the Project developer must pursue a reciprocal funding agreement between the County of Sacramento and the City of Rancho Cordova, since the County does not have the land use authority to implement mitigation within the City. CEQA Guideline 15091 and Public Resources Code 21081 both recognize that the lead agency cannot take responsibility for mitigation for the construction of roadway improvements outside of the lead agency's jurisdiction. The Conditions of Approval specify when the need for mitigation will be triggered (in terms of equivalent dwelling units), but the actual construction of those improvements is at the discretion of the City of Rancho Cordova, and is thus not a proper topic for a mitigation measure being adopted by the County. The County of Sacramento is without the legal authority to require a project applicant to construct roadway improvements that are within the exclusive jurisdiction and control of another government jurisdiction, and any mitigation measure that sought to do so would be infeasible. Fair-share mitigation fees are being required for impacts within Rancho Cordova, but Sacramento County cannot issue any requirements regarding the construction of those improvements. Consequently, the EIR was required to conclude that cross-jurisdictional roadway impacts were significant and unavoidable.

Regarding the interface between other reasonably foreseeable projects and the subject Project, the existing plus project and the cumulative plus project traffic modeling scenarios were developed consistent with CEQA provisions. Traffic modeling scenarios are intended to be constructed by including the existing conditions and then including

the Project, and by including cumulative conditions (including all reasonably foreseeable projects) and then the Project. This is the only way to clearly determine the additive impact of an individual Project. It would be infeasible to speculate about when all of the various reasonably foreseeable projects would be constructed relative to the Project in question, and to attempt to build a modeling scenario on that basis.

Comment 6-3

In reality, the expansion and development of new roadways east of Sunrise Boulevard will not resemble either of these two theoretical EIR scenarios. The result of relying on these scenarios is that the EIR does not identify any mitigation requirements on Chrysanthy Boulevard, Americanos Boulevard, Sunrise Boulevard, White Rock Road, or Rancho Cordova Parkway, even though the trip distribution diagrams for Cordova Hills indicate that significant trips will be added to these roadways. Cordova Hills takes advantage of the excess capacity on these roadways that will be created by the City's extensive Capital Improvement Program, yet it does not identify adequate fair share contributions toward these improvements. That means there will be less roadway capacity available for the intended beneficiaries of the City's Capital Improvement Program - future projects within the City. The EIR should include mitigation to address impacts from project trips on these roadways.

I would like to reiterate that the City is not opposed to the proposed Cordova Hills Development. However, the project must mitigate impacts to transportation infrastructure within the limits of the City of Rancho Cordova, and the County must provide an effective strategy to manage municipal services so that the Rancho Cordova is not burdened with additional costs for service.

We appreciate the opportunity to comment on this project and look forward to additional dialogue regarding these concerns.

Response 6-3

Refer to Response 6-2. It is entirely proper to assume that roadway projects identified for construction within a Capital Improvement Program will be in place in the cumulative model condition. With each additional or new travel lane added to a roadway, a roadway's vehicle capacity jumps a substantial amount (i.e., thousands of vehicles). While the Cordova Hills Project benefits from the existing and cumulative constructed roadway network within the City of Rancho Cordova, the same can be said for new projects within the City of Rancho Cordova which will benefit from the existing and cumulative constructed roadway network within Sacramento County. The City's comment is more related to an economic issue than a CEQA issue.

LETTER 7

William Heinicke, Director of Planning, Elk Grove Unified School District; written correspondence; dated February 27, 2012

Comment 7-1

The Elk Grove Unified School District (EGUSD) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for Cordova Hills. EGUSD requests that the following comment be considered and included in the Final Environmental Impact Report (EIR).

- **Page 1-35, Last paragraph** – EGUSD requests the paragraph entitled “Schools” be reworded as follows:

The Project includes three areas designated as elementary school sites (two of which are approximately ten acres each and one of which is **7 – 10** acres in size, and one area designated as a **middle/high** school (approximately 78 acres). Cordova Hills is within the Elk Grove Unified School District.

EGUSD requests the stated size of the “Town Center” elementary school site be changed from 6 acres to a range of 7 – 10 acres; because, six acres will not be large enough, and a range will allow some flexibility as the plan moves forward. Even with multi-story buildings, providing a complete school program requires a minimum of eight acres. A smaller site may be feasible dependent upon the availability of certain school facilities. For example, a minimum number of parking spaces are required, some of which could possibly be located in adjacent parking facilities. Likewise, required play field areas might be shared on the adjacent park property, if an appropriate joint use agreement is in place.

Response 7-1

The Applicant has agreed to show a school size of eight (8) acres at the Town Center elementary school site in response to this comment, and will make corresponding changes in the Cordova Hills Large Lot Tentative Map, Cordova Hills Master Plan and the Cordova Hills SPA to reflect that change in size. The FEIR also has been revised accordingly. Furthermore, since a precise acreage must be shown on the Land Plan, not a range between 7 to 10 acres, the Cordova Hills Master Plan has been amended to allow flexibility on the school site size. In an email to the applicant from the school district dated March 13, 2012, it was confirmed that Section 8.9 of the SPA Master Plan would have the following language incorporated into it in order to allow flexibility for the 8 acre school site noted on the land plan:

“Elementary school site sizes can be adjusted in size and configuration at the small lot subdivision level. Elementary schools in University/College Campus and East Valley are anticipated to be approximately 10 acres in size. The Town Center elementary school size may vary from 7 to 10 acres depending on educational programming, site design, and use of 2-story structures. Also, there may be joint use facilities of parks and

schools that may warrant a smaller school footprint. . A smaller school site in Town Center will be pursued if possible. However a 10-acre size may be needed if the above strategy is not practicable. The Town Center elementary school would ultimately serve the elementary education needs of students in the Town Center, but could be used to serve portions of other villages during phased development of Cordova Hills.”

LETTER 8

Jonathan Ellison, President, Environmental Council of Sacramento; written correspondence; dated February 21, 2012

Comment 8-1

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the Cordova Hills Draft Environmental Impact Report (DEIR), dated 9 January 2012. ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

ECOS was quite dismayed that this DEIR was proceeding without an accompanying EIS, as is typically the situation. We believe there may well be a considerable disparity between these two required documents and that it is highly probable that the EIS may require substantial changes to the Project. It is therefore inappropriate for these two documents to proceed independently.

ECOS remains unequivocally opposed to the Cordova Hills project given the lack of foreseeable demand and lack of demonstrated economic feasibility. We are also opposed to the project due to its negative impacts on biological resources, air quality, climate change and the sustainability of the Sacramento region. We will attempt however to limit our comments here to the adequacy of the draft environmental impact report with respect to land use and growth inducement, transportation, biological resources and climate change.

Response 8-1

Comment noted. While CEQA allows the preparation of a joint EIR/EIS, it is not mandatory (see Public Resources Code Section 21083.70). CEQA Guideline Section 15170 provides that a "... lead agency under CEQA *may* work with a federal agency to prepare a joint document ..." [emphasis added]. Comment noted.

Comment 8-2

The primary justification for the original acceptance of this application by the Board of Supervisors was that it would bring the sought after asset of a university to Sacramento. The university initially interested is no longer interested and the likelihood of finding another university, particularly a self-contained university of the type described, is highly unlikely. The Sacramento Council of Governments (SACOG) in its letter to the project proponent dated October 7, 2011 (Attachment 1), states, *"Finding, financing and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region. Many of the short trips and multimodal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all."*

The entire environmental analysis is based on the university as an integral part of the Project. Without the university, the Project is inconsistent with numerous additional General Plan policies, particularly the growth management criteria. Consistency with the growth management criteria is a requirement for the Project to be considered for approval. The project proponents are themselves now saying that it is more likely that a combination campus complex would locate here. This type of complex would be made up of a number of educational institutions, with different specialties, locating here and perhaps sharing some facilities. This would much more likely be a commuter college, rather than a self-contained university as currently proposed and analyzed in this document. Given the very remote potential for a university of the type proposed, this document should have also analyzed the project without the university. This would be necessary for the document to be totally adequate and complete.

Response 8-2

The premise of this argument is that the loss of an identified end-user for the proposed university/college campus center means that the proposed use itself must be eliminated from the Project as part of the analysis. It has been consistently held by the courts that the identity of the end user of a project is irrelevant to CEQA review. See, *Maintain Our Desert Environment v. Town of Apple Valley* (2004) 124 Cal.App.4th 430, 15 Cal.Rptr.3d 322; *American Canyon Community v City of American Canyon* (2006) 145 Cal.App.4th 1062, 52 Cal.Rptr.3d 312; also see, *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 100 Cal.Rptr.2d 413. In *Maintain Our Desert Environment v. Town of Apple Valley* the judicial opinion reads:

It is common knowledge that projects are often developed without any knowledge of who the user/tenant will be. If CEQA was to be interpreted as the Attorney General suggests, no such projects could ever proceed until all potential user/tenants were identified and subsequently investigated by the lead agency. In addition to being completely impractical, this interpretation finds no support in the sphere of law and regulation encompassed by CEQA, as we now explain.

No portion of a Project can simply be excluded from analysis at the discretion of the EIR preparers; this could be characterized as an improper segmentation, as CEQA requires analysis of the whole of a Project (CEQA Guidelines Section 15378.a). The analysis examines the Project application which has been submitted to, and accepted by, the County. The identification of the end user of a project is not required under CEQA for purposes of the project's environmental analysis.

The University as a land use has garnered much attention because it is unique, but in terms of the Project Description required to be analyzed pursuant to CEQA, we see no reason why it should be treated differently than any other land use proposed within the Project. It has been argued by these and other comments that many of the residential uses proposed are unlikely to develop, based on the current low housing demand and other market factors. CEQA does not allow the analysis to exclude examination of some portion of the residential land proposed because the current housing market is not presently growing at historic rates. The proposed Town Center of the project is unique in character, and contains many design characteristics which have an overall positive effect on trip lengths and trip number; this land use cannot be excluded or revised because no tenants have been identified and current market conditions do not support

this large amount of mixed-use development. It would set enormous precedent for the EIR preparers to undertake an analysis of the advisability, profitability, or potential market success of a long-term master plan proposal and then refuse to analyze the Project as submitted on the basis of that examination. Furthermore, such an analysis would be entirely speculative, because it presumes a knowledge of future market conditions.

What the commenter suggests – the segmentation of the Project based on speculation about the market suitability of one of the Project uses – is not within the scope of the EIR preparer's authority. Nor is it the directive of CEQA to define an Alternative on that basis. The primary purpose of an Alternative is to reduce identified Project impacts. None of the significant effects of the Project are tied to the fact that one of the proposed uses is a university/college campus center. In fact, this comment alleges that impacts would increase if the university/college campus center were removed, which is contrary to the primary purpose of identifying alternatives.

Comment 8-3

The phasing of the Project as illustrated in Plate PD-16 is also totally unrealistic. By allowing significant commercial and residential development to occur prior to development of the university, the analysis of impacts in this document is totally compromised. Given the very speculative nature of the university, a "what if" scenario needs to be included which addresses the impacts of the Project without the university. Additionally, **a mitigation measure should be included that requires that 25% of the university complex be completed prior to more than 10 commercial units being issued building permits and 200 residential units being issued building permits for the remainder of the project.**

Response 8-3

Refer to Response 8-2. The phasing exhibit is conceptual, and simply shows that development will occur from Grant Line Road – the area closest to existing infrastructure and other development – toward the east, which is simply the logical means of progression. The EIR analysis is not compromised, because the analysis has properly examined the impact of the Project as a whole on the existing conditions and on cumulative conditions – no phasing was used in any portion of the analysis, because doing so would be entirely speculative. For this reason, mitigation is developed by looking at the impact of the entire project as required by CEQA Guidelines Section 15378.a.

Comment 8-4

The document states that *in terms of internal community design, the Project appears to be an excellent example of "smart growth" development...., it must also be acknowledged that the Project conflicts with the principles with respect to preservation of open space and proximity to existing developed communities.* How can a project be considered "smart growth" development when it conflicts with some of the major foundation principles of "smart growth", contiguous development and open space preservation? Also, the remaining "smart growth" aspects of the project would be seriously compromised if a university is not constructed early in the project development, or at all.

Response 8-4

The EIR concludes that the Project results in significant impacts with respect to conformance with Blueprint smart growth principles, precisely because the two referenced principles are so central to smart growth. It is also a true statement that the Project conforms to all the smart growth principles related to community design (mix of housing, etc). All of these community design parameters would still be present if the university/college campus center were not present.

Comment 8-5

The DEIR states that the Project is inconsistent with LU-1 related to growth inducement, but that a General Plan Amendment is included to address this conflict. This General Plan Amendment adds Policy LU-XX to the General Plan. This policy allows for limited public water service beyond the Urban Policy Area/Urban Services Boundary for the 251 acres located with the landfill buffer. What about sewer service? Are all the permitted facilities going to rely on porta-potties? The document goes on to say that this policy is specifically intended to avoid growth-inducing impacts but contains no explanation as to how the policy will actually do that. It does avoid the conflict with the original policy, but it does not avoid growth inducing impacts. By avoiding conflict with the original policy in this instance, it opens the door for future policies LU-XXX and LU-XXXX. As acknowledged in the document, the action of adopting this General Plan Amendment would set a precedent and encourage future amendments and further growth inducement. The Amendment cannot therefore be justified.

If the Amendment is to be approved, the uses and development standards proposed for this area are far too general. A Use Permit should be required for any development in this area to ensure it is appropriate and does not result in additional growth inducement. This should be considered as an additional mitigation measure.

Response 8-5

The Project description chapter describes the intended uses within the area outside of the Urban Services Boundary (beginning on page 1-32), as well as how those uses will be supported. As described, most of the uses will not require sewage disposal because they are not associated with permanent staff (transit parking lots, park and rides, corporation yard, etc). The General Plan Amendment is being pursued to provide water; septic systems will be installed for sewage disposal. The policy amendment itself explicitly states that any uses reliant on this extended water should strengthen and preserve the existing Urban Services boundary (as stated on page 12-35 of the DEIR).

None of the proposed uses which will be within the area affected by the new policy require a rezone or General Plan Amendment to be approved. All of the proposed uses are those which are permissible or conditionally permissible within an agriculturally-zoned property in the existing condition. Furthermore, the majority of the uses do not involve the use of water (e.g. park and rides, roads, utility infrastructure, etc). Some of the uses allowed outright in the SPA would require a Use Permit in the existing condition, including a solar facility, an energy plant, and a corporation yard (plus fueling station). The potential impacts of developing the areas where these uses are proposed have been assessed in this EIR. Furthermore, as indicated on page 1-32 of the DEIR, Planning Division staff reviewed recent similar projects in Sacramento County (solar facilities, parks, etc) and have included appropriate conditions in the SPA which would

apply to these uses (see Section 4-7 of the SPA Master Plan). Thus, approval of water for these uses does not set a precedent which would result in growth inducement either in this location or elsewhere, because the types of facilities being enabled by the water supply are not those which induce growth, and are those which are already permitted or conditionally permitted by the zoning code outside of the Urban Services Boundary.

Comment 8-6

Aside from this General Plan Amendment, the project, in and of itself, will have a significant impact on growth inducement as indicated in the Growth Inducing Impacts Section of the DEIR. Yet, no mitigation is proposed. We believe that feasible mitigation is available, and if not applied, project applications to the north and south will soon appear. Perhaps more importantly, the Project is proposed immediately adjacent to the Urban Services Boundary (USB). Building up to the USB without providing mitigation for growth inducement beyond the USB is unacceptable. While the applicant has indicated to ECOS the intention to put restrictions on the property east of the project, we can find no reference to this important mitigation in the document.

Response 8-6

The comment states that mitigation is available, but then does not provide any suggested measures. Other than the No Project alternative, the EIR preparers are unaware of any measures which could avoid inducing growth north and south of the site. The Urban Services Boundary itself is the means of avoiding growth east of the site. Only agricultural, agricultural-residential, and similar low-intensity uses are permissible outside of the Urban Services Boundary. Furthermore, the land east of the site drops sharply downward in elevation to Carson Creek, and there is a floodplain associated with this waterway. Some of this property is also owned by Sacramento County, and is not available for private development. Ultimately, the presence of the Urban Services Boundary, the topographic change, and the creek and associated floodplain would prevent the extension of development from the site to the east.

Comment 8-7

Interestingly, the Summary of Impacts indicates that growth inducing impacts are less than significant, while the Growth Inducing Impacts Section indicates they are significant. Obviously the Summary of Impacts determination of less than significant needs to be corrected and as required by the California Environmental Quality Act (CEQA), feasible mitigation for growth inducing impacts applied.

Response 8-7

The Summary of Impacts section referred to summarizes the land use policy impacts described in the Land Use chapter, which are in fact less than significant. This does not need to be corrected. The conclusion of significance is found in the Cumulative and Growth Inducing Impacts chapter, and deals with impacts which go beyond policy impacts.

Comment 8-8

The DEIR identifies the project to be in conflict with the Blueprint, the MTP/SCS and the State Implementation Plan, as well as some General Plan policies. ECOS believes that this document underestimates the seriousness of these conflicts. The health and sustainability of the entire region are jeopardized as a result of these conflicts.

Response 8-8

The impacts discussed in this comment are described by the DEIR as significant and unavoidable - the most serious impact statement provided under CEQA.

Comment 8-9

The transportation analysis is seriously flawed because it does not base its significance determinations on the project without university scenario. As noted above, the university component is not realistic, and without it, many of the project characteristics that would have helped to reduce transportation and other impacts are not likely to occur.

Response 8-9

Refer to Response 8-2.

Comment 8-10

Two specific examples of how including the university in the transportation analysis results in flawed impact analyses are 1) unrealistically high non-automobile mode share, and 2) improper trip internalization reduction. First, the DEIR states that a whopping 43 percent of the total university trips that stay within Cordova Hills will use non-automotive modes (DEIR, 16-38). For comparison, the rest of Cordova Hills is expected to have a non-automotive mode share of only 11 percent. Without a university campus with substantial on-campus housing, the project would result in a much higher automotive mode share, and this must be analyzed. Second, the DEIR claims that 36 percent of all vehicle trips will have their origin and destination within the project. Table TC-14 shows how internal trips are used in the traffic analysis to reduce the total vehicle trip rates. For example, single family dwelling units are expected to generate 9.4 trip ends per day, but after adjusting for the internal trips, the rate is reduced to only 7.2 trips per day. It is improper to apply this internalization factor because it is highly dependent on the university. These impacts must be analyzed, and all significance determinations must be based on these more realistic worst-case impacts. Failure to do so could result in unidentified significant impacts, as well as impacts that are more significant than shown in the DEIR.

Response 8-10

Some of the numbers in the comment have been misused or misunderstood. It is accurate that the traffic analysis showed that 43% of university-associated trips would use non-automobile modes, and that 11% of trips not associated with the university would use non-automotive modes. But the comment then concludes that the project would result in even more automobile uses if the university were excluded. The figure reported as 11% *already* measures only those trips unaffiliated with the university, so that figure would not change (worsen). Later on the cited page (DEIR page 16-38) it is stated that combining the university-affiliated and non-affiliated trips results in a non-automotive mode share of 12%, which demonstrates that as a proportion of overall trips, the large non-automotive mode share of the university has a very small impact on overall mode-share.

An issue similar to the one described above occurs in the commenter's discussion of trip rates. The actual numbers reported are correct, but the conclusion is not supported by evidence. This comment assumes – with no supporting documentation – that all or a major portion of the trip rate reduction occurred due to the presence of the university/college campus center, but this is not the case. Trip reductions were included, but these were based on factors such as the proposed transit system, Neighborhood Electric Vehicle system, pedestrian and bicycle trails, and proximity to uses. One hundred percent (100%) of all homes will be within ¼-mile of a park, paseo or open space corridor; 94% of all homes will be within ½-mile of a transit stop; 87% of all homes will be within ½-mile of a school; and 84% of all homes will be within ½-mile of a commercial service center. It is expected that the trip rates would increase to some degree if the university/college campus center were excluded, but it would not be expected to eliminate all or even most of the trip reductions seen in the analysis.

Lastly, while the comment emphasizes the positive impact that university-affiliated trips have on internal trip dynamics, the comment neglects to account for the effect of the trips on the external environment. Removal of the university/college campus center would alter the trip rates for other uses to some degree, but would also remove nearly 9,000 daily trips, so it cannot be stated that removal of the university/college campus center is certain to be a “worst-case” traffic scenario. Furthermore, the same could be said for the removal of any of the other components of the Project, such as the high density residential uses or commercial uses. The removal of any component of a master planned land use proposal would always result in changes to its trip generation and distribution. An analysis would be required to determine how impacts would change, and with respect to that, refer to Response 8-2. CEQA does not require an analysis of a dissected project with and without its primary land use components.

Comment 8-11

The proposed limited transit service is not adequate to substantially reduce transportation, air quality, and climate change impacts. The Transit Analysis section of the DEIR (p. 16-81) claims that the project meets transit demand. However, nowhere does the DEIR disclose what the demand actually is. The only specific reference to transit demand is in tables 16 and 30 of the Traffic Impact Study in Appendix TR-1. However, transit demand is aggregated with bicycle and pedestrian demand, so it is impossible to determine if the proposed service actually meets transit demand, or if other options would provide better service. For example, Sacramento Regional Transit (RT) has no current plans to provide service in the area, which is easy to understand since there are no residents in the area now. Why didn't the EIR evaluate the potential for RT or another public transit provider to provide service? Many transit studies show that the need to transfer between services is a common reason that people chose to drive instead of taking transit. Would the proposed transit service require purchase of a transit ticket (for either Cordova Hills residents or the public in general)? Would people who work in Cordova

Hills but live elsewhere be required to purchase a ticket? Would students of elementary or high schools be able to use transit to get to and from school? It is important to note that the proposed service is very limited, with 15 minute headways only during peak commute periods on weekdays. In fact, much of the proposed service is only half hour or hourly headways, which is not sufficient to encourage substantial transit ridership. At a minimum, the DEIR must disclose what the specific transit demand projection is, the ridership assumptions relative to maximum capacity, and the amount of projected demand that can be satisfied by the proposed service. In addition, it is important that transit service is provided as soon as residents occupy the project and establish transportation routines. Therefore, the DEIR should include a mitigation measure that transit service becomes operational no later than completion of the first 200 residential units.

Response 8-11

The comment is incorrect and ignores the information provided in the Cordova Hills Master Plan, Figure 6.14 – External Transit Shuttle Route (At Page 6-41), and Table 6.5 – Proposed Service & Operating Characteristics for the External Transit Shuttle (At Page 6-40) or any of the other detailed information provided in the plan that describes the proposed transit system. The proposed transit system is directly linked to the time and frequency of light rail trains at the Mather/Mills Light Rail station and the Project proponents have coordinated the transit system with Regional Transit staff. The 15-minute headways during peak hours for both the internal and external transit routes are equal or superior to any service provided by Regional Transit. Please refer to Table 6.4 – Proposed Service & Operating Characteristics for the Internal Transit Shuttle in the Cordova Hills Master Plan (At Page 6-39). The Draft EIR states that the performance metrics consider “services provided as part of the Master Plan and funded via a secure financial mechanism (example CSA 10; North Natomas TMA Developer fees).” The Cordova Hills Master Plan includes a lengthy description of just such a transit service and finance mechanism. The planned service does not rely on SACOG’s MTP or Regional Transit’s Short Range Transit Plan or Regional Transit’s Long Range Transit Plan for implementation. Similar to the example of the North Natomas TMA cited in the Draft EIR, the Cordova Hills transit system is locally funded and does not depend on SACOG or Regional Transit plans for funding.

Comment 8-12

Consultations with the California Native Plant Society biologist Glen Holstein Phd have raised concerns as to the accuracy of the opening statement that: “The dominant vegetation is non-native grassland comprised of ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), barley (*Hordeum* species), and ryegrass (*Lolium multiflorum*).” His understanding of the literature, and his personal site visits in the past, suggest that this California prairie ecosystem is dominated by the native species *Holcarpa virgata*, which is not a grass (Holstein 2001). This DEIR needs to substantially support its conclusions with evidence (CEQA 15064(f)(5). Dr. Holstein further pointed out the omission of Sacramento General Plan policy CO-135, to protect the ecological integrity of California Prairie habitat, in those policies listed in 6-3 to 6-6. The plan preparers need to include all relevant information and policies in order to meet a good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151). The development of the California prairie habitat in the project area would clearly violate CO-135.

Response 8-12

Refer to Response 2-5 and Response 2-6.

Comment 8-13

An important discussion and consideration of the particular vernal pools to be lost is missing from this environmental document. These vernal pool resources are some of the very finest remaining examples of their type within the USB. This project is not merely impacting vernal pool resources, it is impacting some of the very highest quality pools and potentially threatening their connectivity to other vernal pool resources. The Recovery Plan for Vernal Ecosystems of California and Southern Oregon, prepared by the United States Fish and Wildlife Service, clearly identifies Cordova Hills as being within one of its highest priority core areas and as such is integral to attaining the goals set out in the recovery plan. This description of the particular significance of these pools needs to be included in the EIR in order for it to meet its good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151).

Response 8-13

Page 6-27 of the DEIR specifically references the Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon, and describes that the Project site lies within an area identified as rank 1, which is the highest priority for recovery.

Comment 8-14

Given the extreme biological value of these vernal pool resources and their associated uplands, it is not made clear what the overall and cumulative impact of their removal will be. Consultations with USFWS and the Army Corps and compliance with the requirements of their permits are presented as mitigations, but no effort is made to address the question of the impact of removal of these pools, and further isolating those to be avoided, from the totality of the conservation effort in the Mather Core Recovery Area. It is

clear that the impact is great based on the effect this project and several others have had on the SSHCP and the creation of viable preserves in the Mather Core Recovery Area. The Plan has been stuck over this very issue and these very resources. As part of a good faith effort, there needs to be a discussion of the significance of these vernal pool resources in terms of the process of creating viable preserves within the USB that have adequate size, to minimize edge effect, and connectivity, as well as a discussion of the problems this project has posed for the completion of the SSHCP (CEQA 15003(i) and 15151). 33% of the vernal pool resources in this project area are slated for destruction.

As well, there remain serious concerns as to the connectivity of these vernal pool resources to potential vernal pool reserves to the west of Grant Line Road. The formation of these resources west of Grant Line road into a preserve is as of yet unresolved, but flexibility must be retained within the Cordova Hills plan to allow for such connectivity if the preserve materializes, or both vernal pool complexes will be further isolated and have diminished viability. A good faith effort necessitates discussion of this issue (CEQA 15003(i) and 15151).

Response 8-14

The DEIR concludes that impacts to wetlands are significant and unavoidable specifically because of the amount of wetland loss and the fact that these are within a Rank 1 area. This loss has been addressed both on a Project-specific level in the Biological Resources chapter and in the Cumulative and Growth Inducing Impacts chapter. A public draft of the South Sacramento Habitat Conservation Plan has not been released, and the preferred preservation areas have not been finalized. It is not the duty of this EIR or Project to describe impacts to an unpublished draft habitat conservation plan. It is the purpose of the habitat conservation plan, not the purpose of

this project-specific EIR, to define and describe the creation of a viable regional preserve network.

In addition, as noted by the commenter, the size and location of any wetland preserves on the southwestern side of Grant Line Road remains unresolved and unknown. Consequently, it would be speculation for the Draft EIR to attempt to discuss in detail any indirect connectivity and isolation issues with regard to other possible wetland preserves outside of the boundaries of the Cordova Hills Project area that may or may not be created. CEQA does not require speculation on such issues. See, CEQA Guideline Section 15145; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 48 Cal.Rptr.3d 544; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 30 Cal.Rptr.3d 1652; *Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 152 Cal.Rptr. 585.

Comment 8-15

The biological resource section misuses the CNDDDB throughout by assuming that the data base is a record of absence (i.e. by assuming that if a species does not show up in the CNDDDB, then it's not there). The CNDDDB has a clear disclaimer for users on this point. This constitutes a bad faith effort (CEQA 15003(i) and 15151).

The abuse of the CNDDDB leads to bizarre results such as the conclusion that, for example, there are no recorded incidences of Ferruginous Hawk within 5 miles of the project area, and no Golden Eagles or Northern Harriers within 10 miles, and so moderate potential for occurrences were provided for them despite the fact that suitable foraging habitat is available and despite the fact that the CNDDDB is notoriously incomplete and often only has incidence listing for nesting birds. The Grasshopper sparrow and Loggerhead Shrike are also given a moderate potential for occurrence even though suitable habitat is available and there are recorded incidences within five miles, the definition of high potential for occurrence provided in this EIR. There is no mention whatsoever of the Rough Legged Hawk that is a likely forager in this project area. American Badgers are listed as having low potential for occurrence despite the recorded incidence within 2.5 miles of the project area and the availability of suitable habitat for this species which has a large home range.

Consultations with Glen Holstein Phd indicated some plant deficiencies as well. Tuolumne Button-celery (*Eryngium pinnatisectum*) is listed as "Not Present" despite the fact that it is known to occur in vernal pools and in Sacramento County (Tibor 2001), and as such its potential to occur at Cordova Hills is at least moderate and probably is high. Furthermore, five rare vernal pool annual plants Dwarf Downingia, Bogg's Lake Hedge Hyssop, Ahart's Dwarf Rush, Pincushion Navarretia, and Slender Orcutt Grass are listed as not present at Cordova Hills because plant surveys didn't find them. Such vernal pool annuals may not appear every year, however, even though they are present as seeds undetectable by standard plant surveys (Holland & Jain 1981). One such California annual, although not a vernal pool species, apparently survived exclusively as seeds for 102 years. Long thought extinct, it was rediscovered when its seeds finally germinated (McCune 2005). Many other examples of such rediscoveries are known in California although the duration of their presumed extinction is usually not a century long (Tibor 2001). In all such cases soil profiles have remained intact so seeds could germinate when conditions were favorable. There is at least some potential that any or all of the five rare vernal pool annuals not found by Cordova Hills plant surveys may exist there as seeds. As long as the site's natural soil conditions are intact they might reappear at any time. The project's proposal to destroy 33% of the site's vernal pools significantly diminishes this possibility.

Response 8-15

As discussed in Response 2-8, presence of an occurrence on the CNDDDB was *not* used as the sole means to determine whether an analysis was warranted, as it was clearly

stated that both lack of CNDDDB occurrence *and* lack of adequate habitat must be confirmed before a discussion of the species would be excluded. All species with either a rating of “moderate” or “high” potential were analyzed, and the analysis was conducted to the same level of detail regardless of whether the rating was “moderate” or “high”. The remainder of this comment repeats comments found in Letter 2. Refer to Response 2-9, Response 2-10, Response 2-12, Response 2-13, and Response 2-14.

Comment 8-16

1. CalEEMod is the most appropriate and current modeling tool suitable for measuring greenhouse gas (GHG) emissions from a project. Please use CalEEMod and eliminate patchwork analysis.

Response 8-16

The Project analysis used the California Air Pollution Control Officers Association (“CAPCOA”) mitigation measures to assess emission reductions from greenhouse gas mitigation measures, which is the same technical study which was used to design CalEEMod. SMAQMD has recommended usage of CalEEMod for projects with a Draft EIR published after January 1, 2013. The Cordova Hills DEIR was published nearly one year prior to that date. Furthermore, the methodology used in the analysis for the Project was reviewed and found to be appropriate by County staff and by SMAQMD. (Note that though SMAQMD has expressed concerns in their comment letter, these concerns are unrelated to the methodology used.)

Comment 8-17

2. AQMP-2; SMAQMD 29: The Cordova Hills Master Plan requires all buildings to be constructed to at least 20 percent above 2008 Title 24 standards.

This GHG reduction measure is specious and meaningless for any project permitted after 2015, and nearly useless for projects built between 2012 and 2015. Title 24 is updated every three years and is intended to become approximately 15 percent more stringent for each three year cycle.

To remedy this deficiency, please revise the measure as follows:

At the time of building permit issuance, buildings will be designed to be at least 20% more efficient than Title 24 requirements in force at the time of building permit issuance. Construction must start within one year of receiving building permit and construction is to be completed within two years of receiving building permit, or the Title 24 compliance demonstration must be revised relative to the updated requirements.

Response 8-17

This measure cannot be written as suggested, because this is a master plan which will not be fully developed for decades. The intention of Title 24 is to eventually require that buildings achieve a net-zero energy use, and it would not be feasible for buildings to be 20% more efficient than net-zero. It is true that over time buildings will be required to be more efficient than current mitigation requires, but it is not uncommon for mitigation on a master plan to eventually be supplanted by future regulations which become more

stringent. Mitigation is based on what is deemed feasible and reasonable based on current technologies and evidence, which is the appropriate measure.

Comment 8-18

3. AQMP-2; SMAQMD 33: The TMA is speculative and cannot be counted on for the 5 points. It is difficult to understand whether the proposed transit system is economically justifiable without reviewing the proposed financial plan in parallel with the EIR. AQMP-2; SMAQMD 33 was too general and ECOS could find no specifics elsewhere in the EIR.
- Will the transit system collapse due to inadequate funding?
 - Will parcels go unsold due to high cost of fees to fund transit?
 - What is guaranteed minimum level of service?
 - What is the definition of a peak-time period?
 - What are the proposed contribution rates for commercial and residential properties?
 - i. How do these compare with other user-financed transit systems?

Response 8-18

The TMA and the transit service are core services of the proposed Cordova Hills County Service District, which will also provide parks, landscape maintenance, community internet, and other services for the residents, institutions, and businesses in the Cordova Hills Project. The Cordova Hills Master Plan includes a lengthy description of just such a transit service and finance mechanism. The planned service does not rely on SACOG's MTP or Regional Transit's Short Range Transit Plan or Regional Transit's Long Range Transit Plan for implementation or funding. Many of the economic questions raised by this comment are beyond the purview of CEQA analysis, and the other questions are answered within the Master Plan and Urban Services Plan. With regard to peak time periods, these represent the standard peak commute hours used in transportation analysis (7:00 to 9:00 a.m. and 4:00 to 6:00 p.m.).

Comment 8-19

4. AQMP-2; SMAQMD-99B: The entropy of the Cordova Hills project is low (LUT-3 from CAPCOA Quantification of GHG Measures); this is not a well-mixed project as compared to an urban setting; there are clearly high- medium and low density housing areas with off-site commercial. It is unclear how a 25.32% VMT reduction can be claimed relative to BAU. The DKS analysis claimed approximately 15% VMT reduction and additional CAPCOA measures claimed 10.5% additional VMT reduction. Although AQMP indicates that double counting was not done, it is hard to believe that the interactions between all modeled and estimated measures could achieve a combined 25.32% VMT reduction.

Response 8-19

Comment noted. The Project incorporates a mix of uses required for daily life within ¼- to ½-mile of all residential areas. In addition, all of these uses are directly accessible by the proposed bike and pedestrian network system. In the Cordova Hills Master Plan, Table 6.3 – Proximity to Services (at page 6-27) summarizes the connectivity afforded by the bike and pedestrian trail linkages to major destinations. One hundred percent (100%) of all homes will be within ¼-mile of a park, paseo or open space corridor; 94% of all homes will be within ½-mile of a transit stop; 87% of all homes will be within ½-mile of a school; and 84% of all homes will be within ½-mile of a commercial service center. The comment offers no evidence that the calculations were incorrect.

Comment 8-20

5. AQMP-2; SMAQMD-99B: Table C identifies business as usual conditions and has been replicated as Attachment 2. ECOS has derived proposed project conditions using data on page 8 of AQ-2 and presented in the same format as Table C. There are several notable comments when comparing the 2 tables:
- a. It is unclear how the 8,006 dwelling units, 7,140 K-12 students in this table relate to the 2.54 people per rented dwelling unit and 2.71 people per owned dwelling unit mesh. ECOS has adjusted conversion factors to try and achieve 25,419 residential population. What are the differences in populations?

Response 8-20

Attachment 2 of the comment letter takes Table C of Appendix AQ-2 and adds several new columns with calculations and factors generated by ECOS. The fundamental assumptions of these calculations are in error. Firstly, the commenter has attempted to calculate the total Project population in a manner which is different than the way it was calculated for the DEIR. The population estimate in the DEIR of 25,419 residents is based upon a simple calculation of the average number of persons per household for each residential dwelling unit (du) times the total number of dwelling units in that category⁷, plus adding a student population of 4,040. Attachment 2 of the comment letter, on the other hand, includes a column titled “conversion”, in which a population factor of unknown source is applied to every land use – including non-residential uses such as a racquetball court or a gas pump – in order to attempt to derive the total population. The calculations provided in this comment letter are in error.

Comment 8-21

- b. It is unclear how the 1,583 employees in Table C relate to the 6,548 employees from Table 3.

Response 8-21

Table C of the AQMP does not include any data on employees. The land uses identified in Table C are described in terms of size, not occupancy, (e.g. number of dwelling units or thousands of square feet of non-residential floor area). No correlation factors for re-interpreting that data to generate population or the number of employees for a particular use was provided or intended; thus there is no correlation between the estimated employment at the Cordova Hills Project shown in the AQMP’s Table 3 and the commenter’s effort to estimate 1,583 employees by using the size metrics contained in Table C.

Comment 8-22

- c. VMT between BAU and proposed drops 12.7% from 239 million mi/yr to 209 million mi/yr; Table D, page 8 indicates that the proposed VMT is 199 million miles
 - i. Why is there a 10 million mile difference? (209 vs. 199)

⁷ 2.71 people per single-family dwelling unit and 2.54 people per multi-family dwelling unit. The Sacramento Area Council of Governments (SACOG) is the source of these persons per household figures (see Appendix AQ-2, Page 14, Table 1 Master Plan and Table 2: Cordova Hills Population Estimate).

Response 8-22

The commenter's number of 209 million miles is a figure which has been calculated by ECOS, and does not appear in the AQMP. This calculation is incorrect, because it uses the incorrect trip generation rates. The trip generation figures used by ECOS are those which were initially *input* to the SACMET model as part of the traffic analysis for the Project, while the trip generation used in the DEIR and reported in Table C of Appendix AQ-2 is the *output* trip generation of the SACMET model. The Traffic and Circulation chapter simply reports the major assumptions which were used to define the Project for the purpose of modeling, and the unadjusted trip generation is only the first of many such input factors. Other input factors include pass-by rates, trip redistribution rates, and reductions taken for transit availability. These other factors reduce the total number of trips, the total trip lengths, or both; thus, it is only by looking at the output of the traffic modeling that the final trip generation can be obtained. The correct calculation of annual VMT generated by the Cordova Hills Project is shown in the AQMP's Table F: "Overall Annual VMT Reduction 2035."

Comment 8-23

- d. VMT/capita per day drops from 29 under BAU conditions (Attachment 1) to 26 under proposed project (Attachment 3), both are high numbers and will make SACOG's effort to meet 2020 and 2035 goals difficult
 - i. ECOS understands that attempting to assist SACOG in meeting their GHG reduction goals is voluntary, but the high VMT per capita calls into question the need for building such a large project on the urban fringe

Response 8-23

Refer to Response 8-22. The VMT calculations included in the ECOS letter are in error. The remainder of this comment is an opinion on whether or not the Project ought to be approved. Comment noted.

Comment 8-24

- e. The student population stands out as a tremendous VMT and GHG reduction measure, yet the University is a very speculative venture
 - i. Recommend splitting University students into those living on-campus vs. those living off-campus to highlight the VMT differences

Response 8-24

Refer to Response 8-2 and Response 8-10. The DEIR reports the proportion of trips which are external to the Project and have the university/college campus center as their destination/origin (page 16-38), but it is not possible or necessary to parse out the trips to the refined detail recommended by this comment. Also note that the university/college campus center is not a mitigation measure, it is a component of the Project.

Comment 8-25

6. AQMP-2; SMAQMD-99B: Since the proposed development of a University has become a very speculative item and because the on-campus student population skews VMT and GHG emissions to a very low per capita level, ECOS believes that the GHG analysis is flawed.

The analysis must either include:

- a. a complete analysis of what the project would consist of without a University that meets or exceeds Sacramento County suite of thresholds adopted 11/3/11 or
- b. a mitigation measure that does not allow construction of Cordova Hills to start until a University with a built out population of 6,000 with an on-campus population that is at least 67% shows good faith that it intends to occupy the space. Good faith might consist of [\$147¹] million in escrow that is forfeited to the SMAQMD for climate mitigation if a mutually agreed to timeline is not achieved. Timeline developed is to include input from public.
 - i. 100% commuter type Universities will NOT be consistent with analysis that indicates 67% of students live on-campus and is not a viable option
 - ii. This mitigation measure must be included in AQMP-2.

Response 8-25

Refer to Response 8-2 and Response 8-10. In addition, payment of funds to SMAQMD would not be appropriate mitigation because SMAQMD has not established a program at this time to ensure that those funds would be used for demonstrable mitigation projects. The “fee” suggested by this comment of \$20.00 per metric ton is not supported by any documentation indicating why this number was chosen by the commenter. A lead agency cannot arbitrarily determine a mitigation “fee”; any funding amount must be supported by evidence in the record which demonstrates both that the amount would be sufficient to offset the impact and that there is an identified means of implementing demonstrable mitigation projects with the funding. The comment has satisfied neither requirement.

Comment 8-26

7. CC-1 below is not acceptable as worded. The 5.80 efficiency metric includes the contribution of a very low per capita University component- say 3.8 or so. The wording of CC-1 could allow the 6,000 person, GHG efficient University to be replaced by a 6,000 person GHG average tenant thus increasing the overall emissions of the project tremendously.

CC-1. The following text shall be added to the Cordova Hills SPA: All amendments to the SPA shall include an analysis which quantifies, to the extent practicable, the effect of the Amendment on greenhouse gas emissions. The Amendment shall not increase greenhouse gas emissions above an average 5.80 metric tons per capita (including emissions from building energy usage and vehicles).

Response 8-26

Mitigation Measure CC-1 is intended to require any amendment to the SPA to meet the threshold of 5.80 MTCO₂e per capita for the overall Project. If an amendment to the SPA meets the 5.80 MTCO₂e per capita threshold, then there would be no need to amend the GHG Reduction Plan. In order to clarify the matter, Mitigation Measure CC-1 has been revised in the Final EIR as follows:

CC-1. The following text shall be added to the Cordova Hills SPA: All amendments to the SPA **with the potential to change SPA-wide GHG emissions** shall include an analysis which quantifies, to the extent practicable, the effect of the Amendment on **SPA-wide** greenhouse gas emissions. The Amendment shall not increase **SPA-wide** greenhouse gas emissions above an average 5.80 metric tons per capita (including emissions from building energy usage and vehicles). **If the SPA amendment would require a change in the approved GHG Reduction Plan in order to meet the 5.80 MT CO₂e threshold, then the proponent of the SPA amendment shall consult with the Sacramento County Environmental Coordinator on the revised analysis and shall prepare a revised GHG Reduction Plan for approval by the County, who will coordinate with SMAQMD.**

Comment 8-27

8. Cordova Hills proponents indicated at a meeting with ECOS on 2/16/12 that a University will be built at the site or that the land will be surrendered to the County at expiration of 30-year agreement. This is deferred mitigation which has been disallowed by the courts (*Communities for A Better Environment v. Richmond* (2010) 184 Cal.App.4th 70. (CBE).). Liquidated damages (LD) must begin flowing to the SMAQMD Indirect Source program (or other responsible agency) by 2017 if no University with significant on-campus population has not been committed to. Timelines and LD amounts need to be developed with public input.

Response 8-27

The discussion referred to by ECOS was part of a meeting between the proponent and the applicant at which County staff were not present. As described in Response 8-2 and Response 8-10, the university/college campus center is a part of the Project as it has been proposed, and has been analyzed as such. Surrendering the property to the County if it were to remain undeveloped is not a mitigation measure in the DEIR; it is part of the Development Agreement. The transfer of a property from one owner to another is unrelated to any physical impact, and is not a mitigation measure. The proposed condition is also unrelated to the use of the site, because even if this condition were to come into effect, the property would still be designated for a university. This may be a policy consideration for the County, but is not a CEQA issue.

Comment 8-28

1. ECOS could find nothing in chapters 7, 11, 15 or AQMP-2 on water, sewer, or storm drain efficiency measures that might be employed by the project to reduce loads on off-site water, sewer or storm drain infrastructure and thus also reduce effects on climate change.

Water, sewer, and storm drain infrastructure is very expensive per unit. As an example, the high cost of the regional sewage treatment plant upgrade to tertiary status has been in the papers over the last 2 years. The proposed high sewer hook-up fees and hefty monthly rate increases that correspond to the need for capital cost recovery on the sewer plant upgrade are very costly on a unit basis and existing customers are blanching at the proposals. See http://ecosacramento.net/ClimateChange/?page_id=784 for more information.

In many cases efficiency improvements at the loads (in this case Cordova Hills (CH)) can be achieved at a lower unit cost than upgrading infrastructure.

Response 8-28

The DEIR specifically addresses the issues of water conservation on climate change. As stated in the Draft EIR, the Project's water will be supplied by the Sacramento County Water Agency's (SCWA) Zone 40, which is a conjunctive use water system. SCWA has taken climate change into account in its water supply planning, having assumed that surface water supplies could diminish by 25% (according to the Programmatic Water Supply Assessment prepared for the Sacramento County Draft 2030 General Plan Update). In addition, the 2010 California Green Building Standards Code requires the installation at the Cordova Hills Project of water-efficient fixtures in all new construction, including low-flow showerheads, faucets, and toilets. The Cordova Hills Special Planning Area ordinance also indicates that many of the public landscaped areas within the Project will consist of drought-tolerant species fed by drip irrigation or similar low-water systems. Taken together, the requirements for water efficiencies and the planning for water reduction would ensure that the Project has adequate water supply in the long-term. (See, Draft EIR, Page 7-31).

Commenter also asked for a description of the steps the Cordova Hills Project would be taking to reduce its overall demand for water, and thereby reduce its effects on climate change. The Cordova Hills Master Plan ("CHMP") contains substantial documentation on the conservation design measures that will reduce the Project's water, sewer and storm drainage demands on the regional systems. CHMP Section 2.4 on Water Conservation (CHMP, at Page 2-5) describes detailed measures included in the CHMP to reduce water demand. Also see the CHMP's Table 2-1 for water measures that describes the individual measures that will be applied throughout the Cordova Hills Project, including water efficient landscapes, water efficient irrigation, water efficient fixtures, and reduced turf in landscape and lawns (CHMP Section 2.5 on stormwater management, CHMP Section 4.41 on landscape design guidelines, and CHMP Section 7.7 on water quality protection and enhancement). With regard to wastewater, CHMP Section 2.6 describes wastewater management.

Comment 8-29

Because of the disconnect between the economics of supply and demand of commodities (water, sewer and storm), please evaluate above-and-beyond-code water, sewer and storm drain efficiency measures such as:

- gray water
- local scalping plants: (i.e. small plants that take sewage and treat it to recycled water standards and distribute locally)
 - with recycled water to serve non-potable needs
- low-impact storm water management
- water efficiency in new development (would above and beyond Green Code Tier 2 water efficiency measures be cost effective?)
- exemplary effort to keep storm water out of sanitary sewer system

Response 8-29

The availability of gray water to operate a recycled water distribution system is determined by the water services provider, not by the developer. During the preparation of this Final EIR, the County determined that there were no plans to provide future non-potable water to the Cordova Hills Project area and no funding for the County or the water and sewer agencies to maintain a recycled water distribution system at Cordova Hills until non-potable water could be provided. Consequently, in conformance with the County's current plans, it was decided that the Cordova Hills Project will not be installing a recycled water distribution system and the pertinent sections in the CHMP have been revised in this regard. The feasibility of local scalping plants is another service determined by the sewer services provider, not the developer. However, the requirement to otherwise implement water efficiency measures in plumbing fixtures and exterior landscape irrigation continues to be addressed in the CHMP's Section 2.4 on Water Conservation (See, CHMP at Page 2-5). Low impact storm water management was extensively described in the CHMP's Section 2.5.1. With regard to storm water and sewers, both the CHMP's Figure 8.5 "Cordova Hills Waste Water System" (CHMP at Page 8-14) and the CHMP's Figure 8.6 "Cordova Hills Storm Water Management Plan" (CHMP at Page 8-15) depict totally segregated sanitary sewer and storm water systems. In the CHMP, Section 8.5 on "Storm Drainage" states that "[t]he storm water detention and water quality features throughout Cordova Hills are designed as an integrated management system. Implementation of LID measures throughout Cordova Hills will help reduce overall development impacts on the quality of storm water runoff from the project." (See, CHMP at Page 8-16).

Comment 8-30

By NOT including water, sewer and storm drain efficiency improvement measures in the project design that are similar to the unit cost of infrastructure, the project is unknowingly forcing utility providers to pass along unnecessary costs to existing ratepayers in the form of unnecessary infrastructure. The ratepayers of the County cannot keep being tapped for higher monthly fees when lower unit cost alternatives such as on-site efficiency can be employed to societies (i.e. rate payers) advantage.

Response 8-30

Refer to Response 8-29. Commenter has fundamentally expressed an economic opinion, and not raised an issue concerning the environmental analysis in the DEIR.

Nonetheless, the Cordova Hills water, waste water, and storm water systems as described in the references cited in the preceding responses demonstrate the water conservation and system efficiency improvement measures that were designed into the Cordova Hills Project. The comment poses an opinion regarding economic equity that is beyond the scope of the DEIR and overlooks the efficiency measures already incorporated into the design of the Cordova Hills Project.

Comment 8-31

As referenced in the preceding sections, this document is deficient in numerous areas. The most basic flaw is associated with the project description, which includes a 6,000 student self-contained university that is unlikely to ever materialize, at least in the form described, making the project description totally unrealistic. By including this hypothetical university the entire analysis is biased, does not represent the project, and therefore is flawed. In order for this document to be accurate and complete, the project needs to be analyzed without the university.

Additionally, we do not believe the necessary findings and statements of overriding considerations can be defensibly made to approve this project. There is no substantial evidence in the record that a self-contained 6,000 student university will ever exist at this location. Given these considerations, the DEIR should be redrafted and recirculated for public review.

Response 8-31

CEQA does not require EIR's to evaluate and speculate as to what the environmental impacts of a project would be if specific components of the proposed project are not built. Lead agencies are not required to foresee the unforeseeable or to speculate about hypothetical future conditions, which include speculation about when or even whether a user may be found for the university/college campus center. See, CEQA Guidelines Section 15144; *Anderson First Coalition v. City of Anderson* (2005) 130 Cal.App.4th 1173, 30 Cal.Rptr.3d 738; *Residents Ad Hoc Stadium Committee v. Board of Trustees* (1979) 89 Cal.App.3d 274, 152 Cal.Rptr. 585. Also refer to Response 8-2.

LETTER 9

Judith Lamare, Ph.D., President, Friends of the Swainson's Hawk; written correspondence; dated February 22, 2012

Comment 9-1

FOSH is a volunteer group providing grassroots advocacy for wildlife and habitat in the Central Valley. We, along with others, have major concerns about the pending Application to County of Sacramento to develop 2,669 acres along Grant Line Road east of Rancho Cordova. We concur in the comments already submitted by the Environmental Council of Sacramento and the California Native Plant Society.

The EIR determines that the Project will require 2,231 acres of mitigation to compensate for the loss of Swainson's hawk foraging habitat, using the County's mitigation program, another mitigation plan acceptable to CDFG, or the South Sacramento County Habitat Conservation Plan, if it has been approved. The other 438 acres of project area are avoided areas that the EIR claims will retain their foraging value after the project is completed. We have a number of concerns with the analysis and the mitigation measures as presented in the DEIR.

These comments will focus on the Swainson's Hawk impact analysis and mitigation. However, we also have concerns about the environmental impacts of the timing and location of development approvals in Sacramento County for which the necessary infrastructure has not been assured.

We completely agree with the EIR's determination that all of the land within the project area is Swainson's Hawk foraging habitat and that the appropriate mitigation ratio for this area would be 1:1 for loss of foraging habitat.

The EIR relies on CNDDDB to identify species presence. CNDDDB records are poorly maintained, out of date, and are therefore not complete and often underestimate species presence and recent nesting behavior.

CNDDDB is not intended to provide definitive data for purposes of CEQA review of a project. The CNDDDB webpage says:

“...we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers.” (http://www.dfg.ca.gov/biogeodata/cnddb/cnddb_info.asp)

CNDDDB is a first stop for biological assessment, indicating where likely rare plants and animals may be found. When assessing Swainson's Hawk impacts, DERA should consult directly with CDFG to determine how well the area has been surveyed in the past, and include all data available at CDFG, not just what is reported in the CNDDDB.

In the attached email from CDFG's CNDDDB manager, Brian Acord, dated September 15, 2011, more information is provided about the backlog in updating the database with nesting site information. Mr. Acord notes: "...we currently have 418 unprocessed source documents for Swainson's hawk in the state." He also notes that these records could be nests, perched or flying birds.

In the case of Swainson's Hawk records, the County had access to recent, high quality data commissioned by the Cities of Elk Grove and Rancho Cordova as well as the Department of Fish and Game. Much of this data had been incorporated into the planning for the South Sacramento County Habitat Conservation Plan and is represented on maps we are submitting with our comments.

Response 9-1

Refer to Response 2-8 and Response 8-15. Environmental Review staff had multiple phone conversations and a meeting with California Department of Fish and Game as part of assessing the extent of the Project impacts and establishing appropriate mitigation.

Comment 9-2

The EIR is deficient in identifying the location of nesting Swainson's Hawks in relationship to the project site. Nor has it made a good faith effort to survey the site for Swainson's Hawk nesting territories.

Attached you will find several maps of Swainson's Hawk nesting sites. The map titled "Range of the Swainson's Hawk in the SSHCP Plan Area" was produced by the South Sacramento County Habitat Conservation Plan staff and shows nesting territories known to the County through the CNDDDB, and the surveys conducted for the Cities of Elk Grove and Rancho Cordova by Estep Biological Consulting. Measuring distances using the legend of distances on the Map, the Map shows at least three active SWH nests within one mile of the Project site, and many nesting territories within five and ten miles of the Project site.

We also include Figure 10 of Estep Environmental Consulting, 2006. The distribution, abundance, and habitat associations of Swainson's Hawk (*Buteo swainsoni*) in the City of Rancho Cordova Planning Area. (Prepared for the City of Rancho Cordova, CA.) This map confirms the siting documented in the SSHCP map.

We also attach a map prepared for FOSH by a volunteer which places the project site on the SSCHCP map and places circles around the nearest nesting territories on the map. The attached map shows yellow and purple dots representing known nesting territories identified by County of Sacramento SSCHCP staff in preparation of the attached map “Range of Swainson’s Hawk in the SSCHCP Plan Area.” These include recent surveys done by Cities of Elk Grove and Rancho Cordova. Nesting sites close to the project are indicated with colored circles showing one (orange), two (yellow) and three (blue) mile radii circles around each nest site. Our map indicates that there are two known nesting sites quite close (within a mile) to the northwest corner of the project area, one within a mile of the southwest project boundary, one within a mile of the southeast project boundary and several others within 1 to 3 miles of the project.

These documents amply demonstrate that the EIR is deficient in identifying known nesting territories proximate to the project site and therefore the likely intensity of use of the site for foraging habitat as well as the likelihood of nesting activity within the project area.

Response 9-2

At the outset of this comment letter, Friends of the Swainson’s Hawk (FOSH) agrees that the entire site is foraging habitat and that a 1:1 mitigation ratio is appropriate. It is unnecessary to know exactly how many nests are located within a given radius of a site in order to determine whether impacts to a species will occur, and thus whether habitat mitigation is required. The amount of habitat mitigation is rarely tied to the number of species which may use the site. It is typical simply to require a set proportion of mitigation if a site contains habitat, regardless of the number of individuals which are proximate to a site. This is the case for Swainson’s hawk mitigation, which is required at a standard 1:1 ratio. Furthermore, the number of known nests within a five or ten mile radius of a site does not correlate to the relative use of that particular site as foraging habitat. According to both CNDDDB data and the data referred to by this comment letter, the vast majority of Sacramento County – including urbanized areas such as the City of Sacramento – are within five miles of multiple nests. Yet, the intensity of Swainson’s hawk foraging is not identical throughout all of Sacramento County. The DEIR discloses the nearest known Swainson’s hawk nest, just as it discloses the nearest occurrences for other species. The nearest known nest disclosed in the DEIR is the same nearest nest shown in the exhibits which accompany this comment letter.

Comment 9-3

Potential direct and cumulative impacts on the species range and reproductive activity should be identified, including but not limited to the following:

- a) potential impacts on reproductive activity in nesting sites and nesting success within two miles
- b) potential impacts on reproductive activity and nesting success of other nesting sites within 2 - 5 miles;
- c) cumulative impacts due to urbanization of foraging lands already permitted by the Cities of Rancho Cordova and Elk Grove and the County of Sacramento.
- d) potential impacts on survivability of fledged juveniles from these nesting sites as well as potential impacts on the adequacy of nourishment of SWH needed to provide the strength and energy required to survive the annual SWH Fall migration. (Undernourished birds, especially undernourished first-year birds, are unlikely to survive the rigors of long-distance migration to central Mexico and southward)
- e) the potential for the project to “take” Swainson’s Hawks, thus necessitating an incidental take permit from the Department of Fish and Game.

What are the risks of take from the project and how will the project mitigate these risks of take to less than significant?

Response 9-3

The California Department of Fish and Game has published guidelines on the assessment of nest disturbance impacts, as described on page 6-41 of the DEIR. The DEIR analysis is consistent with those guidelines, and the analysis recommends mitigation to avoid nesting disturbance or take of Swainson’s hawk (note that Mitigation Measure BR-3 has been amended to include the ½-mile survey radius specified in the discussion, which was inadvertently excluded from the measure). Mitigation has likewise been included for loss of foraging habitat, to ensure the survivability of Swainson’s hawk. Cumulative loss of the grassland habitat on the site is addressed on DEIR page 18-8. Commenter has not presented any substantial evidence that the findings and conclusions of the Draft EIR were in error.

Comment 9-4

The EIR mitigation measure to reduce take is unnecessarily vague and defers mitigation to an unknown future time. CEQA does not permit deferred mitigation. DERA should have standard language from DFG on these measures. In this case DERA did not set any minimum standard to meet the "mitigation below a level of significance" standard required of the lead agency. Instead, it defers the required mitigation on to DFG at some future time. We recommend the following language:

In order to avoid take of nesting raptors (including Swainson's hawks), a pre-construction raptor nest survey shall be conducted within 15 days prior to the beginning of construction activities by a California Department of Fish and Game (CDFG) approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG. If active nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the CDFG to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily if necessary while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFG and depending on the behavior of the raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities.

Response 9-4

This comment refers to Mitigation Measure BR-3, which requires preconstruction nesting surveys for raptors. As stated in the text of the DEIR (page 6-45 and 6-47), the lack of detailed avoidance and minimization measures is because the appropriate measures will depend on many variables, including the distance of activities from the found nest, the types of activities, and whether the landform between the nest and activities provides any kind of natural screening. Depending on these factors, a biological monitor may be deemed by Fish and Game to be unnecessary. While including a large amount of language related to the recommended biological monitor, the proposed measure does not indicate the time of year that the surveys should be conducted or recommend an appropriate survey distance. These are critical factors which are included in existing Mitigation Measure BR-3.

Comment 9-5

We have reviewed the DEIR discussion of avoided areas and the analysis of whether the avoided areas retain their foraging habitat value. The EIR concludes that 438 acres of the avoided area will not lose its Swainson's Hawk foraging habitat value.

This conclusion is unsupported. Review of the Project map shows that the large contiguous 298 acres of avoided area is largely surrounded by intensive urban development, with the exceptions of two corridors at the northern and southern ends opening onto adjacent undeveloped areas (grassland). Portions of the avoided area within the project site are quite narrow. Normally, raptors are reluctant to forage on lands adjacent to, or surrounded by, intensive urban uses. For that reason, it appears that a large portion of the 298-acre avoided area within the project would seldom or never be used by SWH.

The DEIR states that two multi-purpose trails will be constructed through the primary avoidance area, and roads will also cross the avoidance area. These impacts will further reduce the SWH foraging value of the avoidance area

CDFG should be asked to make a determination of the amount of the avoided area that would be significantly impacted by adjacent intensive urban development, and accordingly recalculate the SWH habitat that would remain usable by SWH in the avoided areas within the project at build-out of the planned urban development. There is no evidence that such analysis has been done in the preparation of the draft EIR.

Response 9-5

While stating that the DEIR conclusion is unsupported, the commenter does not provide any evidence of this, and in fact makes several unsupported statements of its own. For instance, the comment states that "normally, raptors are reluctant to forage on lands adjacent to, or surrounded by, intensive new uses". This is true for some raptor species, but is not true of raptors in general. Many species of raptor are quite tolerant of urbanized environments, such as falcons which nest on buildings and feed on pigeons⁸ and Cooper's hawk which are regularly found in residential backyards⁹.

With regard to Swainson's hawk, what the comment describes is the impact of urban edge conditions on the overall suitability of a habitat patch. There is abundant research on the suitability of different cover types (e.g. grassland, crops, orchards, etc) and on the size of home ranges, but to the lead agency's knowledge there is no research which defines when edge conditions render a habitat patch unsuitable. The commenter has also not offered any published studies or reports stating a minimum acreage threshold at which Swainson's hawks no longer forage where prey are otherwise abundant and available.

⁸ http://www.allaboutbirds.org/guide/Peregrine_Falcon/id

⁹ http://www.allaboutbirds.org/guide/Coopers_Hawk/id

The commenter also states that the EIR should have been prepared in consultation with Fish and Game. The analysis was formed with the input of Fish and Game, as the County had multiple phone conversations and a meeting with California Department of Fish and Game staff to discuss the Project's impacts on Swainson's hawk; however, the agency has declined to take a public position, on the basis that the County is lead agency. The analysis included in the EIR is based on reasonable assumptions predicated upon facts, and on expert opinion supported by facts. Though the commenter disagrees with the EIR conclusion, no evidence has been presented by the commenter which would require a contrary finding.

Comment 9-6

There is no evidence that the adjacent undeveloped areas connected to the planned avoided areas will remain undeveloped in perpetuity or that they will forever be managed in a manner which does not compromise or eliminate SWH foraging value. The fact that some the adjacent undeveloped area is outside the Urban Service Boundary does not mean that the adjacent undeveloped area will forever remain outside the USB. The County has already initiated a process to expand the Urban Service Boundary in Natomas Basin, and nothing prevents the County from expanding the Urban Service Boundary beyond Cordova Hills in the future. Nothing prevents the County from rezoning the adjacent undeveloped areas to small-parcel agricultural-residential uses outside the Urban Service Boundary.

Response 9-6

See Response 2-15. The EIR is not required to speculate about the potential future rezoning of adjacent lands outside the Urban Services Boundary into smaller agricultural-residential uses, and their impact on the Project and its Avoided Areas. See CEQA Guideline 15144; *Environmental Council of Sacramento v. City of Sacramento* (2006) 142 Cal.App.4th 1018, 48Cal.Rptr.3d 544.

Comment 9-7

Please explain how the avoided area will be managed to retain Swainson's Hawk foraging habitat? Currently, cattle grazing prevents dense overgrowth of weeds that impede SWH foraging access. Will cattle grazing be continued?

What measure will be taken to minimize the “edge effect” of adjacent intensive urban development on SWH foraging habitat in the avoided areas? What will be the vegetative cover?

Experience with open spaces next to other development projects has shown that unless human access is controlled – and enforced - the avoided areas will very likely be used by residents for bicycling (both on-trail and uncontrolled off-trail), running of dogs, kite flying, jogging, and other recreational activities.

How will human or canine (dogs) access be allowed or controlled?

Will there be bicycle or pedestrian trails within the avoided area in addition to the two trails mentioned in the DEIR?

What entity will be responsible for managing the avoided areas, and how will it be funded?

Response 9-7

Edge treatments outlined in the Draft EIR have been designed to minimize impacts from adjacent development and incorporate native plantings as appropriate. Also refer to the CHMP Section 7.6 (“Edge Conditions”). This section of the CHMP describes that there will be post and cable or split rail fencing along the Avoided Area boundaries and along the trail boundaries, educational signage describing the importance of staying outside of the fenced area, plus a swale and native plantings to further define the boundary and to buffer the grasslands from the urban environment. This section also describes that cattle grazing will be continued, as appropriate. The only trails through the primary Avoided Area are the two shown on the Project exhibits. Long-term management will be determined in conjunction with the County and resources agencies, as required by the various biological mitigation measures, and are required to be fully funded.

Comment 9-8

How will the existing undeveloped condition of adjacent lands connected to the “avoided area” be ensured in perpetuity?

Response 9-8

See Response 2-15 and Response 9-6.

Comment 9-9

Mitigation Measure BR-4 is inadequate because it incorrectly assumes that 438 acres of Swainson's Hawk foraging habitat in the project area will retain all its foraging value after project development and because it assumes that a conservation easement on 36 acres on the eastern and southeastern sides of the project area can mitigate for loss of 36 acres within the project area. There is no evidence that California Department of Fish and Game concurs with this measure as mitigating the project impacts to less than significant.

Response 9-9

Refer to responses to prior comment Response 9-5 and Response 9-7. The EIR preparer's disagree with the commenter's opinion that the description of retained habitat is inaccurate. Please see Mitigation Measure BR-4, subsection B, which requires the Swainson's hawk mitigation plan to be prepared and implemented for the protection of Swainson's hawk foraging habitat to the satisfaction of the California Department of Fish and Game. Also, the conservation easement is designed to prevent the loss of the 36 acres which will be within the easement, not to mitigate for other impacts elsewhere.

Comment 9-10

There is a good likelihood that approval of the Cordova Hills would result in the premature commitment of more land to urbanization than can be absorbed. The fact that water and other urban services are not guaranteed for the project further complicates the potential environmental impacts of premature approvals for urbanization. The EIR must analyze and disclose the environmental impacts of such a scenario.

Sacramento County staff, in response to proposals to greatly expand the County Urban Policy Area in its General Plan Update, addressed that issue in a staff report which recommended against the oversized expansion of the County Urban Policy Area. The County staff listed potential undesirable outcomes as follows:

1. Leapfrog development pressure;
2. Imbalance in focus between revitalizing the existing mature communities creating and serving new neighborhoods;
3. Unintended consequences to the partially built-out planned communities and if newer areas out-compete for buyers;
4. Inefficient extension of infrastructure and public services resulting in higher operating costs.
5. Pressure to approve uses that provide near term economic benefits to the developer over a long-term economically sustainable mix of land uses;
6. Impacts to the proposed SSCHCP and to the Connector expressway;
7. Difficulty in meeting State mandates related to climate change initiatives.

A copy of the Sacramento County County's Staff Report (Agenda for 10/13/10, 2030 General Plan Update: Adoption Hearings) with relevant pages 6 - 11, is attached.

Response 9-10

Comment noted. The provision of adequate water and other urban services for the Project is discussed in the Chapters 14 and 15 of the Draft EIR, and all affected agencies participated in the development of an Infrastructure Finance Plan for the Project. Commenter has also raised a number of policy issues related to decisions which were made during the hearings on the 2030 General Plan, which are not required to be addressed in an EIR whose discussion is confined to environmental issues related to this specific Project.

Comment 9-11

The EIR needs to consider the likelihood of occurrence of each of these potential scenarios and the potential environmental consequences, including the physical effects of potential urban decay that may result from prematurely committing more land to urbanization than can be absorbed.

CEQA requires that the EIR describe the environmental effects of potential urban decay that could result from urban development that could foreseeably result from approval of the SOI.

CEQA requires an EIR to disclose and analyze the potential environmental effects of potential urban decay that could result from approval of a project. See *Bakersfield citizens for Local Control v City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1204-1213. *Bakersfield Citizens*, and other cases cited therein, dealt with potential urban decay that could result from permitting of a major new shopping center where project approval would foreseeably create oversupply of retail capacity beyond market demand, potentially leading to the closure of other retail outlets in the area, resulting urban decay that may have physical effects on the environment. The “shopping center” situation of *Bakersfield Citizens* and the cases cited therein is very analogous to the effects of approving Cordova Hills in a region which is suffering from the detrimental effects of a huge oversupply of vacant housing and retail. The Sacramento region is nationally recognized as a foreclosure “hot spot” with thousands of new or foreclosed homes remaining unsold on the market.

Current real estate sales are often at prices which are less than the cost of new construction. The construction of yet more homes and commercial property on a market suffering from gross oversupply could lead to urban decay and the accompanying physical environmental effects of urban decay, existing homes remain unsold and deteriorate, or are purchased as rentals by absentee landlords who may neglect maintenance and appearance. Local municipal revenues have drastically declined already due to the collapse of home and retail values, leading to major reductions in the staff and budgets of those agencies charged with maintaining parks, sanitation, drainage, and other functions which physically affect the environment.

Won't the approval of the proposed Cordova Hills development compete with existing development and invariably worsen the market for housing and retail activity within the existing urban area, increase the current housing and retail vacancy amount within the existing urban area, and potentially cause yet more urban decay.

Response 9-11

Commenter has not provided any substantial evidence that the Cordova Hills Project would result in or cause urban decay of other areas. See, *Melom v. City of Madera* (2010) 183 Cal.App.4th 41, 106 Cal.Rptr.3d 755. The court cases which have concluded that an urban decay analysis was required were all for project-level proposals, not for multi-decade land use master plans which are not intended to be immediately and fully constructed.

LETTER 10

Donald Kennedy, Pacific Gas and Electric Company; written correspondence; dated February 9, 2012

Comment

Refer to the 2-page letter which begins on page 75 of the “Cordova Hills FEIR: Comment Letters”. The letter explains the services provided by PG&E and explains the processes the developers in the Project area will need to follow in order to develop within utility easements and to develop detailed utility designs.

Response

There will be no improvement plans submitted for areas within the easement as part of this proposal, because it is a land use master plan, not a project-level application. This is essentially a standard comment letter, advising the applicant of the restrictions within the PG&E easement on the property. An evaluation of the Project impacts related to gas transmission facilities was included in the DEIR. Comment noted.

LETTER 11

Tricia Hedahl, Executive Director; Sacramento Area Bicycle Advocates; written correspondence; dated February 22, 2012

Comment 11-1

Thank you for the opportunity to comment on the subject DEIR. The Cordova Hills Master Plan has many positive aspects that will enhance the internal livability for its residents. For example, the compact design for mixed uses shown in the plan is especially demonstrated by Figure 6.9 where nearly all residential areas are within ½ mile of retail and entertainment facilities in the “flex commercial” districts. Such proximity will make walking and bicycling very attractive modes of transportation. However, **the project’s great distance from existing development and infrastructure makes its external connections to the regional circulation system problematic, of uncertain timing, and expensive for local governments to accommodate.**

Response 11-1

The DEIR describes the proposed connections to the regional transportation network, with the costs to be borne by the Cordova Hills Local Service District (for the mass transit portion) and by development fees. The costs and timing of this infrastructure are described in the required Infrastructure Financing Plan. The Project transit system will provide a direct linkage to the Sacramento County Regional Transit District’s light rail system. Furthermore, the internal bike trails network in Cordova Hills will connect to bike commuting routes at two major locations on the west side of the Cordova Hills Project: Chrysanthy Boulevard and the Laguna Creek Trail.

Chrysanthy Boulevard includes a 10’ wide multi-use path and a 5’ Class II bike lane in Cordova Hills and in the City of Rancho Cordova to the west of Grantline Road. (See Cordova Hills SPA, Table 6.1: Cordova Hills Road Summary, page 6-13, and SunCreek Specific Plan (Draft) Figure 4-2 Major Streets Master Plan, page 1.4-5, and Figure 4-4 Minor Arterial Street, page 1.4-7).

The major east-west multi-use trail in Cordova Hills is a central spine that connects to all other trails in the Cordova Hills Project and provides a connection to the west along a 10’ multi-use path parallel to University Boulevard. At the intersection with Grant Line Road, the trail will connect to the Laguna Creek Trail shown in the County Bikeway Master Plan. Options for connection include an undercrossing of Grant Line Road where the road crosses the tributary to Laguna Creek, a signalized at-grade crossing, or a bike path integrated in a future interchange structure constructed as part of the Capital Southeast Connector. This link between the Cordova Hills primary trail network and the Laguna Creek Trail is clearly illustrated in the Cordova Hills Master Plan, Figure 6.12: Potential Links to Conceptual Regional Bike Trail System (Page 6-35).

Comment 11-2

Throughout the DEIR and the underlying Master Plan, the terminology used for bicycle facilities is inconsistent and confusing. Both documents should follow Caltrans' definitions for bikeways which are Class I off-street "bicycle paths", Class II "bicycle lanes" striped on streets, and Class III "bicycle routes" which do not have striped lanes but have signage and pavement markings to alert vehicle operators to the presence of bicyclists. This terminology should be corrected in multiple locations in the documents including pages 1-29, 1-31, and 16-36 of the DEIR and pages 6-32, 6-33, and 6-34 of the Master Plan. For example, page 1-29 and Plate PD-18 of the DEIR should specify and distinguish clearly between Class I paths and on-street Class II lanes. The documents should also acknowledge that other roadway treatments beyond the above 3-level classification are available to further protect bicyclists in special situations (see the NACTO Urban Bikeway Design Guide at <http://nacto.org/cities-for-cycling/design-guide/>).

Response 11-2

The terminology used in both the Cordova Hills Master Plan and the Draft EIR is consistent with the terms in the Sacramento County General Plan Circulation Element (November 9, 2011) and the Sacramento County Bikeway Master Plan (April 2011). The Circulation Element uses the term "multi-use trails" in policies CI-34, CI-35 and CI-37 when addressing the development of trail systems (page 22), but also refers to Class I bike paths in the description of thoroughfares and arterial streets "Bikeways along designated thoroughfares may be Class I, Class II, or Class III facilities" (page 7).

Likewise the Bikeway Master Plan references the County General Plan in noting the policy "Construct and maintain bikeways and multi-use trails to minimize conflicts between bicyclists, pedestrians, and motorists" (page 16) , and uses the hybridized term "Class I- Multi-use Path" in Figure 1 (page 7).

In the Cordova Hills Master Plan, the term "multi-use path" is used consistently to refer to all off-street bike and pedestrian paths. Bicycles will be allowed to use the NEV lanes on arterial streets, but a separate multi-use trail will be located in the corridor adjacent to the street where a dedicated NEV lane is included. The use of the term "Class 1" in the draft Cordova Hills Master Plan was incorrect and was corrected to read "multi-use trail" in the Cordova Hills Master Plan. The correction was made before the Master Plan was forwarded to the Sacramento County Planning Commission.

The term "Class I" describes a very specific standard established by the Highway Design Manual, CHAPTER 1000, BIKEWAY PLANNING AND DESIGN. The design of off-street trail systems in Cordova Hills demands flexibility to accommodate differing terrain, resource avoidance, and other factors that occur in the Cordova Hills Master Plan; thus, not all off-street bike and pedestrian trails could meet strict standards in the Highway Design Manual, therefore the more flexible multi-use path terminology is applied.

In all instances the terms “multi-use path,” is used correctly with respect to the intended character of the bike and pedestrian facility.

Comment 11-3

DEIR page 16-26 states the 3 significance criteria used to assess impacts to bicyclists and pedestrians; according to the 3rd criterion, an impact is significant if it would “result in unsafe conditions for bicyclists . . . including bicycle/pedestrian, [or] bicycle/motor vehicle . . . conflict.” When judging unsafe conditions, we must envision bicyclists of all ages and abilities, from middle-school students to grandparents, and how they would negotiate planned bicycle facilities and crossings. The following paragraphs describe **unsafe and hazardous conditions for bicyclists that therefore constitute significant adverse impacts of the project.**

Response 11-3

The Cordova Hills Project is designed to be consistent with Sacramento County Improvement Standards and was developed with direction and input from the Sacramento County Department of Transportation. The Project entitlements listed in the Draft EIR (including the large lot tentative map, rezoning, and other master plan level entitlements) do not deal with the level of design detail that will be found in subsequent project-level entitlements such as small-lot tentative maps. Consequently, the level of design detail that addresses certain issues such as intersection design can only be addressed in this EIR on the basis of approved County policies and standards that would apply to such improvements. These include the Sacramento County Improvement Standards and the Sacramento County Bicycle Master Plan. The issues of safety on multi-use bike and pedestrian facilities were considered in the design of the plan and the environmental analysis of the project. Subsequent design of specific improvements in the context of small-lot tentative maps and improvement plans will require additional environmental analysis at the level of individual intersection designs.

Comment 11-4

NEVs will be allowed to use Class II bicycle lanes along approximately 4 miles of the 2 major east-west arterials within the project (see Master Plan Figure 6-7). These 2 arterials constitute the sole vehicular access links between the Town Center in the west and the major residential areas to the east. The NEVs will be allowed in the bike lanes because vehicular speed limits on these arterial segments are planned to be 45 mph, excessive for legal NEV operation. NEVs typically operate at 25 – 35 mph while utilitarian bicyclists commonly travel at 8 – 12 mph. Clearly the NEVs will present a hazard for bicyclists when they overtake a bicyclist silently from behind in a bike lane at much greater speed. The greater weight and size of NEVs will make collisions with bicyclists as dangerous as with motor vehicles. Furthermore, the 8-ft width of the shared NEV/bike lanes will make them easily mistaken for vehicle travel lanes, thus requiring protective measures to keep vehicles out of them. Therefore, **NEV use of the Class II bike lanes along these arterials is a significant adverse impact of the project on bicyclists.**

Response 11-4

The comment states that “NEVs will be allowed to use Class II bicycle lanes”, which is a mischaracterization. There are some street sections where bicycles will be allowed to use the 8-foot NEV lanes, and these are designated as NEV/bike lanes. Though mischaracterized, the overall point of this statement is that there are sections where

NEVs and bicycles will be permitted to share the same facility, and this is true (though bicycles will not have to use this pathway – see Response 11-5). Throughout California and elsewhere, bicycles are permitted to share roadways with vehicles. Research has shown that accidents of the type described here – a vehicle striking a bicyclist from behind or swiping alongside – is the least frequent type of accident¹⁰. Research has likewise shown that when vehicle speeds are low, as they will be in the case of a NEV – accidents are rarely severe¹¹. There is also still debate – including amongst bicycling advocates¹² – about whether shared facilities are more or less safe than dedicated bicycle lanes. In this case, the shared facility will involve low vehicle volumes, low speeds, and more than adequate paved width. Bicyclists will have the option of sharing a lane with NEVs or of using the paved side pathway where no vehicles will be present. The comment provides no evidence that allowing bicycles to use the NEV lane would be unsafe.

Comment 11-5

Project proponents have suggested that bicyclists fearful of sharing bike lanes with NEVs can instead use the Class I bicycle paths planned to parallel these arterial segments. These Class I paths are described in the DEIR and Master Plan as “multi-use trails” that will be shared with pedestrians. These trails will be attractive to casual recreational bicyclists but will not be useful to utilitarian bike riders who desire to ride directly and efficiently for several miles or more to locations for shopping, jobs, schools, and other community facilities.

Response 11-5

The comment discounts the 10-foot, paved multi-use trail (for pedestrians and bicycles) which will also be present whenever a shared NEV/bike lane is present. Though the comment states that such a multi-use trail would not be useful to utilitarian riders, there is contrary evidence within Sacramento County. The most classic of these is the American River Bicycle Trail, which is used by large numbers of pedestrians, and yet is also used by large numbers of bicyclists for commuting and race training. The commenter presents no evidence in support of the statement that utilitarian riders will be unwilling to use the multi-use paved trail.

Comment 11-6

We request that the DEIR evaluate possible solutions (i.e. appropriate mitigation) to this hazardous bicycle/NEV conflict including 1) reducing the speed limit on these arterials to 35 mph, 2) demarcating separate NEV and bicycle lanes with protective buffers between them, and 3) allowing NEVs to use the vehicular traffic lanes.

¹⁰ Forrester, J. (1993). *Effective Cycling* (6th ed.). Cambridge, Mass: MIT Press.

¹¹ Cross, K.D. (1978) *Bicycle-Safety Education: Facts and Issues*. Falls Church, VA: AAA Foundation for Traffic Safety.

¹² <http://www.bicyclinginfo.org/faqs/answer.cfm?id=971>

Response 11-6

The design speed for arterial streets is established by the Department of Transportation based on anticipated traffic volumes and level of service standards. The NEV lane width (8 feet) and the vehicle travel lanes on the arterial street configurations (12 feet and 11 feet) were developed in collaboration with the Sacramento County Department of Transportation based on the Sacramento County Development Standards.

Alternative lane configurations would require modification of existing Development Standards. The NEV cannot exceed 25 mph regardless of the lane speed designation (California Vehicle Code Section 385.5), and the street design for the NEV lanes already includes striping with a rumble strip to establish the boundary between the NEV lane and the rest of the roadway. The comment suggests allowing NEV traffic to mix with the higher speed traffic, but this would violate the California Vehicle Code.

Comment 11-7

Class I bicycle paths will parallel the 2 main east-west arterials through approximately 10 intersections. The DEIR and the Master Plan do not describe the design of these intersections or the designs of the Class I paths where they cross side streets. Plate TC-3 of the DEIR shows that some of these intersections will be signaled and some will be roundabouts. Both signaled traditional intersections and roundabouts can be hazardous for bicyclists on the Class I paths because of interactions with vehicular traffic signaling, traffic movement patterns through planned roundabouts, pedestrian movements, and the on-street Class II bike lanes. Until such designs are specified and can be reviewed by experienced bicycle planners, these intersections should be regarded as hazardous to bicyclists and pedestrians. **The arterial intersections therefore pose significant adverse impacts of the project on bicyclists.**

Response 11-7

The Cordova Hills Project entitlements, and thus the level of analysis in the Draft EIR, do not extend to the level of street design that would include intersection designs. Such designs are addressed in the Sacramento County Development Standards that will apply to subsequent applications for street design and small lot tentative maps and will include that more finite level of detail. The Development Standards in Sacramento County have already been designed to consider safety. Intersections that mix various modes of transportation inherently involve potential conflicts not only between the different modes, but between any single mode (car vs. car; bicycle vs. bicycle). Care in designing all intersections to minimize potential conflicts and reduce the potential hazard is inherent in the more refined level of design that will occur in subsequent applications.

Comment 11-8

Figure 6.1 of the Master Plan describes transportation-mode alternatives for the project. The “service radius” for bicyclists is said to be only up to 3-mile radius and the figure also fails to acknowledge that bicyclists may want to use bicycle trips to access jobs; elsewhere the DEIR describes the main Rancho Cordova employment center as approximately 7 miles to the west, a relatively comfortable ride for a moderately experienced bicyclist to work locations with supportive facilities for bicyclists (secure parking, showers, etc.).

Response 11-8

The Cordova Hills Master Plan, Figure 6.1, “Traffic Mode Alternatives” identifies the range of travel mode alternatives within the Cordova Hills area and the description of bicycles being serviceable in a three mile range is consistent with the Plan description because the Plan area is three miles in its greatest dimension. The overall Project analysis does consider the use of alternative modes of transportation off-site as well. The Cordova Hills Project is designed to facilitate bicycle commuters to other employment centers, parks, schools, and shopping in other projects, to link to the regional bike trail network, and to utilize light rail at the Mather/Mills Light Rail Station for extended travel throughout the region. Mitigation Measure TR-7 requires Cordova Hills to fund its fair share of the construction cost of bicycle lanes that connect to Rancho Cordova.

Comment 11-9

Hazardous bike riding conditions increase with widths of streets (i.e. crossing distances), volume and speed of traffic, and complexity of intersection configurations (e.g. numbers and timing of left turn and right turn lanes). Such intersections must be considered barriers to bicycle travel for the average rider. **The DEIR does not assess hazards to bicyclists in trying to cross Grant Line Road at its intersection with Chrysanthy Boulevard or at the intersections of Grant Line Road with the project’s North Loop Road and University Boulevard.** Until such designs are specified and reviewed by experienced bicycle planners, these primary crossing points for accessing Rancho Cordova must be regarded as hazardous to bicyclists and therefore a significant impact of the project.

Response 11-9

The detailed design of intersections is not included in the Cordova Hills Master Plan or Draft EIR analysis because they are premature. However, the intersections of North Loop Boulevard and University Boulevard with Grant Line Road will conform to the Sacramento County Development Standards (unless unique design treatments occur in the context of the Capital Southeast Connector improvements). Based on the County Development Standards, the intersection of Chrysanthy Boulevard with Grant Line Road will also be a conventional intersection with Class II bike lanes. The design of this intersection will not pose an unusually greater risk than other comparable intersections throughout the County. Though not required to mitigate an impact, the applicant has added the following language to the SPA.

“Evaluate and, where feasible, incorporate design features that enhance the safety of bicyclists, pedestrians, NEV operators, and drivers at arterial street intersections such as described in, but not limited to the National Association of City Transportation Officials (NACTO) Urban Bikeway Design Guidelines.”

Comment 11-10

The DEIR's Traffic Analysis identifies significant impacts of the project on many intersections and road segments in the vicinity of the project caused by traffic generated by the project. At 23 of these intersections and segments, the DEIR recommends mitigation measures that include constructing additional traffic lanes (up to 6 lanes in some cases). The DEIR should acknowledge that each of these lane additions will increase the hazards for bicycle riders using those intersections or segments because of increased crossing widths, increased vehicle speeds and volumes, and increased complexity of traffic movements. Therefore, **these lane additions should be considered significant adverse impacts of the project**. The DEIR should further acknowledge that additional mitigation measures to protect bicyclists will be needed (see the NACTO Urban Bikeway Design Guide at <http://nacto.org/cities-for-cycling/design-guide/> for descriptions of intersection treatments to protect bicyclists).

Response 11-10

None of the intersection and roadway widenings identified as mitigation for the Project go beyond what is planned in either the City of Rancho Cordova General Plan or the Sacramento County General Plan. The timing of these impacts is related to the timing of the proposed Project and other reasonably foreseeable projects, but the fact of the actual facility widths were already analyzed and approved as part of the City and County General Plans. Thus, if there is a safety impact associated with allowing these widths – and the comment has provided no substantial evidence that the facility widths are substantially less safe – it was the impact of the General Plans, not of this particular project. At the request of SABA and to enhance the existing safety features of the City and County Improvement Standards, the requested language has been included in the SPA (see Response 11-9).

LETTER 12

Amandeep Singh, P.E.; Sacramento Area Sewer District; written correspondence; dated February 22, 2012

Comment 12-1

It is noted that the proposed project is located in the southeastern portion of Sacramento County on approximately 2,669 acres, adjacent to the City of Rancho Cordova. The area is designated by the Sacramento County General Plan as General Agriculture (80 acres) and is currently zoned for AG-80 agricultural uses. The project is within the Urban Services Boundary, but outside the Urban Policy Area and outside of the Sacramento Area Sewer District. Here are our summary comments.

- SASD's Board of Directors approved a SASD Sewer System Capacity Plan 2010 Update in January 2012. The Plan provides an updated mid-range and long-term plan for sewer service in this area. The sewer service alternatives identified in the subject document should be reviewed for consistency with the System Capacity Plan. Also, note the System Capacity Plan received a "Statutory Exemption" from the County of Sacramento's Division of Environmental Review and Assessment (Control Number 2011-70100).
- Annex the subject property to both the Sacramento Regional County Sanitation District (SRCSD) and the Sacramento Area Sewer District (SASD) prior to recordation of the Final Map or submission of any improvement plans, whichever occurs first. Upon annexation, conditions will apply to this project.

In addition, here are our comments on statements within the Draft Environmental Impact Report:

1. Page 15-4, Para 1: SASD does not construct trunk sewer lines serving new development. The developer constructs trunk facilities to District Standards and is eligible for reimbursement in accordance with the SASD Sewer Ordinance. SASD will own and operate the facilities upon acceptance.
2. Page 15-4, Para 1: SASD is responsible for more than just the maintenance of the lower lateral and mainline pumps.
3. Page 15-7: Remove discussion of SASD's Sewerage Facilities Expansion Master Plan 2006 Update and replace with discussion of System Capacity Plan.

Response 12-1

The relevant sections of the EIR have been updated to reflect the most current adopted plans, and clarifications to the text have been made in response to these comments. The County will require annexation of the Project area into the SRCSD and SASD as part of the Conditions of Approval for the Project's large lot tentative subdivision maps.

Comment 12-2

4. Page 15-38: Under "Regional Infrastructure", clarify the statement "service to Cordova Hills is not constrained." Sewer service alternatives are dependent on capacity availability at the time of development, and could be considered "constrained".

Response 12-2

The EIR preparers acknowledge that various service providers, including sewer service, will not "reserve" capacity for any upcoming project until such time as impact fees have been paid. To this extent, SASD considers service "constrained"; however, this does not mean that there is evidence that capacity will be unavailable. The DEIR uses the term "not constrained" to mean that there is adequate planned capacity to serve the Project, which is correct. As identified on Page 15-49 of the DEIR, the "SRWTP has a permitted average dry weather flow (ADWF) design capacity of 181 mgd and wet weather flow (AWWF) of 392 mgd." Cordova Hills will generate an ADWF of 4.99 mgd at buildout." Therefore, as identified in the Draft EIR, the Project's sewage disposal demand can be met by the existing capacity of the SRWTP. This is the sense in which the DEIR uses the term "not constrained".

Comment 12-3

5. Page 15-38: The statement "All of the regional off-site infrastructure shown is already contemplated in SASD or SRCSD master planning documents, and thus are not impacts of the Project" is not correct. Some of the sewer service alternatives identified in the subject document are not included in SASD's System Capacity Plan (e.g., force mains to the Mather or Bradshaw Interceptors).

Response 12-3

SASD and SRCSD's master planning documents address permanent sewer facilities (both existing and contemplated), their timing of implementation based on sewerage demand, as well as the cost of their implementation. They do not address interim facilities to be constructed by development projects; facilities that may be required to provide sewer service to development areas that cannot yet be served by permanent facilities that have not yet been extended to those new development areas.

Additionally, the District periodically updates its master plans to address changes in the short-, mid-, and long-range development forecasts and associated sewer capacity demands. According to SASD's current planning document, "Since the 2010 SCP is a high level planning document, the expansion trunk projects developed in this study may not be final projects. Expansion project alternatives may be further evaluated and developed through SASD's mid-range planning efforts if necessary." For the Cordova Hills Project, the SASD master plan document prior to the current 2010 SCP Update identified the Mather Interceptor project as one downstream facility capable of providing sewer service to Cordova hills ahead of the expansion of the Laguna Interceptor. Now

that neither of those two interceptors is contemplated any longer, extension of a force main by the Cordova Hills Project to the Mather Interceptor is no longer contemplated either. However, extension of a force main to the existing Bradshaw Interceptor may still be a feasible and practicable alternative, should capacity demands by the Project precede the extension of the Douglas Interceptor as contemplated by the SASD's 2010 SCP. As extension of this interim force main would follow existing road alignments and be located beneath existing pavement, extension of the force main would not cause any facility-specific physical impacts.

Comment 12-4

6. Page 15-49: The statement "SASD and SRCSD did not identify any facility constraints to service" is not correct. See comment 4 above.

Response 12-4

See Response 12-2. It is a correct statement to say that neither SASD nor SRCSD indicated that there would be insufficient planned capacity to serve the Project, which is the sense in which the EIR uses the term "constrained". The Sewer Master Plan prepared for the Project was reviewed and approved by the Sacramento Area Sewer District, and deemed to be adequate to provide service to the Project. Additionally, the SASD comment letter submitted on the Notice of Preparation stated that Project impacts to sewer facilities were expected to be less than significant.

LETTER 13

Kamal Atwal, P.E.; Sacramento County Department of Transportation; written correspondence; dated February 22, 2012

Comment 13-1

1. **Executive Summary. Page 34. Mitigation Measure TR-1.B.** The DEIR states “Mather Boulevard and Douglas Road –Construct a new traffic signal, Provide a shared through-right turn lane on the northbound approach; provide a separate left turn lane and a through lane on the southbound approach; and provide a separate left turn lane and a separate right turn lane on the westbound approach”. It should be noted that since the completion of the traffic study for this project, the Zinfandel Drive extension project has been completed and a new signal has been installed at the Douglas Road and Zinfandel Drive /Eagles Nest Road intersection. We do not see a need for another traffic signal in close proximity to this newly installed signal. We would ask that the Cordova Hills project impact at the Mather Boulevard and Douglas Road intersection be reevaluated and mitigation measure TR-1.B be either deleted or recommend an alternative mitigation measure. If new analysis reveals that a mitigation measure is needed to mitigate the project impact then it should be coordinated with SACDOT staff for consultation and recommendation. Please coordinate with us as necessary.

Response 13-1

Comment noted. Based upon this comment, additional analysis was performed to determine if the signal required by mitigation would still be necessary. As a result, the Final EIR has deleted the requirement for Mitigation Measure TR-1.B. since there is no longer any significant adverse impact from the Project to the intersection of Mather Boulevard and Douglas Road. Refer to the amended Traffic and Circulation chapter.

Comment 13-2

2. **Executive Summary. Page 34. Mitigation Measure TR-1.E.** The DEIR states “Grant Line Road and White Rock Road – Construct a new traffic signal. Provide dual left turn lanes and a separate through lane on the northbound approach; provide a through lane and a separate right turn lane on the southbound approach; and provide separate left turn lane and a separate right turn lane on the eastbound approach. Also an extra westbound departure lane is needed for the dual northbound left turn movement.” Please note that a traffic signal will be installed as part of the White Rock Road Improvements Project which will begin construction this year. But, Cordova Hills project’s need for dual left lane in the northbound direction at the Grant Line Road and White Rock Road intersection is not part of the White Rock Road Improvements Project. Therefore, the Cordova Hills project will be responsible for constructing the dual left turn lane at this intersection and modify the signal to accommodate the lane additions. As result of the dual left turn lane, the westbound receiving lane would also need to be extended for the northbound left turn traffic and northbound thru lanes will shift to east on the approach and departure side. Please update the mitigation measure. SACDOT staff will submit a condition of approval relating to this change.

Response 13-2

In response to this comment, Mitigation Measure TR-1.E. has been revised in the Final EIR to read as follows:

“TR-1: The applicant shall construct or fund, as set forth in the phasing and financing plan approved by the Sacramento County Department of Transportation, the below mitigation measures. The phasing and financing plan shall ensure commencement of construction of traffic improvements prior to degradation of LOS below applicable County standards. This mitigation measure recognizes that should any of the measures below benefit other projects, a reimbursement agreement and/or a fee credit to the applicant may be considered.

...

E. *Grant Line and White Rock Road.* ~~Construct a new~~ **Modify the intersection** **and** traffic signal **to** provide dual left turn lanes and a separate **two** through lanes on the northbound approach; provide a **two** through lane and a separate right turn lane on the southbound approach; and provide separate **two** left turn lanes and a separate right turn lane on the eastbound approach. ~~Also an extra~~ **The** westbound departure lane **shall be extended to accommodate** ~~is needed for the dual northbound left movement.”~~

Comment 13-3

3. **Executive Summary. Page 38 and 39. Mitigation Measure TR-4.A.** Please note that this mitigation measure is in City of Elk Grove and construction responsibility is beyond the control of the County of Sacramento and the project proponent. Therefore, the project should pay its fair share towards this improvement to the City of Elk Grove if a reciprocal agreement between the County of Sacramento and City of Elk Grove is in place at the time of implementation of the Public Facilities Financing Plan. Otherwise, the project is only responsible for paying the fair share of improvements within the control of County of Sacramento.

Response 13-3

In response to this comment, Mitigation Measure TR-4. has been revised in the Final EIR to read as follows:

“TR-4: The applicant shall ~~construct or fund~~, as set forth in the phasing and financing plan approved by the Sacramento Department of Transportation, and in consultation with the City of Elk Grove **if the City has entered into a reciprocal funding agreement with the County at the time of implementation of the Public Facilities Financing Plan**, the below mitigation measure. **If the City has not entered into such an agreement with the County at the time of implementation of the Public Facilities Financing Plan, then the applicant shall only be responsible for funding its fair share of improvements located in the County of Sacramento.** The phasing and financing plan shall ensure commencement of construction of traffic improvements prior to degradation of LOS below the applicable County or City standards. This mitigation recognizes that should any of the measures benefit other projects, a reimbursement agreement may be considered. Grant Line Road from Sheldon Road to Calvine Road. Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.”

Comment 13-4

4. **Executive Summary. Page 41. Mitigation Measure TR-7.A.** Mitigation measure states “Construct sidewalks and bicycle lanes along Grant Line Road from Douglas Road to White Rock Road and on Douglas Road from Rancho Cordova Parkway to Grant Line Road.” Since the Grant Line Road and Douglas Road would be six lanes ultimately, we understand that curb, gutter and sidewalk cannot be installed at the ultimate location as part of the 4 lane widening as recommended in mitigation measures TR-5.F and TR-5.I. We recommend the mitigation measure be revised to include interim pedestrian and bicycle facilities to the satisfaction of the Department of Transportation. Typically all four lane widening projects would require an appropriate detached AC path for pedestrians. Additionally, the bike lane/shoulder will be 6 feet due to lack of curb and gutter. SACDOT staff will submit a condition of approval to Planning and DERA staff relating to this matter. The mitigation measure should be revised.

Response 13-4

Mitigation Measure TR-7 has been revised in the Final EIR to read as follows:

“TR-7: The Applicant shall be responsible for a fair share of the below mitigation measure. The fair share shall be calculated to the satisfaction of the Sacramento County Department of Transportation any may be up to 100% of the cost of improvements.

Construct interim sidewalk improvements (typically a detached asphaltic concrete path) and bicycle lanes along Grant Line Road from Douglas Road to White Rock Road and on Douglas Road from Rancho Cordova Parkway to Grant Line Road, to the satisfaction of the Sacramento County Department of Transportation."

Comment 13-5

5. **Traffic and Circulation. Page 16-1 to 16-83.** The above four comments will result in changes to this chapter. Please update in the FEIR.

Response 13-5

Changes have been made, as noted in the responses to the comments above.

Comment 13-6

6. **General.** The number of through lanes at mitigated intersections should be consistent with the number of through lanes for mitigated roadway segments. Please update the mitigation measures. Lane drops should be done on departure side of the intersections. The left turn lane will be set up based on the improvement standards for an arterial or thoroughfare. Please revise the intersection mitigation measures as necessary to match with roadway segment mitigation measures.

Response 13-6

The mitigation identified throughout the chapter are those which were determined to be appropriate to avoid impacts to the facility being analyzed. This results in cases where an intersection and roadway segment analysis require different facility sizes in order to effectively mitigate (e.g. a two-lane roadway, but a four-lane intersection). The appropriate place to address this issue is through conditions of approval, not through mitigation. The purpose of a mitigation measure is to identify the minimum facility change required to offset the identified impact, which has been done. A condition of approval would then identify how the County Improvement Standards should be applied in areas where the segment mitigation and the intersection mitigation interface.

Comment 13-7

7. **General.** The standard county left turn pocket length would not be sufficient to store the vehicle queues for intersections that carry more than 600 vehicles per hour for the dual left turn lane. For those locations, a queuing analysis needs to be completed prior to the approval of improvement plans and final maps to determine the appropriate left turn pocket length. A separate condition of approval will also be submitted to address this issue in the future for the Cordova Hills project.

Response 13-7

As stated in this comment, this would be addressed through conditions of approval, which would require the queuing analysis at the time when the more refined maps are submitted and the length of queue can be determined.

Comment 13-8

8. **General.** Please note that left turn pockets at some of these locations carry a lot of traffic compared to standard intersections. At those locations, the left pockets will be extended and analysis would be required to determine the length of these pockets (as discussed in the comment above). The standard sections at the intersections will need to be modified to fit the project needs. SACDOT staff recommends adding a condition of approval on the project for wider median on Grant Line Road as it will have long left turn pockets with a narrow median. To improve the aesthetics of the corridor, we will condition the project to provide landscaping for trees in the median up to cross walks. Please coordinate with SACDOT staff regarding this landscaping requirement and include this change in the draft public facilities financing plan.

Response 13-8

Refer to Response 13-6. As stated in this comment, this would be addressed through conditions of approval.

Comment 13-9

9. **General.** The project applicant should continue to work with SACDOT staff to find an appropriate design for the free right turn lane mitigation measure. The free right turn lane concept design should be submitted to SACDOT staff for preliminary approval.

Response 13-9

Refer to Response 13-6. The measure has identified the type of facility necessary to offset the impact. The detailed design considerations should be carried forward pursuant to the existing County Improvement Standards and through conditions of approval.

Comment 13-10

10. **General.** The applicant shall coordinate with the Capital Southeast Connector JPA and the Sacramento County Department of Transportation in order to develop an alternative access design for the North Loop Road intersection with Grant Line Road. The alternative design must either consist of moving the North Loop Road intersection to create a 4-way intersection with Douglas Road and Grant Line Road or shall consist of another design acceptable to both the Capital Southeast Connector JPA and the Sacramento County Department of Transportation. Any application for Capital Southeast Connector improvements to the relevant segment of Grant Line Road which is submitted for discretionary approval to Sacramento County shall be incorporated into the alternative design.

Response 13-10

Refer to Response 13-6. This comment is in the form of a recommended condition of approval related to detailed design considerations.

LETTER 14

Dave Ghirardelli; Sacramento County Department of Waste Management and Recycling; written correspondence; dated February 21, 2012

Comment 14-1

On page 5-36 the DEIR states “As landfill gas is a major source of odor from a landfill, the active extraction of gases for use in generating electricity is an effective form of limiting odors. Given all of the foregoing – with particular emphasis on the ability of the gas extraction system to reduce the potency and density of landfill odor – and the mitigation incorporated below, odor impacts are not expected to be substantial, and impacts are *less than significant*.” DWMR disagrees with this statement.

The landfill gas (LFG) collection system at Kiefer landfill will not reduce the Cordova Hills project’s odor impacts (bringing sensitive receptors into such close proximity to Kiefer landfill) to the level of *less than significant*. LFG collection system reductions in odor are ancillary, as clearly stated on the website referenced, and generally occur on closed sections of a landfill where an LFG system is installed.

Kiefer landfill generates odors primarily from unloading and spreading municipal solid waste and from unloading and processing greenwaste. The LFG collection system does not reduce those odors at all. Additionally, as the landfill is constructed, the odor generating operations will be closer to the Cordova Hills project. This is described in the Project Description chapter of the Certified (1998) Kiefer Landfill Final Supplemental Environmental Impact Report (Kiefer EIR).

The Cordova Hills project will bring sensitive receptors into close proximity to these operations and doing so is **a significant impact and requires additional mitigation on the part of the Cordova Hills project.**

Response 14-1

Landfill gas collection systems are referenced in many publications as being an important source of odor control. This includes CalRecycle¹³, which specifically states that odor is controlled both through the use of daily cover, which helps address the newly-delivered landfill materials described in this comment, and a landfill gas collection system, which addresses the odors generated by the buried waste. A properly-designed landfill gas capture system can significantly reduce odors from the buried waste, and in that respect is a critical component of landfill odor control. The analysis has used the methodology recommended by SMAQMD, and this comment has not provided any substantial evidence that this analysis was flawed.

¹³ <http://www.calrecycle.ca.gov/Archive/IWMBAR/2000/Enforcement/>

Mitigation has been included requiring disclosures on properties within one mile of the landfill. It is important to realize that CEQA was not enacted to protect people from the environment. Instead, CEQA was enacted to examine the impacts that new projects have on the environment (See, *South Orange County Wastewater Authority v. City of Dana Point* (2011) 127 Cal.Rptr.3d 636, at 646; *Baird v. County of Contra Costa* (1995) 32 Cal.App.4th 1464, 38 Cal.Rptr.2d 93). Buyers of properties within the Project area will have the potential nuisances of landfill proximity fully disclosed, and it is then up to that buyer's discretion to decide whether to purchase. In order to ensure that the disclosure concerns of Sacramento County Department of Waste Management and Recycling (DWMR) are addressed, Environmental Review coordinated with DWMR on modifying the mitigation measure requiring disclosure to list specific design details of the landfill which must be disclosed, as follows:

LU-2. The location and nature of the Kiefer Landfill facility shall be disclosed to all prospective buyers of properties within one mile of the ultimate active landfill boundary. **The disclosure notice shall include:**

- A. **A statement substantially consistent with the following: "The landfill will expand in height and land area over time, and thus the visibility and proximity of the landfill from the property at the time of purchase does not reflect how visible or proximate the landfill will be in the future." This statement shall be supplemented with relevant facts about ultimate landfill design, including the distance of the property to the ultimate planned edge of the landfill waste disposal area (to the nearest 100 feet) and the ultimate planned height of the landfill (as set forth in the Solid Waste Facilities Permit).**
- B. **Notification that the landfill operates under a Solid Waste Facilities Permit and is required to control pests, vectors, litter, and odor to the extent practicable, but that it is not possible to eliminate all of these nuisances. For this reason, property owners may experience some of these nuisance conditions.**
- C. **Notification that the active landfill area is lighted at night.**

Comment 14-2

On page 3-2 the DEIR states "...the property to the south is visually dominated by the Kiefer landfill." Kiefer landfill is currently constructing Module 3 of the 10 modules approved by the Kiefer EIR in 1998. Module three is approximately 4,000 feet from the Sports Park and 4,500 feet from the Living and Learning zone of the campus. Module 3 is currently being constructed at 100 to 150 feet elevation above MSL, approximately.

During approximately 2025 to 2035, module 5 (of 10) will be constructed approximately 1,700 feet from the Sports Park and 2,200 feet from the Living and Learning zone of the campus and to an elevation of 325 feet above MSL.

To understand the visual impacts of the Cordova Hills project, a "Kiefer landfill viewer group (viewpoint 6)" should be included in the Impacts and Analysis section of the Aesthetics chapter of the DEIR. The vantage should be taken from the Living and Learning area of campus or from the Sports Park and show the view residents of the campus or users of the park will have when Module 5 is being constructed. **The Cordova Hills project will have significant aesthetic impacts that will require mitigation.**

Response 14-2

This comment is describing potential aesthetic impacts associated with the cumulative development of the landfill on the Project. The DEIR discusses the visual impacts of Kiefer landfill on the Project in order to inform the land use analysis section on land use incompatibility. The ultimate permitted boundary of the landfill was the reference point for the analysis, not the current boundary – which, as noted by this comment, is currently set farther back. Refer to Response 14-1. Buyers of properties within the Project area will have the potential nuisances of landfill proximity fully disclosed, including features which could negatively impact their views, and it is then up to that buyer's discretion to decide whether to purchase.

Comment 14-3

DWMR maintains that, at a minimum, mitigation is necessary in the form of Restrictive Covenants, or some similar mechanism, recorded in perpetuity on deeds for all parcels created in the Cordova Hills Special Planning Area, stating that property owners acknowledge the preexistence and proximity of the Kiefer Landfill and release rights to seek corrective action to nuisances. Additionally, the Cordova Hills project must establish financial mechanisms to pay for responses to the inevitably increased number of complaints.

Response 14-3

In *South Orange County Wastewater Authority v. City of Dana Point* (2011) 127 Cal.Rptr.3d 636, at 646, the Wastewater Authority requested that an EIR be prepared which would assess the impacts of wastewater odor on the proposed Dana Point development, and further requested mitigation to offset impacts which is similar to the mitigation being requested in this comment. The court declined, on the basis that this was not an impact of the project on the environment. The Dana Point project "contemplated no changes in the sewage plant or in its odor-producing operations". The case is the same here. Also see *Baird v County of Contra Costa County* (1995) 32 Cal.App. 4th 1464, 38 Cal.Rptr. 2d 93. The issues raised within this comment are thus

more properly addressed as a policy matter by the decision-makers, not as a CEQA issue.

LETTER 15

Lea Gibson, Environmental Specialist; Sacramento County Environmental Management Department; written correspondence; dated February 21, 2012

Comment 15-1

- 1) **Aesthetics**, Page 3-21: The DEIR claims that the distance of the project from the landfill renders the impact of lights from Kiefer's operations insignificant. While the current location and size of Kiefer's operations may render the light impact insignificant to the project, the landfill's operations will eventually expand and the active face will move closer to the project site. The projected average daily tonnage in 2035 is nearly double the current permitted average daily tonnage. Also, the maximum permitted elevation of the landfill is 325 feet. Did the DEIR account for the increased amount of lighting required for an expanded landfill operation, as well as the eventual increase in elevation of the landfill, which will increase the visibility of Kiefer's operations from the project site?

Response 15-1

See Response 14-2 and Response 14-3.

Comment 15-2

- 2) **Air Quality**, Pages 5-36—5-37: This section states "with particular emphasis on the ability of the gas extraction system to reduce the potency and density of landfill odor – and the mitigation incorporated below, odor impacts are not expected to be substantial, and impacts are less than significant." Odors are also generated by the delivery and compacting of waste, the processing of green waste at the site, and the operation of the flare. The sub-surface landfill gas extraction system does not control these odors. The EIR should not rely on the landfill gas extraction system to reduce odors to a less-than-significant level. Further, while odors must be controlled under Title 27 of the California Code of Regulations (27 CCR), the generation of odors during routine landfill operation is unavoidable and there is no requirement to reduce the potential for odors to zero. The LEA recommends notifying potential tenants of the increased potential for odor issues associated with the proximity to the landfill.

Response 15-2

See Response 14-1 and Response 14-3.

Comment 15-3

- 3) **Hazards and Hazardous Materials**, Page 10-17: This section includes a mitigation measure stating that continuous landfill gas monitoring will be implemented in any structures within 1,000 feet of buried waste or proposed buried waste. Who will be responsible for implementing and maintaining the landfill gas monitoring equipment? The LEA does not have authority to ensure that landfill gas monitoring is being conducted outside of the permitted boundary of the landfill. Any structures within 1,000 feet of the permitted landfill boundary also ought to adhere to the construction standards contained in 27 CCR 21190 (g). Again, the LEA does not have authority to enforce this standard outside of the permitted boundary of the landfill, so the party responsible for implementing these construction standards should be clearly assigned in the FEIR.

Response 15-3

The vast majority of the Project site is outside the 2,000-foot buffer around the ultimate landfill boundary, so the likelihood of any structure being built within 1,000 feet of the buried waste or proposed buried waste at the Kiefer Landfill is remote. Please see Plate HM-2 on Page 10-18 of the DEIR. Mitigation Measure HM-1 has been revised by the FEIR to read as follows:

“Any structure within the Project boundaries (including but not limited to, buildings, subsurface vaults, utilities, or any other areas where potential landfill gas buildup may cause adverse impacts to the public health or safety of the environment) within 1,000 feet of buried waste or proposed buried waste at Kiefer Landfill (refer to Plate HM-2 of the EIR) shall be continuously monitored by the owner/operator of said structure for landfill gas and be designed and constructed to prevent landfill gas accumulation in those structures.”

As with the other Project mitigation, the enforcement of this Mitigation Measure will be part of the responsibility of the Department of Community Development for overseeing the measures which will be implemented within the SPA.

Comment 15-4

- 4) **Land Use**, Page 12-37, Paragraph 2: This paragraph states that Kiefer Landfill is permitted to accept 10,815 tons per day (tpd) and the average intake is approximately 6,000 tpd. The tonnage cited is the maximum permitted tonnage for the year 2034/35; the current permitted maximum tonnage is 5,598 tpd. The permitted tonnage increases each year according to a schedule referenced in the facility's Solid Waste Facility Permit. The EIR should clarify the permitted tonnage and year used to analyze the impacts of the landfill on the proposed development. This paragraph also states that the estimated remaining capacity is 108 million cubic yards. Per the Solid Waste Facility Permit, the remaining site capacity as of 2006 was 86,559,490 cubic yards.

Response 15-4

The second paragraph in the DEIR description of the Kiefer Landfill on Page 12-37 has been revised for the FEIR consistent with the clarifications provided in the comment.

Comment 15-5

- 5) **Land Use**, Page 12-37, Paragraph 3: This paragraph mentions the upcoming Kiefer Bufferlands Special Planning Area (SPA), which will designate areas around Kiefer Landfill for waste-industry uses; however, the DEIR does not include analysis of the potential impacts of the proposed SPA uses on the Cordova Hills tenants. The DEIR also does not include an analysis of the GreenCycle project, a proposed composting facility adjacent to Kiefer Landfill. The FEIR for the GreenCycle project was released in November 2010 and a Supplemental EIR is due for release in 2012. The addition of waste industries and a large-scale composting facility to the area will exacerbate the potential for nuisance conditions, including vectors/pests, dust, noise, and odors. The FEIR should include an analysis of the potential impacts of the GreenCycle project and the Kiefer SPA on the Cordova Hills project.

Response 15-5

The NOP for the proposed Project was released in June of 2010 while the NOP for the Kiefer Landfill Special Planning Area/GreenCycle was released in July 2011. The existing conditions at the time the NOP was issued normally form the baseline conditions for analysis; the Kiefer SPA/GreenCycle Project was not part of baseline conditions. By the time the Kiefer SPA/GreenCycle NOP was published, most of the major technical studies for the Cordova Hills Project were complete. Based on the fact that the Kiefer SPA/GreenCycle Project NOP was published subsequent to the Cordova Hills NOP, it is the duty of the EIR for the Kiefer SPA/GreenCycle Project to describe impacts to the Cordova Hills Project, not the other way around. *South Orange County Wastewater Authority v. City of Dana Point* (2011) 127 Cal.Rptr.3d 636 and *Baird v County of Contra Costa County* (1995) 32 Cal.App. 4th 1464, 38 Cal.Rptr. 2d 93.

Comment 15-6

- 6) **Land Use**, Page 12-38, Paragraph 2: This paragraph states that “nuisance pests and vectors are typically experienced only in close proximity to the source condition”. What is considered “close proximity”? Per the DEIR, the project abuts Kiefer Landfill and the adjacent area is to be designated as Agricultural land, which could provide additional habitat for pests. The LEA recommends notifying potential tenants of the increased potential for vector and pest issues associated with the proximity to the landfill.

Response 15-6

It is simpler to describe what “close proximity” is not, when it comes to vectors and pests; a distance of ½-mile, which is the minimum distance of all residential and commercial uses proposed within the Project area, is not close proximity (see Plate AQ-1, on page 5-35). The agricultural land within the Project area is all currently grazing land, and will remain grazing land, because it is not suitable for row crops or the other

intensive agricultural uses. It is intensive agriculture, not grazing land, which tends to support higher numbers of rodents.

Comment 15-7

- 7) **Land Use**, Page 12-38, Paragraph 2: This paragraph also states that litter was not observed during any of the site visits to the project area and that litter from the landfill would be caught in the intervening landscape. The active portion of the landfill will eventually move closer to the proposed project site, so the fact that litter was not observed during site visits from 2008-2012 would not be relevant to the future conditions of the landfill. Litter may also enter the proposed development from refuse vehicles delivering waste to the facility. Kiefer Landfill implements litter control measures as required in 27 CCR 20830, but it cannot control for litter blowing off of refuse vehicles. The LEA recommends notifying potential tenants of the increased potential for litter in their neighborhood due to the proximity of the landfill and the refuse vehicles utilizing the roadways.

Response 15-7

This comment cites Title 27, Section 20830, which states that litter shall be controlled and that “control shall prevent the accumulation, or off-site migration, of litter in quantities that create a nuisance or cause other problems”. With regard to the collection trucks, it is a violation of California Vehicle Code Section 23115 for any vehicle transporting garbage, refuse, or trash to be driven or moved upon any highway unless the load is totally covered in a manner that will prevent the load or any part of the load from spilling or falling from the vehicle. There are thus existing regulations in effect which will prevent litter from the landfill from being a substantial impact on the Project.

Comment 15-8

- 8) **Land Use**, Page 12-38, Paragraph 3: This paragraph states that CalRecycle is responsible for verifying compliance with State Minimum Standards. EMD, acting as the LEA in Sacramento County, is certified by CalRecycle to regulate Kiefer Landfill to ensure the facility meets the State Minimum Standards, per 14 CCR 18081 (c). The section of regulation cited in this paragraph, 27 CCR 21685(b)(8), pertains to CalRecycle’s concurrence with the issuance of a Solid Waste Facility permit or permit revision. Kiefer Landfill has already been issued a Solid Waste Facility permit, so the section pertaining to CalRecycle’s concurrence is not relevant to ensuring ongoing compliance with the State Minimum Standards. Another section of regulation cited in this paragraph, 14 CCR 17867 (a), pertains to composting facilities, not disposal sites. Kiefer Landfill is a permitted as a disposal site, so 27 CCR 20760 is the appropriate section to cite for nuisance control.

Response 15-8

The text has been amended in the FEIR consistent with the clarifications provided in the comment.

Comment 15-9

- 9) **Land Use**, Page 12-39: Mitigation measure LU-2 states that the location and nature of Kiefer Landfill will be disclosed to buyers within one mile of the “ultimate active landfill boundary.” What is the definition of the “ultimate active landfill boundary”? Is it the same as the disposal site permitted facility boundary, as specified in Kiefer Landfill’s Solid Waste Facility Permit? If not, what criteria were used to determine the “ultimate active landfill boundary”? Also, who will be responsible for providing the notification to the buyers and what information will be included in the notification?

Response 15-9

Refer to Plate AQ-1, on page 5-35, which shows the location of the ultimate active landfill boundary. This is the ultimate permitted boundary of the active disposal area. As part of real estate transaction, the prospective buyer is by law provided with a series of disclosures about the property under consideration. Standard items which must be disclosed include radon zones, whether a floodplain is present, fire hazard designations, and other items. This mitigation measure would add the Kiefer Landfill disclosure to all parcels created within the SPA, and this would become part of the required real estate disclosures. Additional language has been included in the mitigation measure to specify the minimum information which must be disclosed (see Response 14-1).

Comment 15-10

- 10) **Noise**, p13-39: This section uses a 1989 study to determine the impact of noise on the proposed project. In 1989, Kiefer landfill’s average permitted daily tonnage was approximately 2,700 tpd. In 2012, the average permitted daily tonnage is 3,293 tpd, and, in 2035, it will be 6,362 tpd. The increase in tonnage accepted at the landfill will require additional equipment to handle the waste and there will be additional traffic delivering waste, meaning increased noise levels at the landfill. The FEIR ought to consider future noise levels instead of using 1989 noise levels to determine the impact to the residents of the proposed development.

Response 15-10

Roadway noise analyses used cumulative noise levels, and these are provided in the traffic noise analysis section. The 1989 study was the most recent noise analysis available for the landfill, and was used as a screening tool. As stated on page 13-39, based on the location of the ultimate active landfill boundary, noise levels at the nearest noise-sensitive uses would be 44 dB. This is far below the noise standards. Furthermore, noise on the site itself would need to far exceed the safe limits for workplaces established by California Occupational Health and Safety Administration before noise nearly ½-mile away would exceed General Plan standards. An updated noise study was not necessary in order to conclude that impacts would be less than significant.

Comment 15-11

11) Public Services, p 14-21: This section states that the facility is permitted to accept 10,815 tpd and currently receives 700,000 tons per year. The permitted tonnage cited is the maximum daily tonnage for the year 2035. The facility's current maximum daily tonnage is 5,598 tpd and the projected annual tonnage for this fiscal year is 1,202,000 tons, per the Solid Waste Facility Permit. This section also cites "N. Yeats" of CalRecycle. The CalRecycle permitting contact for Sacramento County is Nevin Yeates, not Yeats.

Response 15-11

The text has been amended in the FEIR consistent with the clarifications provided in the comment.

LETTER 16

Donald J. Lockhart, Assistant Executive Officer; Sacramento Local Agency Formation Commission; written correspondence; dated February 22, 2012

Comment 16-1

Refer to page 92 of the “Cordova Hills FEIR: Comment Letters”. The comment spans slightly more than six pages, and ends with the paragraph preceding the “Recreation” subheading on page 98. This portion of the letter describes various analysis sections within the DEIR, and concurs with those analyses.

Response 16-1

Comment noted.

Comment 16-2**Recreation**

For recreation services, the project area would detach from the Sacramento County Regional Parks Department County Service Area 4B and a newly created Cordova Hills CSD would provide recreation services. Detachment from the Sacramento County CSA 4B would require LAFCo discretionary action.

The DEIR evaluates whether the park facilities distributed throughout the project area would meet Quimby Act and Sacramento County General Plan park standards (page 14-23 thru 14-24). Cordova Hills will generate an estimated population of approximately 21,379 residents, requiring a minimum park dedication requirement of 106.9 acres. The proposed project would include 99.1 acres of formal parkland, and an additional 151 acres of informal parkland. The analysis concludes that with the implementation of parks identified in the Cordova Hills Master Plan Special Planning Area, adequate recreation resources would be provided to meet County standards, and the cost of park maintenance would be fully covered by the proposed CSD special tax assessment (page 14-26). The DEIR concludes that because the project is consistent with the Quimby Act and the General Plan park standards, the project will not increase demand for existing park services.

LAFCo is statutorily required to evaluate whether the County (or proposed CSD) has the service capability and capacity to serve the project area, and also whether they can provide services to the project area without adversely affecting existing service levels elsewhere in their service area.

Additionally, LAFCo must evaluate whether the deletion of territory now served by the Sacramento County Regional Parks Department County Service Area 4B would lead to an adverse impact on current CSA 4B users or facilities resulting from any related loss of tax revenues, thereby diminishing the ability of the County to deliver adequate services within the remaining service area of CSA 4B. Adequate information on any such loss of tax revenue is not presented in the DEIR. The County or project proponents will need to provide sufficient information to LAFCo to evaluate these questions prior to the Commission's consideration of any related detachment or district formation.

Therefore, LAFCo requests the County evaluate whether the deletion of the territory now served by the Sacramento County Regional Parks Department County Service Area 4B would lead to the loss of tax revenues, thereby diminishing the ability of the agency to deliver adequate services within their remaining service areas.

Consideration should be given to the evaluation of regional park resources in the context of the adequacy of regional park resources on a regional basis to serve existing and projected populations, and the project's effect on the adequate provision of such resources. Also, the DEIR should further discuss information that supports the document's environmental conclusion regarding the adequacy of fees or other sources of revenue to support the development of any new needed regional park facilities, and/or the maintenance of existing facilities.

Response 16-2

The current tax revenue to County Service Area 4B ("CSA 4B") is modest and reflects the current low value agricultural use, therefore the impact of detachment from CSA 4B would be modest. Future revenues will be considerably higher with the development of the Cordova Hills Project, but along with that revenue would come the obligation to provide a considerably higher level of recreational services that are beyond CSA 4B's

capacity. Currently, funding for the Sacramento County Regional Parks Department is from a combination of general fund revenues, grants, and access fees. The increased population in Cordova Hills will contribute to the regional parks support through property taxes and by access fees when individuals choose to visit a County park facility. The open space and recreation facilities in Cordova Hills will meet the recreation demand of the Project residents.

Comment 16-3

Schools/Libraries

Neither service is subject to LAFCo purview.

Law Enforcement/Fire Protection

For law enforcement and fire protection services, the Sacramento County Sheriff's Department (SSD) and the California Department of Forestry and Fire Protection (CalFIRE) and the Sacramento Metropolitan Fire District (SMFD) would provide fire protection and emergency services. The proposed project includes a maximum of 8,000 residential units for a population of approximately 21,379 residents. Funding for increased law enforcement services would be provided through the County General Fund and the County Police Services Community Facilities District 2005-1 (CFD 2005-1) annual special tax. Compliance with General Plan goal and policies supporting law enforcement facilities, programs, and neighborhood security measures (page 14-21) would ensure the Sheriff's Department adequately serves new growth. The project includes sites for one or two fire stations to serve the project and adjacent development. It is anticipated that the station will require a truck, engine, and medic company. With adherence to existing regulations and the construction of new fire facilities, impacts associated with fire protection services will be less than significant (page 14-19).

Natural Resources/Open Space – The February 2011 NOP comment requested the DEIR include an evaluation of any open space resources as defined by Government Code §65560 that are located within or adjacent to the project area. While LAFCo had requested a separate evaluation on open space resources, such as a discrete impact statement, there is adequate information in Chapter 6, *Agricultural Resources*, to make findings for our Commission. Therefore, we request no changes to the EIR to address this issue.

Response 16-3

Comment noted.

Comment 16-4

Environmental Justice - State law requires LAFCo to consider the extent to which the project will promote environmental justice. "Environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The February 2011 NOP comment letter requested the DEIR evaluate environmental justice effects that could occur as a result of implementing the proposed project. The DEIR does not evaluate potential environmental justice effects related to the project. In order for LAFCo to comply with its statutory responsibilities with respect to environmental justice, we request that this issue area be addressed in the Final EIR.

Response 16-4

Comment noted. It is acknowledged that LAFCo is required to consider environmental justice pursuant to Government Code Section 56668. As defined in that Section, “environmental justice” means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. Public facilities located in the public areas of the Cordova Hills Project will not have any limitation on access to any individuals regardless of race, color, culture, national origin, income, and educational levels, and will comply with the Americans with Disabilities Act. CEQA analyses may peripherally address environmental justice, simply because of the requirement to identify impacts compared to baseline environmental conditions, but “environmental justice” is not an impact topic requiring analysis under CEQA. So, for instance, the significance criteria for noise impacts recognizes that the louder the existing noise environment, the smaller an increase needs to be in order to result in an impact. In this respect, CEQA significance criteria and the nature of the analysis recognizes that some communities may be more sensitive to impacts than others, but there is no CEQA mandate to determine whether the community in question contains a disproportionate number of minorities or low incomes.

LETTER 17

Larry Greene, Executive Director; Sacramento Metropolitan Air Quality Management District; written correspondence; dated February 22, 2012

Comment 17-1

Thank you for the opportunity to review and comment on the Cordova Hills Draft Environmental Impact Report (DEIR). Staff of the Sacramento Metropolitan Air Quality Management District (District/SMAQMD) thanks the County and applicant for working with us early and often, especially during the development of the 35% Operational Air Quality Mitigation dated June 1, 2011 and Greenhouse Gas Reduction Plan dated May 2011 (AQMP, and GHG Plan, accordingly) that we determined to be technically adequate in June 2011 (documents and determination letters are attached).

District staff applauds the County in its clear presentation in the air quality, land use, and climate change chapters; in particular, the County's GHG thresholds of significance analysis and its explanation that its thresholds were modified mid-stream while the County was preparing the EIR. Also, the District concurs with the County's decision to require an AQMP to reduce ozone precursor emissions by 35%, as opposed to the standard 15%, as feasible mitigation since the emissions from the Cordova Hills project were not included in the State Implementation Plan to achieve the federal health based standards.

The project originally contemplated included the early development of key aspects of the University of Sacramento (University) campus component. As the District has indicated to County staff, as well as the project applicant, the University and its phasing played a pivotal role in the District's determination that the AQMP Plan met 35% mitigation requirement, and that the GHG Plan met the County's thresholds in place at that time. It was the District's understanding, based on discussions with the applicant, that construction of the overall project phases would be conditioned on the early construction of the Campus so that the integrity of the AQMP and GHG Plan analysis and conclusions would be protected.

The DEIR now anticipates development of a "University/College Campus" that appears to conceptually maintain the elements of the original University of Sacramento plan, but the DEIR contains no conditions requiring early development of the Campus, and in fact appears to anticipate that the Campus may not be built for 30 years. A letter from SACOG to Mr. Ron Alvarado representing Cordova Hills (attached) affirms our understanding that the County would require appropriate phasing. The SACOG letter states: "Cordova Hills indicated in a recent discussion that if Sacramento County approves an entitlement for the project it is very likely that it will attach a condition requiring the construction of the university before other substantial construction can occur."¹

If there is no early Campus development commitment, the DEIR should be recirculated with an analysis of project impacts that assumes the Campus is not constructed. Without the Campus, the existing air quality analysis misstates and underestimates the project's emissions because it assumes reductions associated with or generated by the Campus component, and these reductions may never occur.

Absent an early development commitment, the District's determination of technical adequacy for the GHG and AQMP plans is null and void.

The impact of the loss of the Campus component on the GHG Plan is plain. The GHG analysis and GHG Plan are based on the applicant's detailed project description that included 21,379 residents in 8,000 dwellings and over 4,000 students that would live in the 1,010 small, efficient, high density, alternative energy-producing dorm rooms on campus, and that the University would not allow first year students to maintain vehicles on campus. Collectively, these and many other promised features of the University acted to conserve resources and generate fewer GHG emissions than most projects of a comparable population. These detailed characteristics and emission reduction measures were embedded in the calculation that yielded a 5.8 MT CO₂e per capita efficiency. Without a Campus, for example, the density of the project would be reduced from an overall net density of 10.4 dwelling units per acre to 8.9 dwelling units per acre, which would impact the per capita emission calculation and prevent the project from achieving the reductions to which it has committed.

The impact on the AQMP is equally plain. A full 25% of emissions reductions are attributed to the relatively high internal trip capture rate, which was achievable through the diverse mix of uses including the presence of a functioning Campus.

Response 17-1

While the Project exhibits include a conceptual phasing plan showing the university/college campus center within Phase I, a condition to require early

development of the university/college campus center was not part of the Project application, and was not included in the Project description. In fact, the Project Description chapter of the DEIR specifically notes that no phasing was used in the analysis. This information was relayed to SMAQMD, along with the information that an “early development” condition was not required by CEQA and would not be in the EIR, but was being considered by other County staff for inclusion in the Development Agreement. See Response 8-3. That this condition was ultimately not included in the Staff Report or Draft Development Agreement has no bearing on the EIR analyses.

The GHG Plan and the AQMP were both developed based on the cumulative, full-build out development conditions; the analyses ignored the timing of all of the various land uses, and simply looked at the effect of the completed Project, as is appropriate and required by CEQA. The methodology which used full-build out for analysis was deemed technically adequate by SMAQMD, and neither mitigation plan refers to phasing. Exclusion of an “early development” requirement does not constitute a revision of the Project. Also see Response 8-2, Response 8-10, Response 8-24, Response 8-27, and Response 8-31.

Though removal of the university/college campus center could be expected to increase per-capita emissions (while reducing total emissions), the same could be said for the removal of many of the other components of the Project, such as the high density residential uses or commercial uses. The removal of any component of a master planned land use proposal would always result in changes to its trip generation and distribution. An analysis would be required to determine whether impacts would increase or decrease, and to what degree this would occur, and with respect to that, this response has already indicated that such an analysis is not required or even consistent with CEQA.

In addition, phasing or the project’s elements was not included in either the SMAQMD endorsed air quality mitigation plan or the SMAQMD endorsed greenhouse gas reduction plan. The emissions modeling for both plans was based upon emissions at full build out as required by CEQA and SMAQMD’s model, not the emissions generated when any specific phase of the project was developed. Further, the university/college campus center component of the project has always been presented as one of the proposed land use types whose approval is being sought as part of the project. It was never required or included in either plan as a mitigation measure. As stated in the Draft EIR and again at the Planning Commission hearing for the project, the air quality and greenhouse gas impacts of the project will be significant and unavoidable.

Comment 17-2

We make the following recommendations to specific mitigation measures **only if an early Campus development commitment is included in the FEIR and project approval, and an acceptable phasing agreement is developed.**

1. CC-1 should be modified to make it clear that any amendments to the Cordova Special Planning Area must maintain 5.80 MTCO₂e/capita max for the entire project (not just that parcel) and that the parties consult with the District during the amendment process. Our suggested changes appear in red underline:

CC-1. All amendments to the SPA shall include an analysis which quantifies to the extent practicable, the effect of the Amendment on greenhouse gas emissions for the entire project. The amendment shall not increase greenhouse gas emissions above an average 5.80 MT [CO₂e] per capita (including emissions from building energy usage and vehicles) for the entire Cordova Hills project. The proponent shall consult with the SMAQMD on the revised analysis and shall prepare a revised GHG Plan for approval by the County, in consultation with SMAQMD.

Response 17-2

See Response 8-26. CC-1 has been amended in the Final EIR.

Comment 17-3

2. Currently, the Climate Change chapter on page 27 states that GHG reduction measures need not be imposed as a mitigation measure because "they are design features already embedded in the SPA..." Our experience has shown us that well intended mitigation may not be implemented because it gets overlooked or buried as projects build out. So, with the goal of providing a clear path linking the mitigation measures to the MMRP and then to actual implementation by a developer/contractor, we suggest that the County include a mitigation measure specifically requiring compliance with the GHG Plan as well as all other feasible and reasonable mitigation measures to which the applicant has committed. We request that the County include the following new mitigation measure:

CC-2: The GHG Plan, dated May, 2011 shall be consulted and implemented at every phase as the project builds out. The measures are as follows...

Response 17-3

Comment noted. For a master plan such as this, in which much of the development will occur over multiple decades and only after additional discretionary entitlements, it is

typical that an MMRP is not maintained for the life of the master plan. The MMRP on a master plan is usually only maintained until it has been verified that the measures have been included as zoning conditions and/or land use master plan conditions, at which time the MMRP is closed. CEQA Guideline 15097 (b) specifically allows this, stating: “Where the project at issue is the adoption of a general plan, specific plan, community plan, or other plan-level document (zoning, ordinance, regulation, policy) . . . the monitoring plan may consist of policies included in the plan-level documents.” Thus, the mitigation measure would simply require that the GHG Plan be included as part of the SPA. The GHG Plan has already been added as a section of the SPA, but Measure CC-1 has nonetheless been amended to refer to the GHG Plan (See Response 8-26).

Comment 17-4

3. In December 2011, a federal judge granted a preliminary injunction against California's low carbon fuel standard. We suggest that the EIR discuss the possibility that certain statewide greenhouse gas reduction rules may be rescinded, and discuss the potential impact on the emissions reductions efforts of the Cordova Hills project.

Response 17-4

No greenhouse gas reduction credit was given for the use of low carbon fuels in the analysis of the Project. Should the use of low carbon fuels be implemented by the State of California in the future, then the actual greenhouse gas emissions of the Project are likely to be lower than estimated in the Draft EIR.

Comment 17-5

4. The County should include a new mitigation measure requiring a revised AQMP be approved by the County in consultation with the District.

AQ-5: All amendments to the SPA shall include an analysis which quantifies to the extent practicable, the effect of the Amendment on ozone precursor emissions for the entire project. The amendment shall not increase ozone precursor emissions above what was considered in the AQMP for the entire Cordova Hills project. The proponent shall consult with the SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the County, in consultation with SMAQMD.

Response 17-5

In response to this comment, the FEIR has modified Mitigation Measure AQ-2 to include language which is similar to measure CC-1, to address the effect of a possible future amendment to the Cordova Hills SPA that has the potential to impact the Project's ozone precursor emissions:

- AQ-2. Comply with the provisions of the Air Quality Management Plan dated June 1, 2011, and incorporate the requirements of this plan into the Cordova Hills Special Planning Area conditions. **Also, the following text shall be added to**

the Cordova Hills SPA: “All amendments to the Cordova Hills SPA with the potential to result in a change in ozone precursor emissions shall include an analysis which quantifies, to the extent practicable, the effect of the proposed SPA amendment on ozone precursor emissions. The amendment shall not increase total ozone precursor emissions above what was considered in the AQMP for the entire Cordova Hills project. If the amendment would require a change in the AQMP to meet that requirement, then the proponent of the SPA amendment shall consult with SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the County, in consultation with SMAQMD.”

Comment 17-6

5. As suggested in underline and strikeout, please clarify the following statement on page 5-20 regarding operational ozone precursor reductions to indicate that emissions reductions have not yet taken place:

With the construction of the Campus component during the early phases ~~Emissions reductions were accomplished through the production of an Air Quality Management Plan⁹ (AQMP), which was designed to,~~ the Cordova Hills project will achieve a minimum 35% emissions reduction under the AQMP (per guidance from SMAQMD, indicating that this represents the feasible mitigation that should be applied).

Response 17-6

All Project impacts were analyzed by examining the impact of full-build out, and thus the timing of construction of the university/college campus center (or any of the other proposed land uses) is not relevant to the analysis. See Response 8-2, Response 8-3, and Response 8-10. The text has been amended so as not to imply that reductions have already occurred, but the statement about early campus construction has not been included.

Comment 17-7

6. Currently, AQ-1 states that the Special Planning Area will be revised to “include language requiring all individual development projects to implement SMAQMD rules and mitigation pertinent to construction-related ozone precursors, as defined by the most current version of the SMAQMD Guide to Air Quality Assessment.” As a backstop, we suggest including our current construction mitigation language, along with a statement that the project must comply with SMAQMD’s mitigation in force at the time the project goes to build/becomes operational in case the mitigation requirements change.

Response 17-7

Experience with implementation suggests that actually including the language “current” at the time of approval leads to confusion. This project will remain active for decades, and it is certain that the current language will become obsolete during that timeframe. There have been unfortunate circumstances when a County staff member simply uses the “fall-back” language, and fails to check and see whether there are more current standards in place. This experience has led to the conclusion that for multi-decade projects it is more effective to have the mitigation direct staff to look up the most current language, rather than providing a fall-back.

Comment 17-8

7. Finally, the Cordova Hills circulation plan- in particular its access policy- should be carefully crafted in order to support goals of the Capital South East Connector Project.

Response 17-8

Comment noted. This is a policy matter for consideration by the decision-makers, and has been addressed via conditions of approval recommended by the Sacramento County Department of Transportation.

Comment 17-9

In conclusion, the proper phasing of this project and development of a functioning University/College Campus are keys to ensuring that air quality and greenhouse gas mitigations are achieved. If there is no early Campus development commitment, the DEIR should be recirculated with an analysis of project impacts that assumes the Campus is not constructed. In the absence of a condition requiring early development of the Campus, the District will withdraw its approval of the AQMP and GHG Plans, because the revised project constitutes a significant change in the project analyzed in those Plans, and a new GHG and AQMP Plan should be developed in consultation with SMAQMD staff.

Response 17-9

See Response 17-1.

LETTER 18

Sarena Moore; Sacramento Regional County Sanitation District; written correspondence; dated February 21, 2012

Comment 18-1

Sacramento Regional County Sanitation District (SRCSD) has reviewed the Cordova Hills DEIR and determined that the sections on sewer service within this document contain inaccurate or outdated information. Please revise these sections based on the following comments:

The Cordova Hills area is located outside the SRCSD Service Area. This area will need to be annexed into the SRCSD Service Area through the Sacramento Local Agency Formation Commission (LAFCo) in order to receive sewer service from SRCSD. The annexation process is to be initiated by the project proponent, not SRCSD.

Response 18-1

Comment noted. The County will require annexation of the Project area into the SRCSD as set forth in draft Conditions of Approval for the Project's large lot tentative subdivision map. The Project Description chapter also discussed that annexation would be required.

Comment 18-2

Once annexed, local sewer service for the proposed project area will be provided by Sacramento Area Sewer District (SASD). Conveyance from local trunk sewers to the Sacramento Regional Wastewater Treatment Plant (SRWTP) will be provided by SRCSD through large pipelines called interceptors.

SRCSD is in the process of finalizing an Interceptor Sequencing Study that will aid SRCSD in planning and implementing regional conveyance projects and assists SASD in coordinating collection system facilities.

SRCSD sewer systems are designed using predicted wastewater flows that are dependent on land use information provided by each land use authority. Sewer studies, including points of connection and phasing information will need to be completed to fully assess the impacts of any project that has the potential to increase existing or future flow demands. Please remove any reference in this document regarding previous sewer studies, as they will need to be updated to reflect the most current information within the SASD System Capacity Plan and SRCSD planning documents.

Response 18-2

Comment noted. At the time of preparation of the Draft EIR, the Cordova Hills Sewer Facilities Master Plan was consistent with the then-current SASD and SRCSD planning documents. Since then, however, the SASD Board of Directors has, as part of its periodic update of its planning documents, approved the 2010 Sewer Capacity Plan Update. This update eliminates the previously planned future offsite Laguna Interceptor and Mather Interceptor in favor of the proposed Aerojet-2 Interceptor and Douglas Interceptor. Those two newly proposed interceptors will be constructed in the future by SRCSD to provide ultimate sewer service to the East Rancho Cordova sewer shed, which includes Cordova Hills. CEQA review of those two facilities would occur as part of the SRCSD's planning document update and prior to construction. Additional offsite revisions impacting the Cordova Hills Sewer Facilities Master Plan are the elimination of Alternative Points of Connection 4 and 5 associated with elimination of the Laguna and Mather Interceptors. Onsite sewer facility revisions associated with the 2010 Sewer Capacity Plan Update are limited to a downsizing of previously contemplated trunk sewer facilities, including elimination of sewer service provisions to the area north of Cordova Hills via facilities that Cordova Hills would need to construct for its own sewer service requirements. Actual onsite sewer facility alignments have not changed from what was contemplated in the Cordova Hills Sewer Facilities Master Plan. Detailed "Level -3" sanitary sewer studies will be prepared as part of small lot tentative subdivision map preparation, and will reflect the most current SASD and SRCSD planning information available at that time.

Comment 18-3

Customers receiving service from SRCSD are responsible for rates and fees outlined within the latest SRCSD ordinances. SRCSD fees for connecting to the sewer system are set up to recover the capital investment of sewer and treatment facilities that serves new customers.

SRCSD is not a land-use authority. Projects identified within SRCSD planning documents are based on growth projections by land-use authorities. Onsite and offsite impacts associated with constructing sanitary sewers facilities to provide service to the subject project must be included in this environmental impact report.

Response 18-3

Comment noted. Please see the Draft EIR at Pages 15-38 to 15-39, at Page 15-49, and at pages 18-1 through 18-4. Environmental impacts that would arise from the offsite sewer facilities that would be constructed by the project applicant to serve the Cordova Hills Project were examined by the Draft EIR's chapters on Air Quality, Biological Resources and Cultural Resources, and compliance with mitigation measures AQ-1, BR-1, BR-3, BR-4, BR-5, BR-6, BR-7, BR-8, and CR-1 will be required to reduce those environmental impacts. As noted on Page 15-39, the construction of regional sewer infrastructure would result in significant and unavoidable impacts to biological resources, namely significant impacts to wetlands and invertebrates, notwithstanding implementation of mitigation measures BR-1 and BR-7 to reduce those impacts. Any significant impacts to nesting raptors, Swainson's hawks, burrowing owls, tricolored blackbirds and special status vernal pool plants would be mitigated to a less than

significant level by compliance with Mitigation Measures BR-3, BR-4, BR-5, BR-6 and BR-8. Impacts arising from construction activities that could increase NO_x emissions would be avoided and be rendered less than significant by compliance with Mitigation Measure AQ-1. Potentially significant impacts to cultural resources arising from the construction of offsite sewer infrastructure by the applicant would be mitigated to a less than significant level by compliance with Mitigation Measure CR-1.

Comment 18-4

There are incorrect statements regarding the design of the SRWTP within the subject document. The SRWTP provides secondary treatment using an activated sludge process. Incoming wastewater flows through mechanical bar screens through a primary sedimentation process. This allows most of the heavy organic solids to settle to the bottom of the tanks. These solids are later delivered to the digesters. Next, oxygen is added to the wastewater to grow naturally occurring microscopic organisms, which consume the organic particles in the wastewater. These organisms eventually settle on the bottom of the secondary clarifiers. Clean water pours off the top of these clarifiers and is chlorinated, removing any pathogens or other harmful organisms that may still exist. Chlorine disinfection occurs while the wastewater travels through a two mile "outfall" pipeline to the Sacramento River, near the town of Freeport, California. Before entering the river, sulfur dioxide is added to neutralize the chlorine. The design of the SRWTP and collection system was balanced to have SRWTP facilities accommodate some of the wet weather flows while minimizing idle SRWTP facilities during dry weather. The SRWTP was designed to accommodate some wet weather flows while the storage basins and interceptors were designed to accommodate the remaining wet weather flows.

Response 18-4

The EIR description is much simpler than the description included in this comment, but it is not incorrect. The EIR states that the facility is a "high-purity oxygen-activated sludge facility", while this comment describes all the details that make up such a facility. At the request of this comment, these details have been added to the FEIR.

Comment 18-5

A new NPDES Discharge Permit was issued to Sacramento Regional County Sanitation District (SRCSD) by the Central Valley Regional Water Quality Control Board (Water Board) in December 2010. In adopting the new Discharge Permit, the Water Board required SRCSD to meet significantly more restrictive treatment levels over its current levels. SRCSD believes that many of these new conditions go beyond what is reasonable and necessary to protect the environment, and has appealed the permit decision to the State Water Resources Control Board. A decision on that appeal has not yet occurred. In the meantime, SRCSD is required to begin the necessary activities, studies and projects to meet the new permit conditions. All new treatment facilities must be completed by 2020. There are incorrect statements within the subject document regarding the permitted average dry weather flow (ADWF), permitted wet weather flow and the design capacity of the SRWTP. The SRWTP NPDES Permit adopted in December 2010 lists the permitted capacity as 181 mgd ADWF.

Response 18-5

The DEIR indicates that the permitted capacity is 181 mgd ADWF (page 15-6), and uses this figure throughout the analysis. The only place where a larger capacity is referenced is in the description of the 2020 Master Plan, where it states that the Master Plan would increase capacity to 218 mgd ADWF, but that the environmental document was invalidated. It is not clear from this comment where the EIR is felt to be in error. The information about the new NPDES permit has been added to the FEIR.

Comment 18-6

SRCSO currently owns and operates a 5-mgd Water Reclamation (WRF) that has been producing Title 22 tertiary recycled since 2003. The WRF is located within the SRWTP property in Elk Grove. A portion of the recycled water is used by SRCSO at the SRWTP and the rest is wholesaled to the Sacramento County Water Agency (SCWA). SCWA retails the recycled water, primarily for landscape irrigation use, to select customers in the City of Elk Grove.

Response 18-6

The information provided by the commenter has been added to the EIR description of the Water Recycling Program by revising the first paragraph on Page 15-9 of the DEIR.

Comment 18-7

The Cordova Hills DEIR's identified potential "Non-Potable Water" sources that could be used in its project area to meet non-potable water demands, e.g. landscape irrigation. SRCSO was referenced as a potential source of non-potable water, i.e. recycled water, in *the Non-Potable Water Master Plan for Cordova Hills (March 2011)*. It should be noted that SRCSO currently does not have any planned facilities that could provide recycled water to the proposed Cordova Hills project or its vicinity. Additionally, SRCSO is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

Response 18-7

Comment noted. The Cordova Hills "Non-potable Water Master Plan" only referred to the SRCSO as a "potential source" of non-potable water, not as "the source" of non-potable water. That reference was based upon the SRCSO's own "Water Recycling Opportunities Study" dated February 2007. It was mentioned as a possible source of recycled water because the SRCSO Study identified "Reclaimed Water Supply facilities" as a conceptual source of reclaimed water that might one day be able to provide reclaimed water in its identified target area", with Cordova Hills being within that target area. It was actually planned that SCWA would be the purveyor of reclaimed water to Cordova Hills, but SCWA has since determined that there are no plans to provide future non-potable water to the Cordova Hills Project area and no funding for the County or the water and sewer agencies to maintain a recycled water distribution system at Cordova Hills until non-potable water could be supplied. Consequently, in conformance with the County's current plans, it was decided that that the Cordova Hills Project will not be installing a separate recycled water distribution system.

LETTER 19

Terry Davis, Director; Sierra Club, Mother Lode Chapter; written correspondence; dated February 21, 2012

Comment 19-1

Thank you for the opportunity to briefly comment on the DEIR for the Cordova Hills project. As a general comment, this is fundamentally a flawed project, located as it is on the fringe of the region's urban footprint, seven miles from light rail, surrounded by undeveloped land and outside the county's urban services boundary. Its remote location made it ineligible for inclusion in the Draft MTP/SCS; thus the project would hinder efforts of SACOG to achieve its targets under SB 375. The design of the project is inconsistent with efforts to develop the South Sacramento Habitat Conservation Plan since the proposed project would construct a shopping center in an important vernal pool area that federal agencies have indicated is needed for conservation under the SSHCP. In multiple ways the project fundamentally defies ongoing efforts by the region to achieve landscape level habitat conservation and responsible land use and transportation planning.

Response 19-1

Comment noted. The SCS is discussed on page 7-8 of the DEIR. The applicant did coordinate with the County and Fish and Wildlife to design the preserve in a manner which was consistent with the preserve boundaries contemplated at the time, but the South Sacramento Habitat Conservation Plan (HCP) has not been published at this time and the preserve areas in the conservation plan have not been finalized. Given that the HCP has neither been published nor finalized, it cannot be said that the Project is inconsistent.

Comment 19-2

Much of the project's site is a high-value vernal pool area, a significant portion of which will be impacted by the project. An EIS will be required by USEPA, a 404 permit from the ACOE, and a Section 7 consultation with FWS, which must issue a favorable Biological Opinion. The EIS and these federal permits will dictate the final onsite habitat avoidance and offsite mitigation. While CEQA requires the provision of feasible mitigation, the DEIR defers mitigation for impacts to vernal pool wetlands and to listed species to future federal permits, thus denying key information to decision-makers and the public, violating the very essence of CEQA. A combined EIR/EIS would have presented a complete picture of avoidable and unavoidable impacts and complete information regarding how the project would avoid or mitigate for its impacts to biological resources.

Response 19-2

See Response 3-2 and Response 8-1.

Comment 19-3

The Sacramento Metropolitan Air Quality Management District noted in its letter dated June 2, 2011 that Cordova Hills had provided sufficient mitigation to reduce its emissions to meet the air district's guidelines. That determination was based in part on a university being part of the project, with a resulting positive effect on VMT. However, while the DEIR anticipates construction of the university during the initial phase, there appears to be no requirement that housing and commercial development proceed only if there is a commitment of a university to locate on the site and construction has begun.

In fact there are substantial reasons to doubt that the university component of the project will ever be a reality. A letter from SACOG) dated October 7, 2011 and attached states, *"Finding, financing and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region."* And the letter goes on to state that, *"Many of the short trips and multimodal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all."*

Given the expressed concerns of SACOG, air quality impacts must be assessed both with and without the university. In order for the project to meet the SMAQMD emissions requirements the project should achieve a 35% reduction in emissions both with and without a university.

Response 19-3

See Response 8-2, Response 8-3, and Response 8-10.

Comment 19-4

For further comments on the DEIR, we incorporate by reference those of the Environmental Council of Sacramento (ECOS), which you have already received. Please keep me on your list of interested parties who will receive notices as the review process for Cordova Hills moves forward.

Response 19-4

Refer to the responses to the ECOS letter.

LETTER 20

Tom Zlotkowski, Executive Director; Capital SouthEast Connector Joint Powers Authority; written correspondence; dated February 22, 2012

Comment 20-1

The first page of this comment letter is not included, because it is not a comment on the DEIR; it is a description of the Connector project. Refer to "Cordova Hills FEIR: Comment Letters" page 122.

As part of that PEIR process, the Connector identified preferred access locations to adjacent roadways and land use in the immediate vicinity of the proposed Cordova Hills Special Planning Area (SPA). In this segment of the Connector, the PEIR analyzed an expressway configuration as the preferred functional cross section to provide for the necessary Level of Service and safety needs of the future corridor. This expressway configuration constitutes four through travel lanes in a 200' wide limited access right of way with very restrictive access allowed only at designated locations. Grade separations have been identified as the means to provide for accommodation of future volumes as noted in Table 16-13 of the PEIR, (copy attached) once planned growth and resulting traffic volumes justify.

Recognizing that the proposed access to the Cordova Hills SPA would not be compatible with the desired intersection/interchange spacing of the proposed expressway configuration of the Connector, JPA staff advised both the applicant and the County of Sacramento in writing, dated December, 2009, that an alternative connection for the northern access point to the Cordova Hills SPA should be reconfigured to eliminate its intersection with Grant Line Road. The letter further stated that if the Grant Line Road alignment was chosen as the preferred route for the Connector, the three major access points in the vicinity of the project would be Douglas Road, Crysanthus Road, and University Road under the planned expressway configuration.

Despite this expressed concern, the Connector project was not considered a "foreseeable project" at the time of the release of the Notice of Preparation (NOP) for the Cordova Hills SPA EIR, and the current Sacramento County General Plan designation for this section of Grant Line Road was used in the existing, existing plus project, cumulative, and cumulative plus project traffic analyses. The JPA feels this failure to recognize the Connector is in error in that activity on the PEIR for the Connector was initiated well in advance of the work on the Cordova Hills EIR and that the NOP for the Connector preceded the release of the NOP for Cordova Hills by six months. It is unclear as to the reasons why there was no mention of even the potential for an access conflict as expressed in the Traffic and Circulation chapter of the Cordova Hills EIR, given the aforementioned notice and understanding by the parties involved of the potential for the incompatibility of this access.

Response 20-1

The Connector was a transportation concept at the time of release of the Cordova Hills NOP and had a number of different conceptual routes. In addition, the Connector is not consistent with the recently adopted 2030 Sacramento County General Plan, and was

not even mentioned in the General Plan. The Cordova Hills Project is required to be consistent with the County's adopted General Plan as a matter of state planning law; the General Plan is the overriding land use document in the County. The County General Plan shows Grant Line Road as a six lane thoroughfare, not the four lane expressway concept now being proposed by the Connector JPA in the PEIR now being considered by the JPA. Insofar as the Connector is not yet approved by Sacramento County, and is not a funded transportation project, the Cordova Hills EIR is not required to speculate about the specific impacts of the Connector on the Cordova Hills Project because they were not reasonably foreseeable at the time the Cordova Hills NOP was issued. See, *Ebbets Pass Forest Watch v. California Department of Forestry & Fire Protection* (2008) 43 Cal.4th 936, 77 Cal.Rptr.3d 239. In order to inform the decision-makers about the potential interface of the Connector concept and the Project, a sensitivity analysis was included in DEIR Chapter 18. In this chapter, the potential access conflicts between the Connector and the Project are described, but these are not impacts of the Project.

Comment 20-2

Although the aforementioned Cordova Hills DEIR traffic analysis does not acknowledge the proposed Connector expressway configuration, it is recognized in Chapter 18 of that DEIR under Cumulative and Growth Inducing Impacts. Under the Traffic and Circulation section on page 18-12, the issue of incompatibility involving the northern access to the project is clearly outlined both in text and in Tables CU-2 and CU-3. Both of these tables indicate that given the high probability that an expressway configured Connector will ultimately be constructed across the project frontage, both the spacing and operating conditions of the current North Loop Road access will result in unacceptable levels of service to both Connector JPA and County of Sacramento standards.

Presently, discussions between the applicant and JPA staff have resulted in only concept designs that require additional analysis to confirm their legitimacy. Some of these solutions may require the support of not only the applicant but of the land use authority(s) adjacent to the preferred Connector corridor. Additional refinement of these alternative accesses is considered essential before one might be considered applicable.

The Connector JPA strongly believes that a mitigation measure that resolves this conflict and improves operating conditions to acceptable levels for both the County of Sacramento and the Connector JPA be fully investigated and required as a part of the environmental process and the project approvals. Only with this assurance can the Connector project advance forward with the certainty that the Cordova Hills SPA will not compromise its viability as a regional transportation asset.

Response 20-2

Should the Board of Supervisors choose to initiate a General Plan Amendment project to adopt the design concepts of the Connector, it would be necessary to adopt improvement standards which would apply to this unique facility. As noted in this comment, environmental analysis would be required – but the analysis would fall to the Connector General Plan Amendment project, not to this Project. At this time, the Connector project has not been initiated by Sacramento County, and thus the analysis

of the Cordova Hills Project is based on the adopted General Plan. No mitigation is required. This issue is a matter of policy, which the Sacramento County Department of Transportation has attempted to address through recommended Conditions of Approval. These recommended Conditions are intended to preserve the ability to consider a Connector project General Plan Amendment in the future.

Oral Comments on the EIR

ORAL COMMENTER 1

Larry Greene, Executive Director; Sacramento Metropolitan Air Quality Management District; Sacramento County Planning Commission dated September 24, 2012

Comment

[The oral comments mostly repeated some of the points made in the comment letter submitted on the Project, and involved discussions with the Planning Commission about the desire to continue to work with County staff to address their concerns. The Planning Commission also asked several questions, including: what kind of condition would you like to see on the Project, how much time would you anticipate discussions with County staff on this issue would take, and can you explain the concept of “per capita” emissions. Only one of the points made was both new and addressed the adequacy of the environmental analysis. That point has been paraphrased below.]

We think that about 15% of the 35% ozone precursor emissions reduction was due to the presence of the University, and this represents the amount which would be unmitigated if the University were never constructed.

Response

The comment that 15% of the emissions reduction would be “lost” if the university/college campus center remained undeveloped could easily be made about any of the other components of the Project. If the Town Center remained undeveloped, a certain proportion of the 35% reduction calculated through the Air Quality Mitigation Plan would be “lost”. We must analyze the whole of the action, and cannot create speculative future scenarios in which the Project did not develop in the manner currently proposed. Given that fact, no attempt has been made to verify whether we agree with the stated 15% loss. Refer to Letter 17.

ORAL COMMENTER 2

Tom Zlotkowski, Executive Director; Capital SouthEast Connector Joint Powers Authority; Sacramento County Planning Commission dated September 24, 2012

Comment

[The oral comments repeated the points made in the comment letter submitted on the Project, and indicated a desire to continue working with the County and the applicant.]

Response

Refer to Letter 20.

ORAL COMMENTER 3

Peter Christiansen; Environmental Council of Sacramento; Sacramento County Planning Commission dated September 24, 2012

Comment

[The oral comments repeated the points made in the comment letter submitted on the Project.]

Response

Refer to Letter 8.

ORAL COMMENTER 4

Sean Worth; Environmental Council of Sacramento and Sierra Club Mother Lode Chapter; Sacramento County Planning Commission dated September 24, 2012

Comment

[The oral comments repeated the points made in the comment letters submitted on the Project.]

Response

Refer to Letter 8 and 19.

ORAL COMMENTER 5

**Keith Roberts; Environmental Council of Sacramento; Sacramento County
Planning Commission dated September 24, 2012**

Comment

[The oral comments repeated the points made in the comment letter submitted on the Project.]

Response

Refer to Letter 8.

ORAL COMMENTER 6

Kristain Heston; Rancho Cordova resident; Sacramento County Planning Commission dated September 24, 2012

Comment

[These comments touched on a wide array of topics, but were not related to the adequacy of the EIR. For this reason, the comments are not paraphrased, but a brief summary is provided within these brackets. The commenter expressed concerns that she and others in her neighborhood did not receive sufficient notice of the hearing, asked a variety of questions about the process for amending the SPA, asked for explanations about the planned transit system use fees for non-residents, expressed that one of the proposed transit routes was preferable to the other, and expressed property value concerns related to the inclusion of affordable housing in the Project.]

Response

Comment noted.

ORAL COMMENTER 7

**Glen Holstein; Environmental Council of Sacramento; Sacramento County
Planning Commission dated September 24, 2012**

Comment

[The oral comments repeated the points made in the comment letter submitted on the Project.]

Response

Refer to Letter 8.

ORAL COMMENTER 8

Betsy Wyland, Land Use Chair; Save the American River Association; Sacramento County Planning Commission dated September 24, 2012

Comment

We oppose this project because it is disorderly development. We wish to comment on the issue of parks. I would hope the Commission would not move forward without talking to the Regional Parks Director to ensure that the project is general-fund-neutral. We are still very loopy-goopy about how the parks within the project are going to be funded and governed, and we do not want the project to impact the regional park system. Sacramento County Regional Parks is faced with a crisis; we are in the process now of dismantling our regional parks. Whatever agreement is put in place had better have the approval of the Regional Parks Director, to be sure that it will not negatively impact the regional parks.

A more specific question is about the bufferlands: will those be managed as open space, and/or are they mitigation for habitat loss, and how does that work with the location of a proposed solar farm there.

On water supply, where is the Zone 40 surface water coming from? If it is the Freeport Project, we need to hear about that. There is the issue of Aerojet contamination, so how much water can we support without drying up our rivers?

Response

The Regional Parks Director, Jeff Leatherman, was one of the speakers during staff presentations at the Planning Commission hearing during which these comments were made. It was indicated that the Project parks plan was adequate, and the Infrastructure Financing Plan describes the funding sources, which have been deemed to be neutral with regard to the general fund.

The bufferlands described in this comment are the lands designated as “Agriculture” in the Project Master Plan, which is not a habitat preserve designation, but would allow a variety of low-intensity uses (including a solar facility). Refer to the Project Description chapter of the EIR, and to the proposed SPA.

With regard to water, the proposed water supply was described in detail within the Public Utilities chapter (Chapter 15). Please refer to that chapter.

ORAL COMMENTER 9

Jim Wiley; Taylor and Wiley; Sacramento County Planning Commission dated September 24, 2012

Comment

I am only coming forward to disclose that we may be submitting a comment letter in a week or so.

Response

Comment noted. No letter was received by the time this FEIR was processed for publication.

DEPARTMENT OF TRANSPORTATION

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LETTER 1

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July 6, 2012

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Cordova Hills

Draft Environmental Impact Report

SCH 2010062069



Ms. Catherine Hack

County of Sacramento

Division of Environmental Review and Assessment

827 7th Street, Room 220

Sacramento, CA 95814

Dear Ms. Hack:

Caltrans has met with several Sacramento County staff and consultants to discuss our March 1, 2012 response letter for the Cordova Hills Draft Environmental Impact Report (DEIR). In those discussions some points of contention were clarified while others still stand unresolved. To that end, this letter is to document our understanding and remaining concerns subsequent to our consultation since our March 1, 2012 letter.

- We disagree with the assertion that there are not “*any funding mechanisms established to collect money to fund such improvements*” listed on page 16-50. Caltrans has established specific mechanisms to collect and retain fair share funding to support the State Highway System (SHS) mitigation related to local development.
- Approximately 10% of the overall trip generation is going to-or-from United States Highway (US) 50. As a result, this segment will degrade from Level of Service (LOS) E to F (Page 16-80). As mitigation for this significant impact, the DEIR has proposed to contribute fair share fees to add a transition lane on US 50 between Sunrise Boulevard (Blvd) and Hazel Avenue (Ave) in both directions. We do not agree with the Traffic Impact Study that adding a transition lane on Eastbound (EB)-50 between Sunrise Blvd and Hazel Ave will improve the LOS on this segment of EB-50 (Page 16-52). The bottle neck is located near the Folsom Blvd interchange due to the lane drop and the vertical/horizontal curves. In order to relieve the congestion on EB-50 between Sunrise Blvd and Hazel Ave, we request a fair share contribution for construction of a transition lane on EB-50 from Folsom Blvd to Scott Road (Rd) in addition to a transition lane from Sunrise Blvd. to Hazel Ave.

Ms. Hack
July 6, 2012
Page 2

- In addition, the following TDM strategies could be considered: hiring a full-time TDM coordinator for the development, providing commute shuttles to nearby Regional Transit/Capitol Corridor stations, coordinating carpools/vanpools, providing on-site satellite office space for telecommuting, incentivizing off-peak commuting, developing an internal job-housing match program, and reducing housing prices or Home Owner Association dues for units with reduced parking provision.

If you have any questions, comments or require further information, please contact the Sacramento County Intergovernmental Review Coordinator, Larry Brohman at (916) 274-0627 or larry_brohman@dot.ca.gov

Sincerely,



for

ERIC FREDERICKS, Chief
Office of Transportation Planning –South

COMMENTS ON DRAFT CORDOVA HILLS DEIR

INTRODUCTION TO COMMENTS

Like a Bernie Madoff prospectus, this Cordova Hills DEIR reads like a relic from the Great Bubble that collapsed the world's economy. In 2003 housing starts began exceeding projected demand. By 2005 home sales started falling. By 2006 so did home prices. By 2007 the entire financial industry ground to a halt with worldwide effects (Ritholtz 2009; Zandi 2009). By 2008 when the initial environmental documents for this Cordova Hills project were submitted the party was already over and not coming back. That the project continues in 2012 is bizarre and incredibly dumb. The DEIR is not dumb though. It's like a sophisticated ad campaign to convince consumers Twinkies are health food.

The events that pushed millions around the world into poverty are no mystery. Their epicenter was California and their cause was projects like Cordova Hills. These were encouraged by bipartisan federal programs to make everyone a home owner while other federal policies had suppressed wages and caused incomes of most Americans to remain flat in constant dollars for a long time (Reich 2007). Such conflicting policies created a housing market that was ultimately unsustainable.

Like the irrational exuberance of all bubbles, things did look good for awhile even as speculators were pushing home prices higher and thus more and more out of reach of most potential buyers. Securitization of mortgage debt, which scarcely existed before the early nineties, expanded rapidly during the bubble even as home sales stalled. Soon trillions of dollars from around the world were being invested American real estate markets in general and California markets in particular (Zandi 2009). During the bubble 80 per cent of American GDP growth came from mortgage equity withdrawal as home values soared on paper while traditional elements of GDP like manufacturing declined rapidly relative to the rest of the world. Soon securitized mortgages, especially in California, became our largest export and building houses California's biggest industry (Ritholtz 2009). California and other states boomed as foreign investors bought shares in their mortgages, creating a vast conveyor belt of money that became critical for sustaining their economies. Money from around the world, especially China, flowed to America through investment in its securitized mortgages. The resulting inflated home values provided equity Americans drew on to buy the products from around the world, especially China, they no longer manufactured (Ferguson 2008).

Those were the good times. As in any boom, money flowed freely as long as the conveyor belt worked. And because we all knew it depended on building houses, nobody cared much where they were built as long as they got built. It was a great system while it lasted. What could possibly go wrong? Everybody knew the conventional wisdom that real estate only rises in value.

What could go wrong is that, just like Bernie Madoff's Ponzi scheme, it depended on the number of buyers for those houses constantly increasing. To provide those buyers, credit standards got looser and looser. Before long you could get a mortgage to buy a house with no traditional indications of ability to pay like having a job, assets, or income. As long as the bubble kept inflating, anything was OK. Soon such subprime loans, once again especially in California, became a major element of the home mortgage market. They were deliberate federal policy. In his autobiography written just

before the bubble collapsed Federal Reserve Chairman Alan Greenspan defended them while indicating awareness of their risk as follows:

“I was aware that the loosening of mortgage credit terms for subprime borrowers increased financial risk, and that subsidized home ownership initiatives distort market outcomes. But I believed then, as now, that the benefits of broadened home ownership are worth the risk. (Greenspan 2007, p. 233).”

That risk soon became reality as mortgage loan defaults started growing exponentially in 2006 even before Greenspan’s book was released. It started first in California among subprime borrowers who lacked means to pay but spread across America in subsequent years even among traditional mortgage holders. The conveyor belt had stopped and the entire economy began grinding to a halt as foreign investors learned their investments in the American housing market were now worthless. Jobs and income became increasingly scarce and even those who kept good jobs increasingly found themselves underwater with mortgages larger than their rapidly falling home values. So many of the financial incentives to home ownership were now gone that people began realizing what had been true for a long time: it was cheaper to rent (Zandi 2009).

Other factors were involved in California’s real estate boom and bust. Houses were increasingly built in greenfield locations far distant from employment sites, but few cared while house prices were rising and gas was cheap. The latter didn’t last either. Between 2007 and 2008, just as collapse of the real estate bubble caused the conveyor belt to stop and the global economy to freeze, the price of oil doubled from 61 to 130 dollars per barrel. This was just a brief speculation bubble in a trend of generally rising fuel prices but it was enough to deal the auto industry a nearly fatal blow. Long commutes by car to distant homes also suddenly became much less attractive (Yergin 2011).

Simultaneously it was realized long commutes by car were a significant source of carbon dioxide emissions expected to contribute to catastrophic climate change. Prevention of development involving long vehicle commutes became integral elements of government policies seeking to slow climate change (Yergin 2011) that coincided with earlier smart growth policies concerned with the negative effects of sprawl and loss of open space (Duany et al. 2000).

Cordova Hills is typical of California projects during the real estate bubble in its greenfield location and isolation from employment opportunities. It is natural to hope it will bring back those good times just as pits salted with gold dust once brought hope that the gold rush would come back. But projects like Cordova Hills are what caused the real estate bust and all the misery it brought. It is based on economic fantasies like its claim it has a university site to provide employment. That started with plans by the Catholic congregation Legionaries of Christ to build a college there, but these ended abruptly when the Legionaries were informed of the site’s environmental sensitivity and possibly for other reasons. Now California higher education struggles to survive in a very weak economy. No significant California colleges have been built on greenfield locations since UC Merced in 2005 at the building boom’s peak. To expect a new one at Cordova Hills now is like expecting sales of its projected homes to inhabitants of earth-like planets just now being discovered in distant solar systems light years away.

Once burned twice shy. Burst bubbles rarely if ever re-inflate. Tulips never regained their 1637 price when a single bulb cost thirty per cent more than the most expensive house in Holland (Pavord

1999; Pollan 2001). Cordova Hills is utterly out of sync with today's dominant trend of renting as close as possible to where one works. Fully 5 years after the crash that is evident in the fewest new home sales since relevant statistics began being kept in 1963 despite a vast increase in American population since then (Kravitz 2012). The 8,000 new homes proposed for Cordova Hills would actually exacerbate the recession by adding to the glut of unsold homes. Developing it profitably is consequently infeasible, but much damage can be done before that's confirmed. That is evident in this DEIR. Comments on its specific sections are provided below.

AESTHETICS

Page 3-6 of the DEIR provides color examples of high and low visual quality places. The high quality example looks much like the Cordova Hills site does now except for its lack of oaks, while the low quality example resembles numerous places littering California left half built when the bubble burst and money ran out. The proposed Cordova Hills project promises to provide one more.

Subsequent photos in the aesthetics chapter suggest the project will have little visual impact, but all views are from outside the project site looking in. None examine the visual impact the project would cause inside its 2,669 acres. This is a significant omission since it is theoretically possible to cover the Grand Canyon's walls with condominiums invisible just a few yards from the its rim.

That's relevant to Cordova Hills since its central stream valley and the Grand Canyon share similar origins. Both are incised by erosion into nearly level flat-lying sediments (Twidale 1976). The central stream valley at Cordova Hills is tiny relative to the Grand Canyon, of course, but its relief is a rare and significant aesthetic resource in mostly level Sacramento County equal to 12.5% of total county relief (Suttle 1994). The central stream valley at Cordova Hills may be the last place in the county where natural landscapes free from the works of man can be seen. This place largely hidden from current public view is where the Cordova Hills project proposes to develop most intensively.

AIR QUALITY

At the beginning of the air quality chapter (chapter 5) several air pollutants are defined but in latter parts of this chapter a pollutant category (ROG) appearing often in tables and text is left completely undefined. That kind of editorial carelessness suggests DEIR preparers were more interested in producing large numbers of pages than informing the public. Hidden in this lengthy chapter on Page 5-28 is the important conclusion that the proposed project would "exceed daily emissions thresholds" for NOx and ROG ozone precursors that contribute significantly to unhealthful air pollution. Consequently Page 5-30 concludes that implementation of the project would have a significant and unavoidable impact on implementation of regional air quality plans. The project's distant location from places of employment is also in clear conflict with Sacramento County General Plan Policy EN-5 to "Reduce travel distances and reliance on the automobile and facilitate increased use of public transit through appropriate land use plans and regulations."

BIOLOGICAL RESOURCES: Environmental setting and Sacramento County General Plan policies:

On the very first page of this chapter the DEIR completely mischaracterizes vegetation of the Cordova Hills project site by stating: "The dominant vegetation is non-native grassland comprised of

ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), barley (*Hordeum* species), and ryegrass (*Lolium multiflorum*).”

In fact these are only the site’s weeds. Similar areas in the site’s vicinity are native California prairie dominated by the native non-grass species *Holocarpha virgata* (Holstein 2001), and that author found during visits to Cordova Hills it also likely dominates there. Nothing in the DEIR suggests any effort was made to survey the site’s vegetation. Consequently its statement above about dominance by non-native grasses is utterly without supporting evidence.

This is extremely significant because among the 32 Sacramento General Plan policies cited on pages 6-3 to 6-6 are:

CO-59. Ensure mitigation occurs for any loss of or modification to the following types of acreage and habitat function: native vegetative habitat. (California prairie is native vegetative habitat.)

CO-70. Community Plans, Specific Plans, and Master Plans, and development projects shall include the location, extent, proximity, and diversity of existing natural habitats and special status species in order to determine potential impacts, necessary mitigation and opportunities for preservation and restoration.

Most significantly not included among the 32 Sacramento County General Plan policies cited in these pages, however, is the following one perhaps most relevant of them all to Cordova Hills:

CO-135. Protect the ecological integrity of California Prairie habitat.

Since that is unquestionably the actual dominant habitat at Cordova Hills (Burcham 1957, p. 80; Shelford 1963, pp. 354-355; Keeler-Wolf et al. 2007, p. 22; Lulow & Young 2009), the proposed development project there would be a clear and utterly unmitigated violation of this Sacramento County General Plan policy. Cordova Hills is over 2,600 acres of the finest quality California Prairie habitat and is among the largest and most pristine areas of this habitat in Sacramento County. It is exactly what CO-135 intends to protect.

Consequently it violates the major goal outlined in the Conservation Element of the General Plan of management and protection of natural resources for the use and enjoyment of present and future generations while maintaining the long-term ecological health and balance of the environment.

BIOLOGICAL RESOURCES: Wetlands and surface waters.

The United States Fish and Wildlife Service Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon to achieve self-sustaining populations of many species which rely on vernal pools identifies Cordova Hills as part one of its highest priority core areas vital to achieving the plan’s goals (Page 6-26). Despite this the project proposes to eliminate 46% wetlands and 33% vernal pools at Cordova Hills (Page 6-28). Such deliberate destruction of these vital wetlands would be an unconscionable environmental crime exacerbated by the project’s dubious economic prospects.

Despite DEIR discussion of mitigating this net loss, loss of vernal pools especially is essentially unmitigatable because they require specific intact soil profiles with permanent aquacludes to pond water and thus function (Ferren & Gevirtz 1990; Leidy & White 1998). The typical mitigation project of creating artificial vernal pools is also usually done in natural California prairie landscapes. Since such construction of artificial vernal pools violates the ecological integrity of these prairie landscapes it is in direct conflict with Sacramento County General Plan policy CO-135.

BIOLOGICAL RESOURCES: Special status species.

Special status species sections of the DEIR contain numerous errors of fact and interpretation. These errors do not appear to be accidental or random since they consistently minimize the impact of the proposed project on these species. Random errors are expected to be a mixture of those maximizing and minimizing impact. Examples of such errors are:

1. On Page 6-33 Ferruginous Hawk is listed as having moderate potential for occurrence on the site because “the nearest recorded occurrence is just under 6 miles west of the site.” It is well known that the recorded occurrence grid for this and several other highly vagile species is very incomplete. Consequently they must be assumed to at least occasionally use all available good habitat within their range. Since that includes all the Cordova Hills site (Small 1994, Wheeler 2003), Ferruginous Hawks have high rather than moderate potential for occurrence there.
2. On Page 6-33 Golden Eagle is listed as having moderate potential for occurrence on the site because “there are no recorded occurrences of this species within ten miles” although it is acknowledged that the species “could forage on the grassland of the site.” This is another vagile species with a very incomplete occurrence grid. Consequently they must be assumed to at least occasionally use all available good habitat within their range. Since that includes all the Cordova Hills site (Small 1994, Wheeler 2003), Golden Eagles have high rather than moderate potential for occurrence there.
3. On Page 6-33 Grasshopper Sparrow is listed as having moderate potential for occurrence despite being recorded “2.5 miles east of the site [which] contains potential foraging and nesting habitat.” The DEIR thus violates its own criteria for high potential, which Page 6-31 gives as “Habitat is present and the species has been observed within five miles of the site.” The DEIR emphasizes the site’s lack of shrubs in an apparent attempt to minimize its habitat value for Grasshopper Sparrows, but they don’t require habitat with shrubs (Small 1994). Their nests that I’ve personally seen were in areas completely lacking shrubs.
4. On Page 6-34 Loggerhead Shrike is listed as having low potential for occurrence even though “the site contains foraging habitat” and “The nearest recorded occurrence is just over three miles to the west.” Thus by the DEIR’s own criteria given on Page 6-31 Loggerhead Shrike has high rather than low potential to occur on the site.
5. On Page 6-34 Northern Harrier is listed as having moderate potential for occurrence on the site because “no occurrences are recorded within ten miles” even though it is acknowledged that “foraging habitat is present on the site.” This is another vagile species with a very incomplete occurrence grid, but in suitable habitat like Cordova Hills it is seasonally abundant in Sacramento County (Bell et al. 1983). The DEIR emphasizes that the site lacks shrubs sometimes used by the species for nesting, but their use is only occasional since they

- often nest directly on the ground (Wheeler 2003). Since Cordova Hills is excellent habitat for Northern Harriers, their potential for occurrence there is high rather than moderate.
6. On Page 6-34 American Badger is listed as having low potential for occurrence on the site for no apparent reason. Once again the DEIR violates its own criteria since Page 6-34 states that this species occurs in “grasslands” and “The nearest recorded occurrence is approximately 2.5 miles to the west.” According to Page 6-1 of the DEIR “grassland” is the site’s “dominant vegetation type”, and according to Page 6-31 species like American Badger for which “Habitat is present” that have “been observed within five miles of the site” have high, not low, potential for occurrence.
 7. On Page 6-38 Tuolumne Button-celery (*Eryngium pinnatisectum*) is listed as “Not Present” for no apparent reason. Since it is known to occur in vernal pools and in Sacramento County (Tibor 2001), its potential to occur at Cordova Hills is at least moderate and probably is high.
 8. On Pages 6-38 – 6-39 five rare vernal pool annual plants Dwarf Downingia, Bogg’s Lake Hedge Hyssop, Ahart’s Dwarf Rush, Pincushion Navarretia, and Slender Orcutt Grass are listed as not present at Cordova Hills because plant surveys didn’t find them. Such vernal pool annuals may not appear every year, however, even though they are present as seeds undetectable by standard plant surveys (Holland & Jain 1981). One such California annual, although not a vernal pool species, apparently survived exclusively as seeds for 102 years. Long thought extinct, it was rediscovered when its seeds finally germinated (McCune 2005). Many other examples of such rediscoveries are known in California although the duration of their presumed extinction is usually not a century long (Tibor 2001). In all such cases soil profiles have remained intact so seeds could germinate when conditions were favorable. There is at least some potential that any or all of the five rare vernal pool annuals not found by Cordova Hills plant surveys may exist there as seeds. As long as the site’s natural soil conditions are intact they might reappear at any time. The project’s proposal to destroy 33% of the site’s vernal pools significantly diminishes this possibility.
 9. On Pages 6-43 – 6-45 & 6-51 mitigation for Swainson’s Hawk habitat loss is discussed in a mishmash of statements. Some are quite strange like the claim on 6-43 that proposed avoided areas “will be connected to thousands of acres of open space to the north and west.” That conveniently ignores the likelihood of growth inducement by the proposed project that would encourage elimination of this open space. The many potential mitigation measures discussed on 6-44 – 6-45 promise or propose nothing specific. On 6-45, for example, it is stated that “Projects impacting 40 acres or more of foraging habitat must provide land acceptable to CDFG and County.” The proposed project would clearly impact far more than 40 acres but makes no commitment to provide any land at all.
 10. On Page 6-48 a “Fish and Game Life History Account” is listed as a source but not referenced in the DEIR’s bibliography. That may be another careless oversight or deliberate avoidance of sometimes inconvenient information from this source (Zeiner et al. 1990). For example the claim that “since [Ferruginous and Swainson’s hawks] use the same habitats, additional mitigation is unnecessary” is unsupported by either the source or the DEIR. Swainson’s Hawks primarily use cropland while Ferruginous Hawks mostly use rangeland (Zeiner et al. 1990), and the DEIR proposes no specific mitigation for destroying habitat of either species. The DEIR particularly emphasizes a brief and apparently casual statement in Zeiner et al. that Ferruginous Hawks successfully compete with Swainson’s Hawks to clearly imply they threaten them. If this occurs, it is likely very insignificant since in California Swainson’s are mostly present only in summer and confined to cropland while Ferruginous

- are present only in winter and confined to rangeland (Small 1944), and such interaction is unmentioned in modern surveys of western raptors like Wheeler's (2003). Since Cordova Hills is significant as one of the largest remaining intact tracts of ideal wintering habitat for rare Ferruginous Hawks in the region, the DEIR's claim that "The Development of the Project site would not result in substantial negative effects to the sustainability of the species and thus impacts to ferruginous hawk habitat are *less than significant*" is patently absurd.
11. Also on Page 6-48 the DEIR even more blatantly misrepresents the Golden Eagle life history account in Zeiner et al. (1990) than that of Ferruginous Hawk. The DEIR states Zeiner et al. says Golden Eagle "does not occur in the center of the Central Valley." What it actually says is Golden Eagles don't permanently reside in or migrate through that area. It makes quite clear, however, that they forage there in winter at places like Cordova Hills (Zeiner et al. 1990), a widely recognized fact (Wheeler 2003) even the DEIR acknowledges. Its claims that "mitigation for the golden eagle is unnecessary" because "Mitigation for foraging habitat loss has already been required as part of Swainson's hawk impacts" and "The development of the project site would not result in substantial negative effects to the sustainability of the species, and thus impacts to golden eagle habitat are *less than significant*" are once again absurd since Golden Eagles and Swainson's Hawks use completely different habitat and the DEIR identifies no specific mitigation plan for either species. It also fails to even mention Rough-legged Hawk, another raptor species that, like Ferruginous Hawk and Golden Eagle, uses prairie/grassland habitat for winter foraging but is somewhat less uncommon (Bell et al. 1983). Consequently it is likely to use Cordova Hills even more frequently.
 12. On Pages 6-48 – 6-49 the DEIR associates another species, Grasshopper Sparrow, with Swainson's Hawk despite very different habitat requirements. Grasshopper Sparrow, a California Species of Special Concern, is the California passerine species most obligately associated with undisturbed prairie/grassland habitat, and Cordova Hills is among the largest tracts of it in central California. While the species may use shrubs while singing, the DEIR's implication that lack of shrubs at Cordova Hills reduces its habitat value for this species is incorrect (Small 1994, Shuford & Gardali 2008). Once again the DEIR claims that the proposed project won't negatively impact this species because a non-existent mitigation plan for Swainson's Hawk will protect it are completely inaccurate. Large contiguous tracts of prairie/grassland habitat like Cordova Hills are the most important Grasshopper Sparrow habitat requirement, and urbanization by projects like the one now proposed there is the greatest threat to its survival (Shuford & Gardali 2008).
 13. On Page 6-49 the claim is again made that a non-existent mitigation plan for Swainson's Hawk will greatly reduce the impact of development at Cordova Hills on a California Species of Special Concern, the raptor Northern Harrier, despite DEIR acknowledgement that thousands of acres of ideal harrier habitat would be lost. Contrary to the DEIR claim such "impacts to northern harrier are *less than significant*", California Department of Fish and Game states that "The primary threats to breeding harriers are loss and degradation of nesting and foraging habitat" (Shuford & Gardali 2008).
 14. On Pages 6-53 – 6-54 the DEIR claims "Project impacts to western spadefoot toad are *less than significant*" because various "conservation lands" it names are preserved, but it provides no evidence Western Spadefoot actually exists at any of them. Numerous places with apparently suitable habitat lack records of Western Spadefoot, a California Species of Special Concern that requires a specific pattern of wetland and upland habitat and associated fauna to survive (Jennings & Hayes 1994). The thriving population of Western Spadefoot at Cordova

- Hills confirms it has these suitable conditions, but the named “conservation lands” lack its unique wetland/upland geometry or any evidence provided by the DEIR of spadefoot presence. The healthy Western Spadefoot population at Cordova Hills makes it a biological treasure of great value. Wanton destruction of that treasure would be a crime against nature.
15. On Pages 6-54 to 6-55 the DEIR acknowledges that several special status invertebrates are expected to occur in Cordova Hills wetlands. These are three Federal Special Concern Species (California Linderiella, Ricksecker’s Water Scavenger Beetle, and Midvalley Fairy Shrimp) and one Federal Threatened Species (Midvalley Fairy Shrimp). It also acknowledges that the project’s proposal to eliminate 43% of Cordova Hills wetlands providing their habitat would be a “*significant and unavoidable*” impact to them.
 16. On Page 2 of BR-3 (Special Status Plant Survey Reports) the presence of common vetch at the site is mentioned but it is not included in the site plant list (Attachment C). That’s a great rarity for this DEIR, an honest mistake.
 17. On Page 6 of BR-3 it is reported that the earliest rare plant surveys started April 21, 2008, and even later in other years. Starting that late and only including a single year of any April surveys may cause species to be missed, especially in years with early heat waves like 1988 when 90 degrees was recorded on March 28 at Sacramento (The Weather Channel 2012). The latest surveys ended August 9, too early to clearly record the site’s dominance by native *Holocarpha virgata*.
 18. Page 12 of BR-3 states that Tuolumne button-celery was not surveyed for because it occurs in cismontane woodland and conifer forest, which aren’t present at Cordova Hills, but it also occurs in vernal pools and in Sacramento County (Tibor 2001), which makes it a potential Cordova Hills rare species that should have been surveyed for.

CLIMATE CHANGE

This chapter is a vast haystack of information about climate change that’s mostly irrelevant to Cordova Hills, but hidden in that haystack are a few very relevant needles. They are:

1. On Page 7-13 there is very brief reference to the Sacramento County Climate Action Plan goals of “reductions in vehicle miles traveled” and “higher density development”. The proposed Cordova Hills development plan’s great distance from existing communities and realistic employment opportunities is in direct conflict with these goals.
2. On Pages 7-26 – 7-27 it is acknowledged the proposed project would exceed acceptable levels of greenhouse gas emissions because its isolation from existing communities would cause too many long car trips. Consequently “it is concluded that [its] impacts [on greenhouse gas emissions] are *significant and unavoidable*.” The DEIR also suggests the model determining the project would violate greenhouse gas reduction targets is biased against it in various ways, but the model is actually strongly biased in the project’s favor since it assumes a university at Cordova Hills will provide employment and reduce car trips despite lack of evidence or any prospect such a university will ever be built (see above).

The DEIR’s climate change chapter completely ignores an important and very relevant issue regarding its mitigation. The over 2,600 acres of natural California prairie habitat at Cordova Hills currently provides a critical ecological service of sequestering the atmospheric carbon dioxide that primarily contributes to climate change. This habitat has greater and more sustainable capacity to provide this ecological service than the better known contribution made by forests in comparable

climate zones since temperate prairies, grasslands, and steppes sequester an average of 21.2 kilograms of carbon per square meter while temperate forests sequester an average of only 19.8 (Schlesinger 1991). The Cordova Hills development project proposes eliminating the critical climate change mitigation ecological service California prairie currently provides there.

GEOLOGY AND SOILS

Page 9-19 acknowledges Sacramento County General Plan policy AG-28 requires “The County shall actively encourage conservation of soil resources.” That is necessary in general for implementation of policy CO-59 ensuring that mitigation occurs for any loss of native vegetative habitat and in particular for implementation of policies CO-134 to maintain and establish a diversity of native vegetative species in Sacramento County and CO-135 to protect the ecological integrity of California Prairie habitat. Cordova Hills are almost entirely California Prairie habitat and currently support a diversity of native vegetative species highly dependent on soil resources with intact and undisturbed soil profiles (Jackson et al. 2007). The proposed Cordova Hills project thus directly conflicts with Sacramento County General Plan policies AG-28, CO-59, CO-134, and CO-135 because it would eliminate over 2,000 acres of intact soils and native California Prairie vegetation.

LAND USE

This chapter attempts to spin the unspinnable fact that the proposed Cordova Hills project is the opposite of smart growth and violates numerous policies encouraging it. Among them are the following Sacramento County General Plan policies:

1. LU-1 (P. 12-2) – “The County shall not provide urban services beyond the Urban Policy Area.” The proposed project is beyond the Urban Policy Area.
2. LU-12 (P. 12-2) – “The County will prohibit land use projects which are not contiguous to the existing UPA, city boundaries, or existing planned communities or master plan areas (i.e. leapfrog development.” The proposed project is a textbook example of leapfrog development.
3. LU-21 (Pp. 12-2 – 12-3) – “Promote a better balance of employment, neighborhood services, and different housing types by reviewing development projects and the surrounding community and designing new projects wherever feasible so that they maintain or improve the mix of uses in the community.” The proposed project has no surrounding community and depends for employment on a hypothetical university with no realistic prospect of ever existing.
4. LU-22 (P. 12-3) – “Specific Plans and Community Plans should provide a balance of employment, neighborhood services, and different housing types wherever feasible.” The proposed project’s Specific Plan depends on a hypothetical university with no realistic prospect of ever existing for employment.
5. LU-113 (P. 12-4) – The County shall work with SACOG to support implementation of Blueprint’s policies and land use objectives.” The proposed project massively conflicts with those objectives.
6. LU -120 (Pp. 12-4 – 12-5) – “The County shall only consider approval of a proposed UPA expansion and/or Master Plan outside the UPA if the Board finds that the proposed project is planned and will be built in a manner that: meets all the requirements per PC-1 through PC-

- 10 and; meets one of two alternative performance metrics.” The proposed project meets neither all the requirements nor the performance metrics. Among requirements not met are:
7. PC-6 (P. 12-7) – “Inclusion of an infrastructure Master Plan and Financing Plan [is required].” While such a plan is provided, its assumptions are unrealistic as discussed below.
 8. PC-8 (P. 12-8) – “Consistency with all applicable County adopted plans not sought to be amended by the proposed project [is required].” The proposed project is inconsistent with numerous elements of the adopted Sacramento County General Plan as discussed in these comments.
 9. PC-9 (P. 12-8) – “Inclusion of a discussion/analysis of how the proposed UPA expansion/Master Plan relates to broad-based and regional planning efforts, such as SACOG’s adopted Blueprint Vision and Metropolitan Transportation Plan, Sacramento County’s Visioning documents created for the Jackson Highway and Grant Line East Areas, any applicable Habitat Conservation Plan(s), The Sacramento Metropolitan Air Quality Management District’s State Implementation Plan, and Regional Transit’s Master Plan [is required].” While discussion/analysis of how the proposed UPA expansion relates to these broad-based regional planning efforts is present, it clearly shows it violates their spirit and letter as is discussed elsewhere in these comments.
 10. PC-10 (P. 12-8) – “Inclusion of a discussion/analysis of the proposed UPA expansion/Master Plan’s jobs-housing balance [is required]. Master Plans should provide an internal jobs-housing balance and/or improve jobs-housing balance within the project’s vicinity.” The proposed UPA expansion depends for jobs on a hypothetical university with no realistic prospect of ever actually existing.
 11. In Alternative #1 Criteria-based performance metrics the DEIR uses to justify a proposed UPA expansion increase desirable densification by counting group quarters at this entirely unrealistic hypothetical university (P. 12-10).
 12. In Alternative #1 Criteria-based performance metrics “Planned transit service shall be defined as service identified in SACOG’s Metropolitan Transportation Plan (MTP), Regional Transit’s (RT) Short Range Transit Plan (SRTP), and/or service to be provided as part of the Master Plan and funded via a secure financial mechanism (example: CSA 10; North Natomas TMA/developer fees). The MTP has a 20+ year planning horizon and is updated every four years; the SRTP has a 10-year planning horizon and is updated every year. Both the MTP and SRTP must be “financially constrained” in that only transportation projects and programs for which funding is reasonably expected to be available may be included in the plan. Therefore there is high likelihood that transit service identified in these plans will ultimately be provided. Service to be provided as part of a Master Plan and funded via a secure financial mechanism would provide similar assurances that identified service will ultimately be provided. In contrast transit service envisioned in RT’s long range TransitAction Plan cannot be implemented until a significant new revenue source is secured, making such service far more speculative. For example, a new ½ cent sales tax increase would only partially fund transit service envisioned in the TransitAction Plan. Therefore, service(s) identified in the TransitAction Plan and similar visioning documents will not be considered.” As discussed elsewhere in these comments, financing for transit and other services for the proposed project are hypothetical, highly speculative, and ultimately infeasible.
 13. In Alternative #1 Criteria-based performance metrics (P.12-14) “Analysis of existing employment/jobs within a five mile radius of the proposed UPA/Master Plan boundary [is required].” Such employment/jobs are essentially non-existent at Cordova Hills.

14. Low Vehicle Miles Travelled (VMT)/Greenhouse Gas (GHG) Emission metrics are Alternative #2 performance metrics (Pp. 12-14 – 12-15), but the DEIR’s climate change chapter determined the proposed project’s VMT and GHG are “*significant and unavoidable*” impacts on climate change (P. 7-26).
15. Sacramento County General Plan Policy LU-123 (P. 12-15) requires that “Before granting approval of an amendment to the Land Use Diagram, the Board of Supervisors shall find that the request is consistent with the objectives and policies of the General Plan; the request is consistent with the goals and objectives of a Sacramento County adopted Habitat Conservation Plan; approval of the proposal will not adversely affect the fiscal resources of the County; [and] the project will be consistent with the performance standards in this Plan and, for urban uses in urban growth areas, the project complies with the requirements of LU-13.” The proposed plan violates this plan because it is inconsistent with numerous other Sacramento County General Plan policies, there is no adopted Habitat Conservation Plan and it would be inconsistent with the goals and objectives of one if it were adopted, fiscal resources of the County would be adversely affected as discussed below, and financial aspects of LU-13 are not adequately complied with as discussed below.

The proposed Cordova Hills project also directly conflicts with the Sacramento Area Council of Governments (SACOG) Blueprint since it violates at least two of its seven core principles (Pages 12-15, 12-16):

1. Principle 5 is “strengthen and direct development toward existing communities.” The project directs it away from existing communities toward open space.
2. Principle 7 is “preserve open space, farmland, natural beauty, and critical environmental areas. The project is proposed to be sited entirely on open space of great natural beauty and critical environmental importance.

“The ultimate purpose of the ‘smart growth’ concept supported by the principles is sustainable communities, and is a reaction to the recognized health and safety impacts of urban sprawl and vehicle-centric development strategies.” The latter describes the proposed project, which is definitely not smart growth since that “must be consistent with all seven principles” (P. 12-17).

On Page 12-18 the concept of developing in existing communities is explained as follows:

“Directing development toward existing communities is accomplished by building on infill land and urban brownfields before developing greenfields, building on greenfields only after the prime infill and brownfield land is developed and developing greenfields in a logical and phased progression beginning in those areas nearest to existing urban lands.” Much Sacramento infill and brownfield land has not been developed, and the project proposes building on greenfields distant and isolated from existing urban lands (P. 12-30).

Page 12-19 states that the purpose of preserving open space in Principle 7 is to “ensure that a project preserves the most sensitive and prime resources within the area. This is partly accomplished through principle 5, which directs development toward existing communities.” Not only does the project not direct development toward existing communities, even its own inadequate environmental analysis acknowledges it will eliminate 43% of its environmentally critical wetlands. Its even more extensive critical uplands are entirely written off and ignored by being falsely labeled non-native annual grassland (see above)

On Page 12-20 the DEIR acknowledges that “Based on the CEQA guidelines, a land use impact is significant if Project implementation results in ...Substantial conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project.” These comments identify numerous examples of such conflicts.

Other conflicts arise from the DEIR’s internal contradictions. For example in reference to Swainson’s Hawks P. 6-43 states “On the basis of the above research, the 298-acre Avoided Area on the western side of the site, plus two adjacent Avoided Areas to the north and south, will remain suitable habitat; this collective area is 382 acres, which will be connected to thousands of acres of open space to the north and west” while P. 12-24 states that “Although the land to the west of the Project is currently undeveloped open space, some of this area has land use entitlements and is likely to develop in the near-term.” In other words the DEIR wants it both ways. The land to the west is long term open space when the goal is expanding Swainson’s Hawk habitat but soon to be developed urban land when the goal is adjacency to other communities.

On Page 12-26 it is acknowledged that “the [SACOG] Blueprint should be city-centric, focusing growth within the confines of incorporated city boundaries as a logical buildout from existing urban areas...on this basis the Project goes beyond the level of development assumed outside the city areas by the year 2050.” Could there be any more explicit violation of the Blueprint? The same page states “The Project...includes a mass transit system operated by the Cordova Hills Community Services District.” A reasonable person might think that means a significant mass transportation connection to Sacramento, but no. Page 16-82 makes it clear that “Since there are no plans to expand services to the Project site, it must be assumed that extension of existing transit to the Project area will not occur.”

Page 12-28 makes much of planned bicycle and pedestrian paths that “will make non-automotive routes the most direct line of travel in many cases.” An important question is travel to where? The plan is designed around a theoretical university with no realistic prospects of ever being built. Consequently what the project proposes are pedestrian and bicycle paths to nowhere. On the same page the DEIR claims this imaginary university will increase the project’s density and thus its “compact building and community design.”

On Page 12-29 the DEIR acknowledges that the project conflicts with SACOG Blueprint principle 5 since it proposes development directed away from rather than toward existing communities. It thus violates Sacramento County General Plan policies requiring conformance with Blueprint principles. The DEIR identifies the nearest existing communities to the site as being 4 and 6 miles away.

Principle 7 of the SACOG Blueprint is preserve open space, farmland, natural beauty, and critical environmental areas. The Cordova Hills site is 2,669 acres of such open space and has outstanding natural beauty. Its wetland acreage is identified as a critical environmental area of the highest priority in the United States Fish and Wildlife Service (USFWS) Recovery Plan for Vernal Pool Ecosystems of California and Southern Oregon. Nevertheless on Page 12-31 the DEIR acknowledges the proposed plan would eliminate 44% of the site’s wetland acreage and 33% of its vernal pool acreage despite its identification by USFWS as a highest priority critical environmental area. The site’s non-wetland open space, also proposed for elimination, is native California prairie habitat of great environmental value to many native plant and animal species, some of which are

discussed elsewhere in these comments. The DEIR consequently concludes correctly that “the land area preserved is insufficient to meet the intent of the principle [7], and thus with General Plan Policy.”

On Page 12-32 the DEIR further concludes correctly that “the Project’s inconsistency with this principle [5] is considered a substantial conflict with the Blueprint and with General Plan policy which supports the Blueprint. Avoidance of this impact would require substantial Project redesign and relocation. Though Alternatives have been considered which would reduce this impact, there is no mitigation available and impacts are *significant and unavoidable*.”

On Pages 12-32 – 12-34 the DEIR claims the proposed Cordova Hills project does not conflict with Sacramento County General Plan Policy LU-120 regarding growth management based on County Planning Division decisions summarized in Tables LA-2 and LA-3. These decisions so blatantly conflict with the plain language information both internal and external to the DEIR that they provide prima facie evidence of conflict of interest on the part of the Planning Division. A kindergartener could tell coal is black, snow is white, and the proposed Cordova Hills plan isn’t smart growth. It takes the willfully blind, the insane, or highly paid advocates to claim otherwise.

Some examples in Tables LA-2 and LA-3 are:

1. Contrary to claims in Table LA-2 PC-1 the DEIR clearly demonstrates the proposed project is not “integrally linked” to existing communities. It is 4 to 6 miles distant from them. In current planning documents like the SACOG Blueprint such linkage is not contemplated until at least 2050. The DEIR also makes clear no significant transit linkage with existing communities is contemplated and public utility linkage is highly problematic.
2. PC-5 is about transit-oriented design, but the proposed project has no significant transit links to employment. Its transit proposal is almost entirely internal and consequently a system to nowhere since no realistic significant employment sources are identified at Cordova Hills.
3. PC-6 is about a Financing Plan. The one provided is utterly unrealistic and impossible to implement (see below).
4. PC-7 is about a Services Plan. The one provided conflicts with a water provider and potentially other service providers and depends on infeasible funding sources (see below).
5. PC-8 is about consistency with County-adopted plans. The project claims to be consistent with all County-adopted plans. In fact these comments identify numerous conflicts with such plans. An example is Sacramento County General Plan Policy CO-135 to protect the ecological integrity of California Prairie habitat. The project site is over 2,600 acres of the habitat this policy concerns, but it isn’t even mentioned in the DEIR, which does, however, acknowledge the proposed project’s conflicts with the County-adopted SACOG Blueprint (see above and below).
6. PC-9 is about consideration of regional planning efforts, but even the DEIR acknowledges the proposed project substantially conflicts with SACOG Principle 5 of directing development toward instead of away from existing communities and Principle 7 of preserving open space. Contrary to project claims, it is also not coordinated with regional transit and water plans (see above and below).
7. PC-10 is consideration of jobs-housing balance. The proposed plan’s claim it will provide 6,548 jobs is patently false. It will provide essentially none beyond initial construction. Jobs claims are based on an imaginary “university” with no prospects of ever existing (see above).

8. On Table LA-2 the County Planning Department assigns the proposed project “points” for LU-120 Criteria in an apparently arbitrary manner. Five points are assigned for CB-1, minimum density. Much of this density is achieved through an imaginary “university” with no prospect of ever existing (see above).
9. Criteria CB-2 is about proximity to amenities. The proposed project claims that at least four of the amenity categories are within one mile but doesn’t say which. In fact all amenities are entirely theoretical and may never exist. The most significant of these is the claim of an employment amenity at an imaginary “university” with no prospect of existing. Real amenities in actually existing communities are four and six miles away (see above).
10. Criteria CB-4a is about transit proximity. Its clear intent is interconnecting the Sacramento Metro area with mass transit. The proposed project’s transit element is a primarily internal system to nowhere with little realistic prospect of connecting the isolated proposed project with the rest of the Metro area (see below).
11. Criteria CB-4b is about transit headway. The proposed project says its transit system will have headways of 15 minutes or less during peak hours, but since it has no realistic destinations and goes nowhere, it will have no peak hours.
12. Criteria CB-5 is about employment proximity. Since the proposed project’s “employment” is based entirely on an imaginary “university” with no prospect of existing, the nearest realistic employment is a minimum of 4 to 6 miles away in existing communities, but is likely to be much farther (see above).

On Pages 12-34 – 12-35 the DEIR claims the proposed Cordova Hills project isn’t growth inducing although its own chapter on Cumulative and Growth Inducing Impacts says it is. It justifies this by claiming to be adjacent to “existing planned communities” to its west. The operable word here is “existing” since on Pages 12-29 – 12-30 the DEIR acknowledges no such communities actually exist. On Page 6-43 the DEIR even claims this area is “thousands of acres of open space to the north and west” that can help mitigate for Swainson’s Hawk habitat the project proposes eliminating. The proposed project clearly is leapfrog development and thus directly violates Sacramento County General Plan Policy LU-12 prohibiting it. As noted above, even a kindergartner can understand leapfrog development. The frog leaps over a pond (open space) to a toadstool (development) but splashes mud (growth inducement) in its path. Only the insane, willfully blind, or well-paid advocates can deny that.

On Page 12-35 the DEIR briefly discusses public services and utilities and acknowledges “the need to ensure that adequate facilities will be constructed and that funding is secured for construction.” It also claims a “facilities financing plan” and “Long term funding sources have been identified for the maintenance of public services.” The DEIR’s Public Services Chapter reveals, however, that the proposed project’s financing plan and long term funding sources are unrealistic and grossly inadequate (see below). Consequently the project violates General Plan policies LU-13, LU-66, LU-110, and LU-123 to ensure minimum standards for public services and utilities are met.

On Pages 12-35 – 12-36 the DEIR lists Sacramento County General Plan Policies LU-34, LU-35, LU-36, and LU-46 but fails to discuss their call for development compatible with a regional transit system interconnecting the Sacramento Metropolitan Area. That’s presumably because the proposed development would be largely distantly isolated from such a system and almost entirely dependent on roads for access. Since the only bone it throws transit concerns is a largely internal system to

nowhere lacking significant destinations, it greatly conflicts with General Plan policies mandating development compatible with regional transit.

PUBLIC SERVICES

On Page 14-3 the DEIR says a new Cordova Hills Community Services District (CHCSD) will provide services for the proposed project, but CHCSD is purely hypothetical at this time since it must be approved by the Sacramento Local Agency Formation Commission (LAFCO). It's acknowledged on the same page that the proposed project is "not in close proximity to any existing public services, and as a result some extensive, costly improvements related to infrastructure and public facilities – discussed in the Public Utilities Chapter – will be required to adequately support the Project."

Pages 14-4 – 14-5 then explain how these "extensive, costly improvements" will be financed since they will cost "approximately \$453 million dollars." The DEIR states that some of this funding will be born by local, state, and federal taxpayers but it will also depend on construction and sale of 7,500 new homes out of the project's planned 8,000.

The 7,500 new homes needed to finance the proposed project are 2.5% of all new homes sold in the United States in 2011 (Kravitz 2012). Since the proposed project covers 0.0001% of U.S. area, that's 25,000 times its share of new American homes by area. Closer to home 14,000 new homes were sold in California in the first 7 months of 2011 (Lazo 1011). If we generously assume an equal number were sold in the last 5 months, that's a total of 28,000 new California homes sold in 2011. The 7,500 new homes needed to finance the proposed project are thus 27% of all new homes sold in California in 2011. The proposed project is 0.003% of California's area, so its 7,500 homes are 9,000 times its share by area in California.

Now of course all acres aren't the same. One in Silicon Valley may be much more desirable than many in the Mojave Desert. Is that the case for Cordova Hills? It may have been when gas was cheap and long commutes popular, but that's changing fast. Generation Y, the largest cohort of 21 to 30 year olds since the Baby Boom, is avoiding cars. They now contribute only 14% of miles driven even though that age group provided 21% of miles in 1995. They're so used to buying on line they consider commuting by car wasting time they could spend with their electronic devices on buses or trains (Ostroff 2010). That trend is evident in fewer young people getting drivers licenses and more moving to big cities where mass transit makes car ownership optional (Terlep 2012). Distantly isolated places with virtually no planned connection to urban areas by mass transit like the proposed Cordova Hills project are consequently becoming increasingly unattractive.

Despite these trends there will probably always be a niche market for rural homes made attractive by personal space provided by their often low density environments. The proposed Cordova Hills project is clearly rural since it is 4 and 6 miles from the nearest communities (DEIR Pages 12-29 – 12-30), but it is planned to be "twice as dense as the [Sacramento] county average (DEIR Page 12-28). High density rural developments certainly do exist like the neighboring Sacramento County Boys Ranch (DEIR Pages 12-36 – 12-37) but residence there tends to be less than voluntary and involve debts to society not paid in cash.

The proposed project's financial plan conflicts with far too many economic trends to be even marginally viable. Expecting the monopolization of 27% of the California new home market it takes to succeed is as realistic as expecting those with no jobs, income, or assets to make their mortgage payments. We know how that worked out. All the project offers is another ugly husk of a half built project like those that began littering the Central Valley after the real estate bubble burst. This would be doubly tragic at Cordova Hills since some of the Sacramento region's most beautiful and biologically critical habitat lands might be eliminated in the process for no good purpose.

The proposed project also increases taxes on the Sacramento region's current residents. For example:

1. On Page 14-18 the DEIR says "new fire stations will be built within the Project area" and that "funding for the construction and operation of the fire facilities will be provided by the District-wide Capital Fire Facilities fee." The district referred to is the Sacramento Metropolitan Fire District.
2. On Page 14-20 the DEIR says the financing plan doesn't call for "construction of additional police facilities" but the Urban Services Plan does.
3. On Page 14-21 the DEIR says "law enforcement services will be funded through the County General Fund" at least partially with the balance provided by the financing plan's shaky assumptions.
4. On Page 14-23 the DEIR says funding for new schools will come from "existing fee programs, state funding, and the [Elk Grove Unified School District] EGUSD" augmented by the financing plan's shaky assumptions.
5. On Page 14-28 the DEIR says "library operating costs will be fully funded through property tax revenue" assessed within the City and County of Sacramento.

PUBLIC UTILITIES

On DEIR Page 15-16 two Sacramento County General Plan policies related to water are incompatible with the proposed project. They are:

1. CO-23 is about "impact on valuable water supported ecosystems". On Page 6-28 the DEIR acknowledges the proposed project would eliminate 46% of its wetlands and 33% of its vernal pools. On Page 6-26 it also acknowledges these wetlands are identified by the U.S. Fish and Wildlife as having their highest environmental protection priority.
2. CO-35 is about new development not being approved and building permits not being issued without sufficient water supply. The proposed project's water supply is highly problematic as discussed below.

On DEIR Pages 15-26 – 15-36 a complex ad hoc system of pipes is proposed to bring water to the proposed project in a plan requiring approval by the Sacramento County Water Agency. On Page 15-34 the DEIR acknowledges that this agency opposes the project's proposed water plan. Page 15-35 also acknowledges that the proposed water plan significantly impacts wetland resources and their species.

On DEIR Pages 15-38 – 15-39 the need for significant new sewer infrastructure facilities to serve the proposed project is discussed. It is acknowledged their construction will have significant impact on biological resources but their financing is not discussed. Presumably Sacramento County Sewer

District ratepayers are expected to fund these new facilities which are estimated to cost \$6.5 million for off-site sewer construction alone.

On DEIR Pages 15-42 – 15-45 construction requirements for extending electric and gas utilities to the proposed project are discussed but not their funding. Presumably Pacific Gas and Electric and Sacramento Municipal Utility District ratepayers are expected to fund these new facilities.

On DEIR Pages 15-45 – 15-46 the DEIR acknowledges the proposed project would violate Sacramento County General Plan policies LU-57 and LU-XX to not extend urban services beyond the Urban Policy Area except to 251 acres near the Kiefer Landfill. Its proponents consequently want these policies changed.

TRAFFIC AND CIRCULATION

On Page 16-5 the DEIR acknowledges there are no transit connections to the proposed project. Without these the proposed project violates Sacramento County General Plan policy CI-4 on Page 16-7 to “provide multiple transportation choices to link housing, recreational, employment, commercial, educational, and social services.” Since the proposed project provides no realistic significant local employment sources and only weak transit connections to those elsewhere, it appears to violate this policy.

The proposed project appears to violate two other Sacramento County General Plan policies presented on DEIR Page 16-7:

1. CI-5 calls for “Land use and transportation planning and development should be cohesive, mutually supportive, and complement the objective of reducing per capita vehicle miles travelled (VMT). Since the project proposes only weak transit connections between Cordova Hills and the Sacramento Metro Area it tends to isolate any residents in a place distant from significant employment centers or other urban amenities. Their only option would be greatly increasing VMT.
2. CI-27 says “Public Facilities Financing Plans shall incorporate capital costs for transit. Infrastructure Master Plans shall include transit planning.” The purpose of such transit is explained in Policy CI-4. It is to “link housing, recreational, employment, commercial, educational, and social services.” Instead the project proposes a primarily internal transit system to nowhere providing no such significant linkage.

DEIR Pages 16-36 – 16-38 confirm the project proposes a local primarily internal transit system only weakly linked to the Sacramento Metro Area. Its only rationale is internal trips to an imaginary college with no prospects of ever being built (see above). Consequently it is a transit system to nowhere also unlikely to viably ever exist since it is dependent on the unrealistic financing plan discussed above. Pages 16-37 and 16-38 in particular demonstrate the proposed transit system’s entire rationale is the imaginary college. Pages 16-81 – 16-82 reiterate the proposed project’s isolation from actually existing mass transit.

Pages 16-78 – 16-83 of the DEIR demonstrate the proposed project will increase VMT so much even assuming the imaginary college will actually exist that traffic congestion will be significantly increased on numerous intersections, roads, freeways, and freeway ramps in the Sacramento area.

CUMULATIVE AND GROWTH INDUCING IMPACTS

The proposed project has numerous cumulative and growth inducing impacts. Among them are:

1. Pages 18-2 – 18-3 acknowledge extending public infrastructure to the proposed project, which would cost an estimated \$6.5 million dollars for off-site sewer construction alone, would greatly facilitate development of its thousands of acres of adjoining open space. Consequently the DEIR states that “a major barrier to growth would be removed.”
2. Page 18-3 acknowledges the project’s proposed expansion of the Urban Policy Area (UPA) would facilitate development of adjacent open space but claims the proposed expansion conforms with General Plan policy LU-120. As discussed above such expansion clearly violates LU-120.
3. Pages 18-3 – 18-4 acknowledge the proposed project includes a General Plan Amendment to extend provision of public water beyond the Urban Services Boundary (USB). It further states that “This action sets a precedent, as Zone 40 water has never been provided outside of the Urban Services Boundary to serve *proposed* uses” and that this “proposal is constrained both by supply and by contribution toward a hazardous condition” because it “could impact groundwater remediation efforts at Kiefer Landfill.”
4. Pages 18-5 – 18-6 acknowledge the proposed project would “contribute to significant and unavoidable cumulative aesthetic impacts.”
5. Page 18-6 acknowledges the proposed project would cause “cumulative loss of farmland” and consequently its “impacts are significant and unavoidable.”
6. Pages 18-6 – 18-7 acknowledge the proposed project’s “cumulative impacts related to construction-level particulate matter, operational particulate matter and ozone precursors, and conflict with implementation of the State [air quality] Implementation Plan will be significant and unavoidable.”
7. Pages 18-8 – 18-9 acknowledge that because of the proposed project “Cumulative loss of grassland habitat (grazing land) [i.e. California prairie] may exceed 10,000 acres [that] support a variety of special status species” and “Project impacts to wetlands and some of the associated species are significant even after the application of mitigation; thus, it can be concluded that cumulative impacts will also be considerable, and that despite the application of mitigation cumulative [biological] impacts will remain significant and unavoidable.”
8. Page 18-9 acknowledges “mitigation may be insufficient to avert substantial climate change, and impacts are significant and unavoidable.” That conclusion doesn’t even consider how loss of California prairie that may exceed 10,000 acres will reduce carbon sequestration.
9. Page 18-11 claims the proposed project’s cumulative land use impacts “would be less than significant”, but this conclusion is contradicted in numerous places throughout the DEIR and in these comments. Since the land use chapter of this DEIR negates the SACOG Blueprint’s plain language regarding regional land use planning, it essentially abolishes this significant regional planning effort. The cumulatively huge negative impact would be giving carte blanche to completely unplanned growth and development.
10. Page 18-11 claims the proposed project’s cumulative impacts on public services are less than significant, but that conclusion is based on assumed taxpayer subsidy and a deeply flawed financial plan as discussed above.

11. Page 18-11 – 18-12 also claim the proposed project’s cumulative impacts on public utilities are less than significant, but that conclusion assumes taxpayer and ratepayer subsidies as discussed above.
12. Pages 18-12 – 18-15 acknowledge the proposed project’s impacts on traffic and circulation “cannot be fully mitigated, and impacts are significant and unavoidable.”

ALTERNATIVES TO THE PROPOSED PROJECT

The No Project alternative presented on Pages 2-14 – 2-15 of the DEIR is recommended because of numerous reasons discussed in these comments.

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California Native Plant Society

LETTER 3

February 22, 2012

Sacramento County Environmental Coordinator
Sacramento County
Division of Environmental Review and Assessment
827 7th Street, Room 220
Sacramento, CA 95814
DERA@saccounty.net & HockerL@saccounty.net

VIA EMAIL

Subject: Draft Environmental Impact Report
Cordova Hills Project
Control Number: 2008-GPB-SDP-ZOB-AHP-00142
State Clearing House Number: 2010062069

Dear Ms. Hocker,

This letter supplements the comments of Dr. Glen Holstein of the Sacramento Valley Chapter of the California Native Plant Society (CNPS). We hereby incorporate Dr. Holstein's comments by reference. CNPS incorporates by reference the comments of the Environmental Council of Sacramento and Habitat 2020 submitted by Sean Wirth. CNPS is highly concerned with the overall level of take, undermining of the South Sacramento Habitat Conservation Plan, and leap frog development resulting in poor urban connectivity. The project also proposes misuse of the proposed Southeast Connector which will set precedence for additional sprawl along this "expressway".

CNPS is a statewide non-profit organization of some 10,000 scientists, educators, and laypeople dedicated to the conservation and understanding of the California native flora. As a science-based conservation organization, we believe that good land use decisions must be accompanied by a thorough assessment of the environmental impacts as required by the state and federal Endangered Species Acts, the Clean Water Act, the National Environmental Policy Act, the California Environmental Quality Act, and other resource protection laws.

The Sacramento Valley Chapter of CNPS has been highly involved in participating in and commenting upon land use decisions at all levels that affect vernal pool ecosystems in Sacramento County. Chapter volunteers serve on the South Sacramento Habitat Conservation Plan steering committee and biological subcommittee. Chapter volunteers serve on a stakeholders group to determine land use planning for the former Mather Air Force Base and its vernal pool grassland ecosystem. Chapter volunteers participated in the General Plan revision and the Visioning exercises for the eastern part of the county. Chapter volunteers serve on local land trust boards, steering committees, and management committees. Chapter volunteers have testified at innumerable planning commission, board of supervisors, and city council meetings on projects that impact vernal pool resources.

The Sacramento Valley Chapter of CNPS has long viewed the region including the area referenced in the Cordova Hills Project as the "Yellowstone" of vernal pool landscapes in Sacramento County. Geospatial analysis independently conducted for the developing South Sacramento Habitat Conservation Plan has confirmed that this region is unique within Sacramento County from the perspective of both density and diversity of vernal pools present, and in listed species presence. The diversity of vernal pool sizes, shapes, and hydroperiods is strongly correlated to high species diversity and a high level of ecosystem supporting function. The density of aquatic resources and listed species indicates that losses of this habitat will not easily be mitigated for elsewhere in the county.



Dedicated to the preservation of California native flora

The following comments are based on our knowledge of the wetland and endangered species resources in the vicinity of the proposed project and our understanding of the resource protection laws and their associated public review process.

GENERAL COMMENTS

Incomplete Environmental Setting and Proposed Project

The Cordova Hills project description *fails to describe the whole of the proposed action*. Specifically, a wetlands mitigation plan will be required to offset destruction of vernal pools and other wetlands within the development. Construction of a minimum of 41.37 acres of mitigation wetlands will have environmental impacts above and beyond those described in the DEIR. Additionally, these impacts will occur on another, undisclosed site for which a baseline biological setting has not been provided. Preparation of a mitigation plan after local entitlements are granted constitutes *improper segmentation or piecemealing* of the project and precludes the public from receiving full disclosure of the environmental impacts of the proposed project in its entirety including any proposed mitigation.

The California Environmental Quality Act (CEQA) requires full disclosure of environmental impacts for the whole project regardless of whether they are detrimental or beneficial. Preparation of an after-the-fact mitigation plan negates CEQA's intended public participation process. For the purposes of informing the public, simply stating that the plan will be approved by the regulatory agencies is also insufficient and lacks transparency.

Inappropriate Deferral of Mitigation

Throughout the DEIR, actual *mitigation measures are being deferred* to the future. The document continually refers to yet-to-be-prepared plans, studies, and reports. In addition to deferring a Wetland Mitigation and Monitoring Plan to some future date outside of the public review process, analyses and mitigation of other environmental impacts are also being deferred. For example, specific mitigation for noise will be determined after some future acoustical analysis and report. This failure to fully disclose impacts and to provide substantive and enforceable mitigation measures occurs throughout the document.

Simply creating a plan or an afterthought mitigation measure is not adequate for the purposes of CEQA disclosure. The DEIR must contain specific and measurable mitigation that demonstrates to both the land use authority and the public that impacts have been reduced through mitigation. The Board of Supervisors cannot make findings of "less than significant after mitigation" if they don't even know what the mitigation measures and success criteria are.

Feasibility of Proposed Wetland Mitigation

Deferral of a Wetland Mitigation and Monitoring Plan is particularly troubling because in its absence the project applicant cannot demonstrate that the mitigation measure(s) are feasible (able to be accomplished). Without sufficient information to determine whether the wetland mitigation is in fact feasible, the public is left with the uncertainty that it may never be accomplished.

The U.S. Army Corps of Engineers' (Corps) Record of Decision (dated 25 January 2011) related to the Sunridge Projects in the City of Rancho Cordova states the following:

- "e. The Corps recognizes the significant cumulative loss of vernal pool wetlands within the Mather Core Recovery Area. For future unavoidable impacts to vernal pools within the Mather Core Recovery Area... compensatory mitigation shall be:
 - 1) based on a method for assessing the functions of all waters of the U.S. on the project site;

- 2) accomplished at a ratio of greater than 1:1, after considering direct and indirect impacts, temporal loss and difficulties creating vernal pool wetlands; and
- 3) located in the Mather Core Recovery Area, unless determined impracticable or inappropriate by the Corps.”

A complete Wetland Mitigation and Monitoring Plan is necessary from two perspectives. First, the public has a right to know the environmental consequences of the proposed mitigation. Second, the Board of Supervisors has a public trust obligation to understand how this mitigation, supposedly to occur within the Mather Core Recovery Unit which is almost entirely within the USB, will impact future development (and mitigation) in the County of Sacramento. Will the mitigation for this project preclude development of a more worthwhile and better designed project in the future?

Revision and Recirculation Required

The incomplete description of the environmental setting, the incomplete description of the proposed project, the inappropriately deferred mitigation measures, and the potential infeasibility of the proposed wetland mitigation all demonstrate that the DEIR is woefully inadequate for the purposes of public disclosure. CNPS requests that these deficiencies be remedied in a Revised DEIR to be recirculated to the public for additional consideration and comments.

SPECIFIC COMMENTS

Mitigation Measure BR-1

As discussed above, a commitment to prepare a (Wetland) Mitigation and Monitoring Plan is not mitigation. Additionally, the impacts of such a plan are not disclosed in the DEIR even though they are clearly an integral part of the proposed project.

Table BR-3: Special Status Species Matrix

Please note the comments of Dr. Glen Holstein on behalf of the Sacramento Valley Chapter of CNPS. In addition to his specific observations, we request the addition of *Lytta molesta* as a potential species of concern on the project site.

Mitigation Measures BR-3 through BR-6

An additional mitigation measure needs to be added to survey for ground nesting birds if construction occurs between March 1 and June 30. Several special status bird species written off as having low potential to occur on the site, actually have a high potential (again see Dr. Holstein's comment letter) and are ground nesters.

Western Spadefoot

Loss of Western Spadefoot breeding habitat on the Cordova Hills project would be significant. There are less than a handful of extant populations within the Mather Core Recovery Area and these occur on the very periphery of its range. The Mather Specific Plan is also proposing destruction of a breeding pool with no mitigation, so cumulatively the impacts are also significant. The Cordova Hills project should conduct additional surveys to determine the locations and extent of the onsite population and prepare a specific mitigation and monitoring plan for this species in order to reduce the impact to less than significant.

Translocation of Inoculum

Because there is not a Wetland Mitigation and Monitoring Plan included for review as part of this project, it is impossible to speculate on all of the measures that might be incorporated into such a plan. However, language in Mitigation Measure ALT-1 suggests that the project proponents intend to translocate inoculum (soil, seeds and cysts) from the impact site to some yet-to-be-identified mitigation site. Such translocation of materials is inappropriate over any distance. Vernal pool landscapes are very similar to island archipelago biogeography, with near neighbors being more closely related genetically than distant neighbors. The practice of translocating propagules from one area to another could have significant consequences including: i) genetic swamping of closely related species, ii) crossbreeding that leads to mortality/extirpation, or iii) crossbreeding that leads to superweeds.

As an aside, Mitigation Measure ALT-1 also contains language that appropriate success for mitigation of rare plant populations would be a restoration criteria (sic) standard of 60 percent survivorship. Given that the plants are all annuals and subject to precipitation and temperature patterns, this criterion is both nonsensical and immeasurable.

These are examples of why it is important to fully disclose environmental impacts during the public comment phase of CEQA disclosure. Who knows what other ill informed practices and immeasurable criteria might be proposed in the Mitigation and Monitoring Plan? Who knows if the plan will be feasible?

SUMMARY

On behalf of CNPS, I appreciate the opportunity to provide these additional comments on the Draft Environmental Impact Report for Cordova Hills.

As articulated above, we believe that the document fails to comply with the spirit of the California Environmental Quality Act. While the DEIR may satisfy minimum standards, it has unsuccessfully informed the public of the environmental setting and environmental consequences of the project including its offsite mitigation components. Therefore, CNPS requests that a Revised DEIR be prepared for this project that addresses our concerns and that the Revised DEIR be recirculated for an additional round of public comment.

Please keep me informed of activities related to projects in this area that might impact vernal pool grasslands and endangered species habitat.

Sincerely,



Carol W. Witham
CNPS Treasurer
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CENTRAL VALLEY FLOOD PROTECTION BOARD

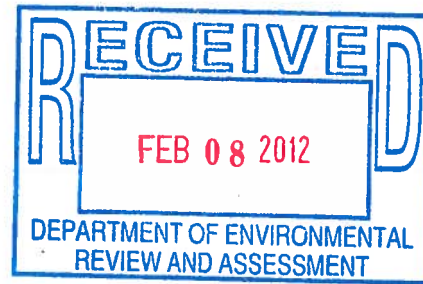
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LETTER 4



February 6, 2012

Ms. Catherine Hack
Sacramento County
827 7th Street, Room 220
Sacramento, California 95814



Subject: Cordova Hills SCH Number: 2010062069 Notice of Completion of a Draft Environmental Impact Report

Dear Ms. Hack:

Staff for the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board. The Board is required to enforce standards for the construction, maintenance, and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- Vegetation plantings that will require the submission of detailed design drawings; identification of vegetation type; plant and tree names (i.e. common name and scientific name); total number of each type of plant and tree; planting spacing and irrigation method that will be utilized within the project area; a complete vegetative management plan for maintenance to prevent the interference with flood control, levee maintenance, inspection and flood fight procedures (Title 23, California Code of Regulations CCR Section 131).

Ms. Catherine Hack
February 6, 2012
Page 2 of 2

In accordance with CEQA Guidelines Section 15130 "Discussion of Cumulative Impacts. (a) An EIR shall discuss cumulative impacts of a project when the project's incremental effect is cumulatively considerable, as defined in section 15065(a)(3). Where a lead agency is examining a project with an incremental effect that is not "cumulatively considerable," the lead agency need not consider that effect significant, but shall briefly describe its basis for concluding that the incremental effect is not cumulatively considerable."

Vegetation requirements in accordance with Title 23, Section 131(c) states, "Vegetation must not interfere with the integrity of the adopted plan of flood control, or interfere with maintenance, inspection, and flood fight procedures."

The accumulation and establishment of woody vegetation that is not managed has a negative impact on channel capacity and increases the potential for levee over-topping and flooding. When a channel develops vegetation that then becomes habitat for wildlife, maintenance to initial baseline conditions becomes more difficult, as the removal of vegetative growth is subject to federal and state agency requirements for on-site mitigation within the floodway.

Hydraulic impacts – Hydraulic impacts due to encroachments could impede flows, reroute flood flows, and/or increase sediment accumulation. The Draft EIR should include mitigation measures for channel and levee improvements and maintenance to prevent and/or reduce hydraulic impacts. Off-site mitigation outside of the State Plan of Flood Control should be used when mitigating for vegetation removed within the project location.

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at <http://www.cvpfb.ca.gov/>. Contact your local, federal and state agencies, as other permits may apply.

Should you have any further questions, please contact me by phone at (916) 574-0651, or via email at jherota@water.ca.gov.

Sincerely,



James Herota
Staff Environmental Scientist
Floodway Projects Improvement Branch

cc: Governor's Office of Planning and Research
State Clearinghouse
1400 Tenth Street, Room 121
Sacramento, California 95814



California Regional Water Quality Control Board Central Valley Region

Karl E. Longley, ScD, P.E., Chair



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Matthew Rodriguez
Secretary for
Environmental Protection

Edmund G. Brown Jr.
Governor

LETTER 5

22 February 2012

Catherine Hack, Environmental Coordinator
Sacramento County
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827 Seventh Street, Room 220
Sacramento, CA 95814

CERTIFIED MAIL
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COMMENTS TO DRAFT ENVIRONMENTAL IMPACT REPORT, CORDOVA HILLS PROJECT, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 9 January 2012 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Draft Environmental Impact Report* for the Cordova Hills Project, located in Sacramento County (Proposed Project).

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Hydrology and water quality are discussed in Chapter 11.

1. Regulatory Setting

Basin Plan:

The Water Quality Control Plan (Basin Plan) is not described in Chapter 11 (Hydrology and Water Quality). The Basin Plan is briefly referenced on page 15-11 in Chapter 15 (Public Utilities).

The Central Valley Water Board is required to formulate and adopt Basin Plans for all areas within the Central Valley region under Section 13240 of the Porter-Cologne Water Quality Control Act. Each Basin Plan must contain water quality objectives to ensure the reasonable protection of beneficial uses, as well as a program of implementation for achieving water quality objectives with the Basin Plans. Federal regulations require each state to adopt water quality standards to protect the public health or welfare, enhance the quality of water and serve the purposes of the Clean Water Act. In California, the beneficial uses, water quality objectives, and the Antidegradation Policy are the State's water quality standards. Water quality standards are also contained in the National Toxics Rule, 40 CFR Section 131.36, and the California Toxics Rule, 40 CFR Section 131.38.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

For more information on the *Water Quality Control Plan for the Sacramento and San Joaquin River Basins*, please visit our website:

http://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/.

The Draft Environmental Impact Report should provide an expanded discussion on the Proposed Project's consistency with the Basin Plan, in terms of protecting surface and ground water quality in, and downstream of, the Proposed Project area.

Statement of Policy With Respect to Maintaining High Quality of Waters in California (State Water Board Resolution 68-16):

State Water Board Resolution 68-16 is briefly described in Chapter 15 (Public Utilities) on page 15-12.

A key policy of California's water quality program is the State's Antidegradation Policy. This policy, formally known as the *Statement of Policy with Respect to Maintaining High Quality Waters in California* (State Water Board Resolution No. 68-16), restricts degradation of surface and ground waters. In particular, this policy protects water bodies where existing quality is higher than necessary for the protection of beneficial uses. Under the Antidegradation Policy, any actions that can adversely affect water quality in all surface and ground waters must:

1. meet Waste Discharge Requirements which will result in the best practicable treatment or control of the discharge necessary to assure that a pollution or nuisance will not occur and the highest water quality consistent with maximum benefit to the people of the State will be maintained;
2. not unreasonably affect present and anticipated beneficial use of the water; and
3. not result in water quality less than that prescribed in water quality plans and policies.

Furthermore, any actions that can adversely affect surface waters are also subject to the Federal Antidegradation Policy (40 CFR Section 131.12) developed under the Clean Water Act.

For more information on this policy, please visit our website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/resolutions/1968/rs68_016.pdf.

The Draft Environmental Impact Report should provide an expanded discussion on the Proposed Project's consistency with the State Board Resolution No. 68-16, in terms of protecting surface and ground water quality in the Proposed Project area.

Clean Water Act 303(d) Listed for Impaired Water Bodies

The Clean Water Act 303(d) List for impaired water bodies is discussed briefly in Chapter 11 (Hydrology and Water Quality), including pages 11-8, 11-10, 11-13, 11-14, and 11-26.

Please use the 2010 Clean Water Act 303(d) list for impaired water bodies, which can be located at

http://www.waterboards.ca.gov/water_issues/programs/tmdl/integrated2010.shtml

The Final Environmental Impact Report should provide a comprehensive list of all water bodies located within, and downstream of, the Proposed Project area which are included on the 2010 Clean Water Act 303(d) list for impaired water bodies, and the constituent(s) or parameter(s) each water body or water body segment is listed for.

If Total Maximum Daily Load (TMDL) and implementation plan is under development or completed for any receiving water body or water body segment listed on the Clean Water Act 303(d) list, the Draft Environmental Impact Report should include an expanded discussion on the Proposed Project's compliance with that TMDL and implementation plan.

2. Permitting Requirements

Construction Storm Water General Permit

The Construction Storm Water General Permit is briefly referenced in Chapter 11 (Hydrology and Water Quality) on page 11-9.

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm

Water Pollution Prevention Plan (SWPPP).

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:

http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml

The Final Environmental Impact Report should provide an expanded discussion on the Proposed Project's compliance with this permit, including, but not limited to, the development of a SWPPP.

Municipal Separate Storm Sewer System (MS4) Permit

The MS4 permit is briefly referenced in Chapter 11 (Hydrology and Water Quality) on pages 11-3, 11-4, and 11-9. References to hydromodification and low impact development are made in Chapter 11 (Hydrology and Water Quality) and Chapter 15 (Public Utilities), among others.

The federal Clean Water Act makes municipalities responsible for regulating and managing the quality of storm water runoff throughout their jurisdictions, since municipalities own and operate the storm drain pipes and drainage channels that collect runoff prior to its discharge into creeks, rivers, and other water bodies. Under the Clean Water Act, storm water discharges are regulated through National Pollutant Discharge Elimination System (NPDES) storm water permits.

In California, the State Water Board and its nine Regional Water Boards have been authorized by the USEPA to oversee implementation of the Clean Water Act. The Central Valley Water Board issues and enforces NPDES municipal storm water permits in the Sacramento area. As such, the County of Sacramento and the cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt and Rancho Cordova are subject to the Sacramento area wide NPDES Municipal Storm Water Permit (NPDES No. CAS082597; Order NO. R5-2008-0142) (Storm Water Permit). This Storm Water Permit, originally issued in 1990, was re-issued by the Central Valley Water Board in September 2008, covering the period November 2008 –September 2013. The Storm Water Permit (Provision A) states:

1. Discharges from MS4s in a manner causing, or threatening to cause, a condition of pollution, contamination, or nuisance as defined in § 13050 of the California Water Code are prohibited.
2. Discharges from MS4s which cause or contribute to exceedances of receiving water quality standards and water quality objectives (designated beneficial uses of the Basin Plan and water quality objectives developed to protect beneficial uses) for surface water or ground water are prohibited.
3. Discharges from MS4s containing pollutants that have not been reduced to the maximum extent practicable (MEP) are prohibited.

In addition, the Storm Water Permit contains specific requirements related to:

- Reporting and other project management functions
- Reducing specific target pollutants
- Monitoring and conducting special studies
- Reducing storm water impacts from new development projects, construction projects, municipal operations and commercial/industrial businesses
- Conducting public outreach and watershed stewardship
- Preventing illicit discharges
- Assessing program effectiveness

The current Storm Water Permit differs from the prior one in several notable ways:

- Many of the requirements are more general (less prescriptive) than in the prior permit.
- The permit includes requirements pertaining to protecting creeks from erosion and other harm caused by increased runoff volume and flow rate (i.e., hydromodification) due to new development and redevelopment.
- It requires a modest amount of additional monitoring (in addition to the existing extensive monitoring program) to learn more about discharges of pyrethroid insecticides and mercury, which are impairing water quality in various local waterways. The data could lead to new understanding on how to control these pollutants and eventually to additional requirements amended to the Storm Water Permit.

Storm Water Quality Improvement Plan (SQIP)

Another component of the Storm Water Permit is the implementation of the SQIP. The SQIP describes the storm water pollution prevention efforts to be implemented either jointly or individually by the County of Sacramento and the Cities of Sacramento, Citrus Heights, Elk Grove, Folsom, Galt and Rancho Cordova. Those agencies, collectively referred to as the Sacramento Storm Water Quality Partnership (Partnership), developed the SQIP to protect local waterways and fulfill regulatory requirements. The SQIP outlines Partnership priorities and activities planned for the 2008-2013 permit term. It also includes background information to provide readers with an understanding of the environmental and regulatory context as well as the Partnership's past accomplishments. The SQIP, adopted on 29 January 2010, supersedes and replaces all previous management plans developed for the Partnership, including the 1994 Comprehensive Storm Water Management Plan, the 1995 Effectiveness Evaluation Plan, the July 2003 SQIPs and their amendments, and the draft 2007 SQIPs.

The overall goals of the SQIP, as identified in the Storm Water Permit, are to: a) reduce the degradation of waters of the State and waters of the United States by urban runoff and protect their beneficial uses; and b) develop and implement an effective SQIP that

is well understood and broadly supported by regional stakeholders. The core objectives of the SQIP are to:

- Identify and control those pollutants in urban runoff that pose significant threats to the waters of the State and waters of the United States and their beneficial uses;
- Comply with the federal regulations to eliminate or control, to the MEP, the discharge of pollutants from urban runoff associated with the storm drain system;
- Achieve compliance with water quality standards;
- Develop a cost-effective program which focuses on pollution prevention of urban storm water;
- Seek cost-effective alternative solutions where prevention is not a practical solution for a significant problem; and
- Coordinate implementation of control measures with other agencies.

As it relates to the Storm Water Permit, the SQIP proposes compliance activities to be conducted during the five-year term of the Storm Water Permit, and as specified, the SQIP is considered part of the permit and is enforceable as such.

For more information on the MS4 Permit the Proposed Project applies to, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/

The Final Environmental Impact Report should provide an expanded discussion on the Proposed Project's compliance with the MS4 Permit held by Sacramento County, including, but not limited to, the implementation of specific Low Impact Development measures throughout the Proposed Project area and a post-construction hydromodification strategy.

Clean Water Act Section 401 Permit – Water Quality Certification

Water Quality Certifications issued under Section 401 of the Clean Water Act are briefly described under Chapter 6 (Biological Resources) on page 6-8.

If an United States Army Corps of Engineers (USACOE) permit, or any other federal permit, is required for the Proposed Project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification(s) must be obtained from the Central Valley Water Board prior to initiation of Proposed Project activities.

The Final Environmental Impact Report should clarify that (a) there are no waivers for Clean Water Act Section 401 Water Quality Certifications in the State of California; (b) a Clean Water Act Section 401 Water Quality Certification serves as both a certification, in part or in whole, of a federal permit, under Section 401 of the Clean Water Act, and as a Waste Discharge Requirement under the Porter-Cologne Water Quality Control Act; and (c) under Section 401 of the Clean Water Act, the State of California can review and approve, condition, or deny all federal permits that may result in a discharge to waters of the State, including wetlands.

The Central Valley Water Board does not issue Individual 401 Water Quality Certifications and/or Waste Discharge Requirements for Proposed Projects that are not in final design.

Required items for a complete Clean Water Act Section 401 Water Quality Certification application are based on Sections 3836 and 3856 of Title 23 of the California Code of Regulations.

Should one federal permit be issued for the all future individual projects, the Central Valley Water Board may opt to incrementally certify the federal permit according to the project proponent's demonstration of readiness-to-proceed with specific project phases. Should this occur, a sequence of 401 Water Quality Certifications and/or Waste Discharge Requirements may be issued in 5-year increments as specific project phases are ready-to-proceed and implemented.

Please clarify in the Final Environmental Impact Report whether the Project Proponent will be seeking one Water Quality Certification for the Proposed Project based on this environmental document, or a series of Water Quality Certifications for future tiered environmental documents.

Compensatory Mitigation

Mitigation Measure BR-1 should be amended to include a discussion on the Central Valley Water Board's compensatory mitigation requirements. The Central Valley Water Board may require compensatory mitigation for impacts to waters of the State. Compensatory mitigation must comply with the State of California's 1993 Wetlands Conservation Policy, which ensures no overall net loss of wetlands for impacts to waters of the State.

If conservation easements are implemented as part of the compensatory mitigation strategy, the recorded executed conservation easement shall be consistent with California Civil Code Sections 815-816.

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the Proposed Project area, the Proposed Project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control

Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation.

In the case a Water Quality Certification(s) is issued for the Proposed Project, the Water Quality Certification(s) would serve as to certify the federal permit(s) and as a Waste Discharge Requirement under Porter-Cologne Water Quality Control Act.

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/water_issues/water_quality_certification/

3. General

Definition of "Waters of the State"

Page 6-11 Chapter 6 (Biological) of the Draft Environmental Impact Report references "waters of the State" under the discussion of the Porter-Cologne Water Quality Control Act.

The Final Environmental Impact Report should clarify the definition of "waters of the State", as related to "waters of the United States." "Waters of the State" are defined more broadly than "waters of the United States." According to California Water Code Section 13050(e), means "any surface water or groundwater, including saline waters, within the boundaries of the state", and includes all waters within the state's boundaries, whether public or private, including waters in both natural and artificial channels.

"Waters of the State" includes all "waters of the United States", including all federally jurisdictional and non-federally jurisdictional waters, whether hydrologically isolated or not, and territorial seas.

This definition is relevant and central to any action taken by the Central Valley Water Board on the Proposed Project and should be incorporated within the Final Environmental Impact Report accordingly.

Please clarify throughout the Final Environmental Impact Report, including, but not limited to, the discussion provided on page 6-11, in preface to any discussion regarding waters of the United States or federal jurisdictional waters, the definition of "waters of the State." All tables, figures, maps, discussions, and references to "waters of the United States" should be revised to "waters of the State and waters of the United States" throughout the entire Final Environmental Impact Report.

Aerojet Facility Site

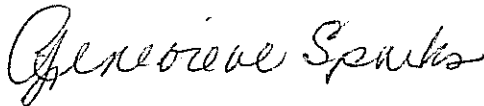
Pages 10-4 through 10-5 and 10-14 of Chapter 10 (Hazardous Materials) provides a discussion on the Aerojet site, as related to the Proposed Project.

The description of the Aerojet site provided on these pages contains numerous errors and does not provide an adequate description of the Aerojet Site. The Central Valley Water Board has the following clarifications:

- On page 10-4 the authors provide a description of the Aerojet facility and discuss underground tanks sites and associated contamination associated with the tanks sites. The tank sites provide an infinitesimal portion of the soil and groundwater contamination at the 8500-acre facility. Rocket manufacturing and testing and chemical manufacturing have led to extensive soil and groundwater contamination, with the groundwater plumes extending over 25 square miles. In fact there are over 350 potential source areas being investigated on the Aerojet Superfund site. Contamination includes solvents, components of liquid and solid rocket fuels, and chemical manufacturing residuals. Investigation of the contamination commenced in the late 1970's.
- On page 10-14, the writer mistakenly talks about both the Inactive Rancho Cordova Test Site (IRCTS) and the Aerojet Superfund site as a single site. In fact, they are two distinct sites. The Aerojet Superfund Site currently comprises the 8500 acre site bounded roughly by US50, the Folsom South Canal, White Rock Road and Prairie City Road, plus Area 39 (portions of the State Highway Off-Road Vehicle Park), Area 40 (area east of Prairie City Road) and the former Cavitt Ranch (400 acres on Scott Road, east of Area 40). This site has significant soil and groundwater pollution and is being investigated and cleaned under the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). The IRCTS is 4000 acres south of White Rock Road, north of Douglas Road, east of Sunrise and extends about halfway to Grant Line Road. The IRCTS is being investigated and cleaned up under the State hazardous waste site cleanup program.
- On the IRCTS rocket-testing activities have ceased and the site is being cleaned up. The site will be developed as the Rio Del Oro project by Elliot Homes and Aerojet Real Estate. The groundwater pollution at the site and it is migrating to the west and southwest, away from the project site.
- The main groundwater pollution in the area is coming from the Superfund site and consists primarily of volatile organics such as trichloroethylene, perchlorate and n-nitrosodimethylamine. There are several different groundwater plumes associated with the Aerojet site. The main one of concern to this project is the plume emanating from the liquid rocket test-area on the far east side of Aerojet, west of Prairie City Road. This plume is heading south and bit west, and extends as far south as the southern edge of the Teichert processing facility on Grant Line Road. The southern edge of the plume is approximately 1.7 miles north of the project site and moving in the direction of the project. Aerojet is undertaking remedial actions to control the leading edge of the plume, but those actions are not yet complete. Failure of containment will allow the plume to continue to migrate to south and west. There is an additional groundwater plume associated with Area 39, but are in shallow groundwater and not moving very much.

- Not all of the cleanup sites in the vicinity of the project have been included in this section. There is another cleanup site just north of White Rock Road and west of Grant Line Road as is called the White Rock Road North Dump. The contaminants of concern in the groundwater plume are volatile organics and perchlorate. The plume associated with this project extends as far south as the Aerojet plume described above and is on the west side of Grant Line Road.
- Aerojet has had a groundwater extraction and treatment system program operating since 1982, not 2002. The 2002 date is associated with Aerojet's Western Groundwater Operable Unit and the commencement of remediation of that Operable Unit.

If you have questions regarding these comments, please contact me at (916) 464-4745 or gsparks@waterboards.ca.gov.



Genevieve (Gen) Sparks
Environmental Scientist
401 Water Quality Certification Program

cc: State Clearinghouse Unit, Governor's Office of Planning and Research, Sacramento



David Sander
Mayor

LETTER 6

Linda Budge
Vice Mayor

Dan Skoglund
Council Member

Ken Cooley
Council Member

Robert McGarvey
Council Member

February 22, 2012

Brad Hudson
County Executive
Sacramento County
700 H Street, Room 7650
Sacramento, CA 95814

Re: Cordova Hills Environmental Impact Report

Dear Mr. Hudson,

The City of Rancho Cordova is submitting the following comments on the Cordova Hills EIR focusing on two primary areas of concern, municipal services and traffic mitigation. The Cordova Hills project is uniquely situated at the eastern boundary of our city and will rely heavily on City infrastructure and services. We anticipate some level of mutual impacts across jurisdictional boundaries from various development projects within the City and the County, but this project is extremely dependent on Rancho Cordova's urban investments. There are virtually no County services and very limited infrastructure in the Cordova Hills area. While the City generally supports the proposed development, these concerns must be addressed within the EIR prior to certification of the environmental document by the County Board of Supervisors.

Municipal Services

Given Cordova Hills is far removed from other developed unincorporated areas that receive County services, there will be significant additional time and costs of trying to provide quality, timely services to the new development if services to the area are provided by existing County municipal service providers. Adjacent and neighboring service providers, by comparison, could provide more effective and efficient municipal services to Cordova Hills.

With government facing financial challenges into the future, it is critical that the most cost effective and efficient way to provide municipal services to new development be utilized. One such way would be to have Cordova Hills services be provided by the adjacent and neighboring service providers. Another option would be the formation of an additional government organization, such as a community services district (CSD). However this option seems duplicative and inefficient as it would require the additional expenses of its own board, manager, legal, human resources, finance, technology, and other costs for what would remain a small district.

The EIR should consider whether it is feasible for the County to provide all infrastructure and services needed to support the Cordova Hills project and whether providing services to the project in this manner has the potential to adversely affect the City of Rancho Cordova's infrastructure capacities and municipal services.

Traffic Mitigation

The City is in agreement that the majority of the project's off site trips will rely on roadways, transit facilities and bikeways that are within City of Rancho Cordova's jurisdictional boundary. As such, we are concerned about reasonable contributions to the development of our transportation facilities from the Cordova Hills development.

The Cordova Hills EIR identifies mitigation requirements within the City limits and indicates the project's intent to fairly participate in the development of the City's transportation infrastructure. However, we remain concerned that the alternatives analyzed in the traffic study do not adequately represent the actual timing and phasing of infrastructure development.

It is likely that most of the physical transportation improvements identified in the existing plus project scenario will be built once the Cordova Hills development begins to trigger these requirements. We agree that the mitigation trigger should be associated with level of service (LOS) standards, but feel that Rancho Cordova developments or other County projects, such as the Teichert and Stoneridge quarries, will have already triggered many of these requirements. As a result Cordova Hills will rely upon, and benefit from investments by other developing properties. This concern is also evident in the cumulative plus project scenario. The limited number of required improvements in the cumulative scenario is the consequence of very large infrastructure investments provided by other projects. The EIR should include mitigation measures that ensure the Cordova Hills project will pay its fair share of traffic improvements needed to mitigate impacts.

In reality, the expansion and development of new roadways east of Sunrise Boulevard will not resemble either of these two theoretical EIR scenarios. The result of relying on these scenarios is that the EIR does not identify any mitigation requirements on Chrysanthy Boulevard, Americanos Boulevard, Sunrise Boulevard, White Rock Road, or Rancho Cordova Parkway, even though the trip distribution diagrams for Cordova Hills indicate that significant trips will be added to these roadways. Cordova Hills takes advantage of the excess capacity on these roadways that will be created by the City's extensive Capital Improvement Program, yet it does not identify adequate fair share contributions toward these improvements. That means there will be less roadway capacity available for the intended beneficiaries of the City's Capital Improvement Program - future projects within the City. The EIR should include mitigation to address impacts from project trips on these roadways.

I would like to reiterate that the City is not opposed to the proposed Cordova Hills Development. However, the project must mitigate impacts to transportation infrastructure within the limits of the City of Rancho Cordova, and the County must provide an effective strategy to manage municipal services so that the Rancho Cordova is not burdened with additional costs for service.

We appreciate the opportunity to comment on this project and look forward to additional dialogue regarding these concerns.

Sincerely,



Ted A. Gaebler, City manager

Cc: Catherine Hack, Environmental Coordinator, County of Sacramento
Michael Penrose, Director of Transportation, County of Sacramento
Mark Hanson, Project Manager, SBM



Unified School District

Members of the Board:

Jeanette J. Amavisca
Pollyanna Cooper-LeVangie
Priscilla S. Cox
Pamela A. Irely
William H. Lugg, Jr.
Chet Madison, Sr.
Al Rowlett

LETTER 7

Robert Pierce
Associate Superintendent
Facilities and Planning

Robert L. Trigg Education Center
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(916) 686-7711
FAX: (916) 686-7754

February 27, 2012

Catherine Hack, Environmental Coordinator
Sacramento County Division of Environmental Review and Assessment
827 7th Street, Room 220
Sacramento, CA 95814

SUBJECT: Comments on the Draft Environmental Impact Report for Cordova Hills (Control Number: 2008-GPB-SDP-ZOB-AHP-00142)

Dear Ms. Hack:

The Elk Grove Unified School District (EGUSD) appreciates the opportunity to review and comment on the Draft Environmental Impact Report (EIR) for Cordova Hills. EGUSD requests that the following comment be considered and included in the Final Environmental Impact Report (EIR).

- **Page 1-35, Last paragraph** – EGUSD requests the paragraph entitled “Schools” be reworded as follows:

The Project includes three areas designated as elementary school sites (two of which are approximately ten acres each and one of which is **7 – 10** acres in size, and one area designated as a **middle/high** school (approximately 78 acres). Cordova Hills is within the Elk Grove Unified School District.

EGUSD requests the stated size of the “Town Center” elementary school site be changed from 6 acres to a range of 7 – 10 acres; because, six acres will not be large enough, and a range will allow some flexibility as the plan moves forward. Even with multi-story buildings, providing a complete school program requires a minimum of eight acres. A smaller site may be feasible dependent upon the availability of certain school facilities. For example, a minimum number of parking spaces are required, some of which could possibly be located in adjacent parking facilities. Likewise, required play field areas might be shared on the adjacent park property, if an appropriate joint use agreement is in place.

If you have any questions, please feel free to contact me at wheinick@egusd.net or (916) 686-7711.

Sincerely,

William Heinicke
Director of Planning

G:Development/Cordova Hills/DEIR 2-27-12



LETTER 8

Post Office Box 1526 • Sacramento, CA • 95812 • (916) 444-0022

Via Electronic Mail

21 February 2012

Catherine Hack
Environmental Coordinator
County of Sacramento
Department of Environmental Review and Assessment
827 7th Street, Room 220
Sacramento, CA 95814

**Re: Cordova Hills Draft Environmental Impact Report,
Control Number 2008-GPB-SDP-ZOB-AHP-00142**

Dear Ms. Hack:

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the Cordova Hills Draft Environmental Impact Report (DEIR), dated 9 January 2012. ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

ECOS was quite dismayed that this DEIR was proceeding without an accompanying EIS, as is typically the situation. We believe there may well be a considerable disparity between these two required documents and that it is highly probable that the EIS may require substantial changes to the Project. It is therefore inappropriate for these two documents to proceed independently.

ECOS remains unequivocally opposed to the Cordova Hills project given the lack of foreseeable demand and lack of demonstrated economic feasibility. We are also opposed to the project due to its negative impacts on biological resources, air quality, climate change and the sustainability of the Sacramento region. We will attempt however to limit our comments here to the adequacy of the draft environmental impact report with respect to land use and growth inducement, transportation, biological resources and climate change.

LAND USE AND GROWTH INDUCEMENT

The primary justification for the original acceptance of this application by the Board of Supervisors was that it would bring the sought after asset of a university to Sacramento. The university initially interested is no longer interested and the likelihood of finding another university, particularly a self-contained university of the type described, is highly unlikely. The Sacramento Council of Governments (SACOG) in its letter to the project proponent dated October 7, 2011 (Attachment 1), states, *"Finding, financing and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region. Many of the short trips*

and multimodal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all."

The entire environmental analysis is based on the university as an integral part of the Project. Without the university, the Project is inconsistent with numerous additional General Plan policies, particularly the growth management criteria. Consistency with the growth management criteria is a requirement for the Project to be considered for approval. The project proponents are themselves now saying that it is more likely that a combination campus complex would locate here. This type of complex would be made up of a number of educational institutions, with different specialties, locating here and perhaps sharing some facilities. This would much more likely be a commuter college, rather than a self-contained university as currently proposed and analyzed in this document. Given the very remote potential for a university of the type proposed, this document should have also analyzed the project without the university. This would be necessary for the document to be totally adequate and complete.

The phasing of the Project as illustrated in Plate PD-16 is also totally unrealistic. By allowing significant commercial and residential development to occur prior to development of the university, the analysis of impacts in this document is totally compromised. Given the very speculative nature of the university, a "what if" scenario needs to be included which addresses the impacts of the Project without the university. Additionally, **a mitigation measure should be included that requires that 25% of the university complex be completed prior to more than 10 commercial units being issued building permits and 200 residential units being issued building permits for the remainder of the project.**

The document states that *in terms of internal community design, the Project appears to be an excellent example of "smart growth" development...., it must also be acknowledged that the Project conflicts with the principles with respect to preservation of open space and proximity to existing developed communities.* How can a project be considered "smart growth" development when it conflicts with some of the major foundation principles of "smart growth", contiguous development and open space preservation? Also, the remaining "smart growth" aspects of the project would be seriously compromised if a university is not constructed early in the project development, or at all.

The DEIR states that the Project is inconsistent with LU-1 related to growth inducement, but that a General Plan Amendment is included to address this conflict. This General Plan Amendment adds Policy LU-XX to the General Plan. This policy allows for limited public water service beyond the Urban Policy Area/Urban Services Boundary for the 251 acres located with the landfill buffer. What about sewer service? Are all the permitted facilities going to rely on porta-potties? The document goes on to say that this policy is specifically intended to avoid growth-inducing impacts but contains no explanation as to how the policy will actually do that. It does avoid the conflict with the original policy, but it does not avoid growth inducing impacts. By avoiding conflict with the original policy in this instance, it opens the door for future policies LU-XXX and LU-XXXX. As acknowledged in the document, the action of adopting this General Plan Amendment would set a precedent and encourage future amendments and further growth inducement. The Amendment cannot therefore be justified.

If the Amendment is to be approved, the uses and development standards proposed for this area are far too general. A Use Permit should be required for any development in this area to ensure it is appropriate and does not result in additional growth inducement. This should be considered as an additional mitigation measure.

Aside from this General Plan Amendment, the project, in and of itself, will have a significant impact on growth inducement as indicated in the Growth Inducing Impacts Section of the DEIR. Yet, no mitigation is proposed. We believe that feasible mitigation is available, and if not

applied, project applications to the north and south will soon appear. Perhaps more importantly, the Project is proposed immediately adjacent to the Urban Services Boundary (USB). Building up to the USB without providing mitigation for growth inducement beyond the USB is unacceptable. While the applicant has indicated to ECOS the intention to put restrictions on the property east of the project, we can find no reference to this important mitigation in the document.

Interestingly, the Summary of Impacts indicates that growth inducing impacts are less than significant, while the Growth Inducing Impacts Section indicates they are significant. Obviously the Summary of Impacts determination of less than significant needs to be corrected and as required by the California Environmental Quality Act (CEQA), feasible mitigation for growth inducing impacts applied.

The DEIR identifies the project to be in conflict with the Blueprint, the MTP/SCS and the State Implementation Plan, as well as some General Plan policies. ECOS believes that this document underestimates the seriousness of these conflicts. The health and sustainability of the entire region are jeopardized as a result of these conflicts.

TRANSPORTATION

The transportation analysis is seriously flawed because it does not base its significance determinations on the project without university scenario. As noted above, the university component is not realistic, and without it, many of the project characteristics that would have helped to reduce transportation and other impacts are not likely to occur.

Two specific examples of how including the university in the transportation analysis results in flawed impact analyses are 1) unrealistically high non-automobile mode share, and 2) improper trip internalization reduction. First, the DEIR states that a whopping 43 percent of the total university trips that stay within Cordova Hills will use non-automotive modes (DEIR, 16-38). For comparison, the rest of Cordova Hills is expected to have a non-automotive mode share of only 11 percent. Without a university campus with substantial on-campus housing, the project would result in a much higher automotive mode share, and this must be analyzed. Second, the DEIR claims that 36 percent of all vehicle trips will have their origin and destination within the project. Table TC-14 shows how internal trips are used in the traffic analysis to reduce the total vehicle trip rates. For example, single family dwelling units are expected to generate 9.4 trip ends per day, but after adjusting for the internal trips, the rate is reduced to only 7.2 trips per day. It is improper to apply this internalization factor because it is highly dependent on the university. These impacts must be analyzed, and all significance determinations must be based on these more realistic worst-case impacts. Failure to do so could result in unidentified significant impacts, as well as impacts that are more significant than shown in the DEIR.

The proposed limited transit service is not adequate to substantially reduce transportation, air quality, and climate change impacts. The Transit Analysis section of the DEIR (p. 16-81) claims that the project meets transit demand. However, nowhere does the DEIR disclose what the demand actually is. The only specific reference to transit demand is in tables 16 and 30 of the Traffic Impact Study in Appendix TR-1. However, transit demand is aggregated with bicycle and pedestrian demand, so it is impossible to determine if the proposed service actually meets transit demand, or if other options would provide better service. For example, Sacramento Regional Transit (RT) has no current plans to provide service in the area, which is easy to understand since there are no residents in the area now. Why didn't the EIR evaluate the potential for RT or another public transit provider to provide service? Many transit studies show that the need to transfer between services is a common reason that people chose to drive instead of taking transit. Would the proposed transit service require purchase of a transit ticket (for either Cordova Hills residents or the public in general)? Would people who work in Cordova

Hills but live elsewhere be required to purchase a ticket? Would students of elementary or high schools be able to use transit to get to and from school? It is important to note that the proposed service is very limited, with 15 minute headways only during peak commute periods on weekdays. In fact, much of the proposed service is only half hour or hourly headways, which is not sufficient to encourage substantial transit ridership. At a minimum, the DEIR must disclose what the specific transit demand projection is, the ridership assumptions relative to maximum capacity, and the amount of projected demand that can be satisfied by the proposed service. In addition, it is important that transit service is provided as soon as residents occupy the project and establish transportation routines. Therefore, the DEIR should include a mitigation measure that transit service becomes operational no later than completion of the first 200 residential units.

BIOLOGICAL RESOURCES

Environmental Setting

Consultations with the California Native Plant Society biologist Glen Holstein Phd have raised concerns as to the accuracy of the opening statement that: “The dominant vegetation is non-native grassland comprised of ripgut brome (*Bromus diandrus*), soft chess (*Bromus hordeaceus*), wild oats (*Avena fatua*), barley (*Hordeum* species), and ryegrass (*Lolium multiflorum*).” His understanding of the literature, and his personal site visits in the past, suggest that this California prairie ecosystem is dominated by the native species *Holcarpa virgata*, which is not a grass (Holstein 2001). This DEIR needs to substantially support its conclusions with evidence (CEQA 15064(f)(5)). Dr. Holstein further pointed out the omission of Sacramento General Plan policy CO-135, to protect the ecological integrity of California Prairie habitat, in those policies listed in 6-3 to 6-6. The plan preparers need to include all relevant information and policies in order to meet a good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151). The development of the California prairie habitat in the project area would clearly violate CO-135.

Wetlands and Surface Waters

An important discussion and consideration of the particular vernal pools to be lost is missing from this environmental document. These vernal pool resources are some of the very finest remaining examples of their type within the USB. This project is not merely impacting vernal pool resources, it is impacting some of the very highest quality pools and potentially threatening their connectivity to other vernal pool resources. The Recovery Plan for Vernal Ecosystems of California and Southern Oregon, prepared by the United States Fish and Wildlife Service, clearly identifies Cordova Hills as being within one of its highest priority core areas and as such is integral to attaining the goals set out in the recovery plan. This description of the particular significance of these pools needs to be included in the EIR in order for it to meet its good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151).

Given the extreme biological value of these vernal pool resources and their associated uplands, it is not made clear what the overall and cumulative impact of their removal will be. Consultations with USFWS and the Army Corps and compliance with the requirements of their permits are presented as mitigations, but no effort is made to address the question of the impact of removal of these pools, and further isolating those to be avoided, from the totality of the conservation effort in the Mather Core Recovery Area. It is

clear that the impact is great based on the effect this project and several others have had on the SSHCP and the creation of viable preserves in the Mather Core Recovery Area. The Plan has been stuck over this

very issue and these very resources. As part of a good faith effort, there needs to be a discussion of the significance of these vernal pool resources in terms of the process of creating viable preserves within the USB that have adequate size, to minimize edge effect, and connectivity, as well as a discussion of the problems this project has posed for the completion of the SSHCP (CEQA 15003(i) and 15151). 33% of the vernal pool resources in this project area are slated for destruction.

As well, there remain serious concerns as to the connectivity of these vernal pool resources to potential vernal pool reserves to the west of Grant Line Road. The formation of these resources west of Grant Line road into a preserve is as of yet unresolved, but flexibility must be retained within the Cordova Hills plan to allow for such connectivity if the preserve materializes, or both vernal pool complexes will be further isolated and have diminished viability. A good faith effort necessitates discussion of this issue (CEQA 15003(i) and 15151).

Special Status Species

The biological resource section misuses the CNDDDB throughout by assuming that the data base is a record of absence (i.e. by assuming that if a species does not show up in the CNDDDB, then it's not there). The CNDDDB has a clear disclaimer for users on this point. This constitutes a bad faith effort (CEQA 15003(i) and 15151).

The abuse of the CNDDDB leads to bizarre results such as the conclusion that, for example, there are no recorded incidences of Ferruginous Hawk within 5 miles of the project area, and no Golden Eagles or Northern Harriers within 10 miles, and so moderate potential for occurrences were provided for them despite the fact that suitable foraging habitat is available and despite the fact that the CNDDDB is notoriously incomplete and often only has incidence listing for nesting birds. The Grasshopper sparrow and Loggerhead Shrike are also given a moderate potential for occurrence even though suitable habitat is available and there are recorded incidences within five miles, the definition of high potential for occurrence provided in this EIR. There is no mention whatsoever of the Rough Legged Hawk that is a likely forager in this project area. American Badgers are listed as having low potential for occurrence despite the recorded incidence within 2.5 miles of the project area and the availability of suitable habitat for this species which has a large home range.

Consultations with Glen Holstein Phd indicated some plant deficiencies as well. Tuolumne Button-celery (*Eryngium pinnatisectum*) is listed as "Not Present" despite the fact that it is known to occur in vernal pools and in Sacramento County (Tibor 2001), and as such its potential to occur at Cordova Hills is at least moderate and probably is high. Furthermore, five rare vernal pool annual plants Dwarf Downingia, Bogg's Lake Hedge Hyssop, Ahart's Dwarf Rush, Pincushion Navarretia, and Slender Orcutt Grass are listed as not present at Cordova Hills because plant surveys didn't find them. Such vernal pool annuals may not appear every year, however, even though they are present as seeds undetectable by standard plant surveys (Holland & Jain 1981). One such California annual, although not a vernal pool species, apparently survived exclusively as seeds for 102 years. Long thought extinct, it was rediscovered when its seeds finally germinated (McCune 2005). Many other examples of such rediscoveries are known in California although the duration of their presumed extinction is usually not a century long (Tibor 2001). In all such cases soil profiles have remained intact so seeds could germinate when conditions were favorable. There is at least some potential that any or all of the five rare vernal pool annuals not found by Cordova Hills plant surveys may exist there as seeds. As long as the site's natural soil conditions are intact they might reappear at any time. The project's proposal to destroy 33% of the site's vernal pools significantly diminishes this possibility.

CLIMATE CHANGE

Analysis is Flawed

1. CalEEMod is the most appropriate and current modeling tool suitable for measuring greenhouse gas (GHG) emissions from a project. Please use CalEEMod and eliminate patchwork analysis.
2. AQMP-2; SMAQMD 29: The Cordova Hills Master Plan requires all buildings to be constructed to at least 20 percent above 2008 Title 24 standards.

This GHG reduction measure is specious and meaningless for any project permitted after 2015, and nearly useless for projects built between 2012 and 2015. Title 24 is updated every three years and is intended to become approximately 15 percent more stringent for each three year cycle.

To remedy this deficiency, please revise the measure as follows:

At the time of building permit issuance, buildings will be designed to be at least 20% more efficient than Title 24 requirements in force at the time of building permit issuance. Construction must start within one year of receiving building permit and construction is to be completed within two years of receiving building permit, or the Title 24 compliance demonstration must be revised relative to the updated requirements.

3. AQMP-2; SMAQMD 33: The TMA is speculative and cannot be counted on for the 5 points. It is difficult to understand whether the proposed transit system is economically justifiable without reviewing the proposed financial plan in parallel with the EIR. AQMP-2; SMAQMD 33 was too general and ECOS could find no specifics elsewhere in the EIR.
 - Will the transit system collapse due to inadequate funding?
 - Will parcels go unsold due to high cost of fees to fund transit?
 - What is guaranteed minimum level of service?
 - What is the definition of a peak-time period?
 - What are the proposed contribution rates for commercial and residential properties?
 - i. How do these compare with other user-financed transit systems?
4. AQMP-2; SMAQMD-99B: The entropy of the Cordova Hills project is low (LUT-3 from CAPCOA Quantification of GHG Measures); this is not a well-mixed project as compared to an urban setting; there are clearly high- medium and low density housing areas with off-site commercial. It is unclear how a 25.32% VMT reduction can be claimed relative to BAU. The DKS analysis claimed approximately 15% VMT reduction and additional CAPCOA measures claimed 10.5% additional VMT reduction. Although AQMP indicates that double counting was not done, it is hard to believe that the interactions between all modeled and estimated measures could achieve a combined 25.32% VMT reduction.
5. AQMP-2; SMAQMD-99B: Table C identifies business as usual conditions and has been replicated as Attachment 2. ECOS has derived proposed project conditions using data on page 8 of AQ-2 and presented in the same format as Table C. There are several notable comments when comparing the 2 tables:
 - a. It is unclear how the 8,006 dwelling units, 7,140 K-12 students in this table relate to the 2.54 people per rented dwelling unit and 2.71 people per owned dwelling unit mesh. ECOS has adjusted conversion factors to try and achieve 25,419 residential population. What are the differences in populations?

- b. It is unclear how the 1,583 employees in Table C relate to the 6,548 employees from Table 3.
 - c. VMT between BAU and proposed drops 12.7% from 239 million mi/yr to 209 million mi/yr; Table D, page 8 indicates that the proposed VMT is 199 million miles
 - i. Why is there a 10 million mile difference? (209 vs. 199)
 - d. VMT/capita per day drops from 29 under BAU conditions (Attachment 1) to 26 under proposed project (Attachment 3), both are high numbers and will make SACOG's effort to meet 2020 and 2035 goals difficult
 - i. ECOS understands that attempting to assist SACOG in meeting their GHG reduction goals is voluntary, but the high VMT per capita calls into question the need for building such a large project on the urban fringe
 - e. The student population stands out as a tremendous VMT and GHG reduction measure, yet the University is a very speculative venture
 - i. Recommend splitting University students into those living on-campus vs. those living off-campus to highlight the VMT differences
6. AQMP-2; SMAQMD-99B: Since the proposed development of a University has become a very speculative item and because the on-campus student population skews VMT and GHG emissions to a very low per capita level, ECOS believes that the GHG analysis is flawed. The analysis must either include:
- a. a complete analysis of what the project would consist of without a University that meets or exceeds Sacramento County suite of thresholds adopted 11/3/11 or
 - b. a mitigation measure that does not allow construction of Cordova Hills to start until a University with a built out population of 6,000 with an on-campus population that is at least 67% shows good faith that it intends to occupy the space. Good faith might consist of [\$147¹] million in escrow that is forfeited to the SMAQMD for climate mitigation if a mutually agreed to timeline is not achieved. Timeline developed is to include input from public.
 - i. 100% commuter type Universities will NOT be consistent with analysis that indicates 67% of students live on-campus and is not a viable option
 - ii. This mitigation measure must be included in AQMP-2.
7. CC-1 below is not acceptable as worded. The 5.80 efficiency metric includes the contribution of a very low per capita University component- say 3.8 or so. The wording of CC-1 could allow the 6,000 person, GHG efficient University to be replaced by a 6,000 person GHG average tenant thus increasing the overall emissions of the project tremendously.
- CC-1.** The following text shall be added to the Cordova Hills SPA: All amendments to the SPA shall include an analysis which quantifies, to the extent practicable, the effect of the Amendment on greenhouse gas emissions. The Amendment shall not increase greenhouse gas emissions above an average 5.80 metric tons per capita (including emissions from building energy usage and vehicles).
8. Cordova Hills proponents indicated at a meeting with ECOS on 2/16/12 that a University will be built at the site or that the land will be surrendered to the County at expiration of 30-year agreement. This is deferred mitigation which has been disallowed by the courts (*Communities for A Better Environment v. Richmond* (2010) 184 Cal.App.4th 70. (CBE).). Liquidated damages (LD) must begin flowing to the SMAQMD Indirect Source program (or other responsible agency) by 2017 if no University with significant on-campus population has not been committed to. Timelines and LD amounts need to be developed with public input.

¹ 147,000 MT/yr*\$20/MT*50years = \$147 million

Mitigation Does Not Include All Feasible Measures

1. ECOS could find nothing in chapters 7, 11, 15 or AQMP-2 on water, sewer, or storm drain efficiency measures that might be employed by the project to reduce loads on off-site water, sewer or storm drain infrastructure and thus also reduce effects on climate change.

Water, sewer, and storm drain infrastructure is very expensive per unit. As an example, the high cost of the regional sewage treatment plant upgrade to tertiary status has been in the papers over the last 2 years. The proposed high sewer hook-up fees and hefty monthly rate increases that correspond to the need for capital cost recovery on the sewer plant upgrade are very costly on a unit basis and existing customers are blanching at the proposals. See http://ecosacramento.net/ClimateChange/?page_id=784 for more information.

In many cases efficiency improvements at the loads (in this case Cordova Hills (CH)) can be achieved at a lower unit cost than upgrading infrastructure.

Because of the disconnect between the economics of supply and demand of commodities (water, sewer and storm), please evaluate above-and-beyond-code water, sewer and storm drain efficiency measures such as:

- gray water
- local scalping plants: (i.e. small plants that take sewage and treat it to recycled water standards and distribute locally)
 - with recycled water to serve non-potable needs
- low-impact storm water management
- water efficiency in new development (would above and beyond Green Code Tier 2 water efficiency measures be cost effective?)
- exemplary effort to keep storm water out of sanitary sewer system

By NOT including water, sewer and storm drain efficiency improvement measures in the project design that are similar to the unit cost of infrastructure, the project is unknowingly forcing utility providers to pass along unnecessary costs to existing ratepayers in the form of unnecessary infrastructure. The ratepayers of the County cannot keep being tapped for higher monthly fees when lower unit cost alternatives such as on-site efficiency can be employed to societies (i.e. rate payers) advantage.

CONCLUSION

As referenced in the preceding sections, this document is deficient in numerous areas. The most basic flaw is associated with the project description, which includes a 6,000 student self-contained university that is unlikely to ever materialize, at least in the form described, making the project description totally unrealistic. By including this hypothetical university the entire analysis is biased, does not represent the project, and therefore is flawed. In order for this document to be accurate and complete, the project needs to be analyzed without the university.

Additionally, we do not believe the necessary findings and statements of overriding considerations can be defensibly made to approve this project. There is no substantial evidence in the record that a self-contained 6,000 student university will ever exist at this location. Given these considerations, the DEIR should be redrafted and recirculated for public review.

If you have any questions regarding these comments please contact Ron Maertz ronmaertz@surewest.net for land use, Sean Wirth wirthsoscranes@yahoo.com for biological resources, Keith Roberts keithroberts@aol.com for climate change or Peter Christensen ecospeter@me.com for transportation.

Yours very truly,



Jonathan Ellison, President
Board of Directors

Attachments

Attachment 1 – SACOG Letter

Attachments 2 & 3 – Climate Change Excel Spreadsheets



October 7, 2011

Ron Alvarado
Partner
Conwy LLC
5241 Arnold Avenue
McClellan, CA 95652

Dear Mr. Alvarado:

We appreciated the opportunity to meet with you again last week to discuss the Cordova Hills project. As we discussed, SACOG has received several letters regarding Cordova Hills—we have identified four letters since 2007. In each case, the letters either followed up on, or resulted in, a meeting between SACOG and members of the Cordova Hills project team. SACOG staff, and I personally, also have had numerous other meetings and telephone calls with the Cordova Hills project team over the last few years. As I think you have acknowledged, SACOG has been willing to meet and discuss the project on all occasions. As a consequence, until last week we did not believe that there were any outstanding requests for information, meetings, or written responses. In fact, as discussed below, based on our conversation in August 2010, I believed that you understood and accepted SACOG's decision not to include Cordova Hills in the three Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) alternatives that were going to be vetted in the public workshop process last fall. In light of the foregoing, I am sending this letter only in response to your specific request last week that we put in writing the issues we have discussed in our many meetings. The letter provides a brief summary of the main questions and concerns we have raised about the suitability of including Cordova Hills in this MTP/SCS update cycle.

I will first say that in our many conversations about Cordova Hills we have noted several elements of the evolving land use plan and transportation system that we thought were consistent with SACOG's priorities, and we have made suggestions for refinements to the plan. The plan in its current form contains many elements that are consistent with principles we encourage our members and members of the development community to follow. We were particularly pleased to learn recently that you intend your project to be consistent with the smart growth criteria in the County draft updated General Plan. Notwithstanding the positive elements in the current plan, for over a year we have indicated that we did not believe Cordova Hills, at this juncture, would meet the criteria for inclusion in the current update to the Metropolitan Transportation Plan, which will for the first time include a Sustainability Communities Strategy that implements SB 375, a new state law.

In June 2010, SACOG published a memorandum titled "Method for Developing MTP Update Growth Projections" to help our members and stakeholders understand the federal and state rules, and SACOG priorities when developing the land use component of the MTP/SCS. Rather than repeat the examples of market and regulatory/policy issues that we address through this process, I am reattaching the memorandum for your information and reference.

Auburn
Citrus Heights
Colusa
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Lincoln
Live Oak
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

Many in the development community who read this memorandum indicated that they better understood how we do our best to take into account all of the relevant market and regulatory/policy considerations that together drive the estimate of the likely future growth pattern for the planning period (2035 in this case). Many developers specifically acknowledged the limitations SACOG had including their project in this plan update, but wanted to work with us to develop a clear process for adding more lands to the plan in future updates. As mentioned above, you told me on August 10, 2010, after reading this memorandum that you could not argue with SACOG's decision not to include Cordova Hills in the three alternatives that were going to be vetted in the public workshop process that fall, but instead would work with us and hope to be included in the next update four years hence. Last week you stated that you would not have told me that had you understood the relevance of that decision to the SCS. Although we have tried to be clear about the integral connection between this MTP update and the SCS (a point that is made throughout the memorandum), I understand that SB 375 is a new law and that we are all climbing a learning curve as we implement it for the first time. For that reason, we have tried to make it very clear in our print materials and in the verbal presentations used in dozens of public focus groups and workshops, as well as at regular briefings with our Board and Committees over the last two years, how integrally connected the MTP and SCS would be.

The 2035 MTP/SCS is based on a growth forecast that projects a need to build approximately 300,000 new housing units in the six-county region by 2035. This forecast is lower than the one underpinning the current MTP by 145,000 housing units. This means that SACOG must find that many units to *subtract from* the projected growth pattern in the currently adopted MTP. This is a unique situation in this particular plan cycle, and it creates a very high bar for new projects to be added in this update that are not in the current MTP. The approximately 300,000 new housing units preliminarily identified to be included in the updated plan are located within developing communities, established communities, and centers and corridors. These communities have a planned capacity for approximately 500,000 units, which is nearly 70% of capacity beyond the projected 300,000 units of construction by 2035.

We consider a wide range of variables in trying to answer, to the best of our ability, the straightforward question: At this time, does it appear that Cordova Hills is more likely to be constructed during the 2035 planning horizon than the 300,000 plus units of housing projected to be built in our current draft—but also should it be preferred over the more than 150,000 housing units of additional capacity in other greenfield projects in various stages of planning around the region that also are not included in our draft plan documents? Many of these 150,000 other housing units not presently in the draft plan are in developments that have been included in locally adopted plans for some time, and some have either no, or relatively minor, outstanding federal permit issues.

Beyond the regional market demand and supply issue, the key questions and concerns specific to Cordova Hills that we have raised many times with you are briefly repeated below.

- **Federal Permits.** Both the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service have jurisdiction on these lands through the Clean Water Act and Endangered Species Act. When asked to characterize the likelihood of securing the necessary federal permits under these two laws, Cordova Hills responded "it's going to be a war." While

that was obviously not to be taken literally, it unfortunately accurately foreshadowed the level of concern those two agencies have about this project. It also partially explains why, when the Blueprint map was adopted by the SACOG Board in December 2004, Sacramento County requested that a significant portion of the Cordova Hills site remaining as open or natural space. Moreover, while the County is working hard on the South Sacramento Habitat Conservation Plan (SSHCP), that document is not completed. One of the primary remaining outstanding issues relates to whether, and how, its resource conservation needs can be met for the Cordova Hills property given the current development plan. SACOG is a strong supporter of the SSHCP and we very much hope that it reaches a successful conclusion soon. However, recent conversations with the federal agencies confirm that there are substantial unresolved issues on the Cordova Hills site, especially that portion showing a planned 900,000 square foot commercial center fronting Grant Line Road and located in the heart of what the federal agencies consider to be a valuable vernal pool complex. The timing of the construction of Cordova Hills will remain in considerable doubt until these federal issues are resolved.

- **Commercial Center and Economic Viability.** While many aspects of the current land use plan have evolved and are now focused on building a self-contained and self-sustaining community (i.e., on-site housing substantially targeted at university students, staff, and faculty, and a series of paths to promote walking, biking, and the use of neighborhood electric vehicles for travel within the site), the large commercial center stands out as the exception. Project representatives repeatedly have said that it is sized and located not only to serve the needs of on-site residents, but a larger regional market, and have acknowledged that this will create longer distance car trips to the site. We have repeatedly raised questions about the market feasibility of a 900,000 square foot regional shopping center at that location, citing our studies showing that the region has an over 70-year supply of retail zoning now, including many other projects in the same general area that are also planning large quantities of retail. Cordova Hills consistently has told us that Cordova Hills is not economically viable without a large, regional shopping center. It has further indicated that because a large, regional shopping center on that site must have direct access to Grant Line Road it cannot be relocated to eliminate or reduce the impacts on the natural resources that the federal agencies are concerned about. Consequently, the retail center design and location creates a kind of double-bind for the project's feasibility. Our data lead us to be skeptical that the needed market demand to serve it will materialize. And it seems far from certain at this time that the project will be able to secure the needed federal permits soon, as long as the location and scale of the shopping center remain unchanged. We have suggested that a shopping center downsized to focus just on the needs of the project's residents would have both a smaller footprint and would not need to be located on Grant Line Road, in the middle of the natural resources. Cordova Hills has consistently maintained that those changes would render the project economically unviable. At the moment, it is not clear how the hard trade-offs related to the retail center are going to be successfully resolved to the mutual satisfaction of all the relevant parties.

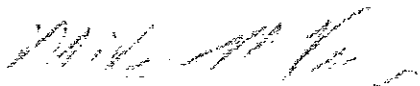
- **University.** The planned university is a key component of this project, of course. It would be a wonderful asset to the County and region were it to be built. It is one of the few large-scale, new employers that can realistically create a relatively self-contained community, if planned and designed well. Our concerns about the university have nothing to do with its benefits, but rather, again, the current prospects for its construction given the growth forecast during the planning horizon. Finding, financing, and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region. Unfortunately, the planned institution, the University of Sacramento, recently withdrew their involvement in the project. We are aware that you are actively soliciting a replacement institution, but that you have not been able to secure a new commitment yet. Many of the short and multi-modal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all. Cordova Hills indicated in a recent discussion that if Sacramento County approves an entitlement for the project it very likely will attach a condition requiring the construction of the university before other substantial construction can occur. However, the uncertainty over whether a commitment from a 6,000 student, private university will be secured any time soon is another reason for us to conclude that, for this MTP/SCS update cycle, Cordova Hills does not meet the requirements we must follow to project a land use pattern that represents the most likely to be constructed for the region.

Given all of the above, SACOG staff has concluded, and continues to believe, that adding Cordova Hills to the MTP/SCS at this time is not justified, and that it would create risks for the timely adoption of the MTP/SCS and certification of the related EIR. I know you also understand that, since Cordova Hills was not included in the alternatives analysis, adding the project now would add several months, at a minimum, to our adoption process, with new public input, technical analysis, etc. required. It is important to emphasize, however, that most of the considerations listed here relate to practical obstacles that affect the suitability of including Cordova Hills in this plan update cycle. We certainly wish Cordova Hills the best in its worthy endeavor to secure a private university, and that it will be able to resolve the financial, transportation, and natural resources issues associated with the shopping center element of the land plan. Sacramento County appears headed towards adopting a new Growth Management Element to their General Plan, which will provide tighter linkage between projects approved according to their smart growth criteria and future MTPs/SCSs. As you know, we have supported the approach the Board of Supervisors tentatively approved last month—in particular, the important variables related to passenger vehicle greenhouse gas emissions and vehicle miles traveled that are so innovatively and effectively addressed through the smart growth criteria in the County draft plan. However, notwithstanding that support, federal and state law requires that the MTP/SCS be consistent with SACOG's regional forecast and its most reasonable estimate of what is likely to be built. We look forward to continuing our constructive discussions and reconsidering this proposal as it evolves and as our future plan updates include capacity for more years of growth, and presumably higher estimates for needed housing capacity in the region.

With regard to that final point, I want to reemphasize with you a portion of our discussion from last week. First, while I think we understand the general nature your concerns about including Cordova Hills in the MTP/SCS, you know that we do not agree with your conclusions about the

consequences of that determination. SB 375 was intended to create CEQA incentives for projects consistent with the MTP/SCS. We understand that Cordova Hills does not intend to avail itself of those benefits. Under those circumstances, SB 375 expressly states that the SCS does not regulate the use of land, does not supersede the exercise of local land use authority, and does not require a local government's land use policies and regulations, including its general plan, to be consistent with the MTP/SCS. Second, and perhaps most importantly, notwithstanding our strong commitment to facts and science, SACOG recognizes the limitations on our forecasting and modeling—we cannot predict market and regulatory forces with absolute certainty over a 20-year plus period. For this reason, the regular four-year updates of the plan are important. For the same reason, we understand that consistency with the MTP/SCS is not the only question regarding any project. Over the last decade, the region has embraced a Blueprint for growth in the region to 2050. We recognize that there are many projects consistent with that vision that, for a multitude and variety of reasons, will not be included in this MTP/SCS. Again, thank you for your time and we look forward to assisting you in the future.

Sincerely,



Mike McKee
Chief Executive Officer

cc: Greg Thatch

AQ-2 Table C: Estimate of BAU VMTs

Land Use	Units	Conversion	People	Trips/Day 2	VMT/Trip 2	calculated					
						VMT/Day/ Unit	Daily Trips	Daily VMT	Annual VMTs	Annual VMTs	Daily VMT
Single Family1	5,340	1.59	8,464	7.55	6.57	49.6	40,323	264,778	84,728,960		264,883
Multifamily1	2,666	1.59	4,226	6.68	6.05	40.4	17,806	107,730	34,473,600		107,744
Elementary	3,023	1.00	3,023	1.54	8	12.3	4,655	37,243	11,917,760		37,243
Junior High	1,373	1.00	1,373	1.54	8	12.3	2,114	16,915	5,412,800		16,915
High School	2,744	1.00	2,744	1.54	7.65	11.8	4,226	32,327	10,344,640		32,327
University	6,000	0.67	4,002	2.38	7.48	17.8	14,280	106,743	34,157,760		106,814
Park	98	1.00	98	3.32	7.48	24.8	325	2,430	777,600		2,434
Racquetball	37	1.00	37	3.32	7.47	24.8	122	909	290,880		918
Quality Rest.	111	1.00	111	21.47	7.58	162.7	2,375	18,006	5,761,920		18,064
Sit Down Rest	34	1.00	34	21.47	7.47	160.4	730	5,457	1,746,240		5,453
Fast Food	25	1.00	25	21.47	7.48	160.6	526	3,932	1,258,240		4,015
Hotel	200	1.00	200	21.47	7.48	160.6	4,294	32,098	10,271,360		32,119
Discount Store	70	1.00	70	21.47	7.37	158.2	1,503	11,076	3,544,320		11,076
Home Imp Store	85	1.00	85	21.47	7.37	158.2	1,825	13,450	4,304,000		13,450
Strip Mall	257	1.00	257	21.47	7.37	158.2	5,522	40,698	13,023,360		40,666
Supermarket	163	1.00	163	21.47	7.37	158.2	3,495	25,760	8,243,200		25,792
Gas Station	12	1.00	12	21.47	7.37	158.2	258	1,899	607,680		1,899
Bank	41	1.00	41	21.47	7.37	158.2	884	6,518	2,085,760		6,488
Office	135	1.00	135	3.32	8.53	28.3	450	3,832	1,226,240		3,823
Office Park	175	1.00	175	3.32	8.98	29.8	581	5,217	1,669,440		5,217
Movie	43	1.00	43	21.47	7.47	160.4	912	6,821	2,182,720		6,896
Transit Hub	6	1.00	6	3.32	10.73	35.6	20	214	68,480		214
Flex Residential Overlay	91	1.00	91	3.32	7.37	24.5	301	2,216	709,120	238,806,080	2,227
Total			25,415				107,528	746,269	238,805,921		746,677

1Trips/Day and VMT/Trips from URBEMIS except for Residential which is from SACOG - 2035 Sacramento
2.54/du for rentals, 2.71 for owner occupied from Project Description

29.4
VMT/capita-day

320 d/yr

19,830

21,379

-1,549

25419

21379 Res pop, PD p1-27

4040 University on-campus pop; PD p1-27

6548 employees, AQMP-2, Table 3

1,583 employees??

7,140 K-12



717 K Street, Suite 529
 Sacramento, Ca. 95814
 916-447-4956
www.swainsonshawk.org

February 22, 2012

Catherine Hack, Director
 County of Sacramento DERA
 827 -7th Street, 220
 Sacramento, Ca. 95814

Comments of the Friends of the Swainson's Hawk, Inc. on the Draft Environmental Impact Report for Cordova Hills (Control Number 208-GPB-SDP-ZOB-AHP-00142)

Dear Ms Hack:

FOSH is a volunteer group providing grassroots advocacy for wildlife and habitat in the Central Valley. We, along with others, have major concerns about the pending Application to County of Sacramento to develop 2,669 acres along Grant Line Road east of Rancho Cordova. We concur in the comments already submitted by the Environmental Council of Sacramento and the California Native Plant Society.

The EIR determines that the Project will require 2,231 acres of mitigation to compensate for the loss of Swainson's hawk foraging habitat, using the County's mitigation program, another mitigation plan acceptable to CDFG, or the South Sacramento County Habitat Conservation Plan, if it has been approved. The other 438 acres of project area are avoided areas that the EIR claims will retain their foraging value after the project is completed. We have a number of concerns with the analysis and the mitigation measures as presented in the DEIR.

These comments will focus on the Swainson's Hawk impact analysis and mitigation. However, we also have concerns about the environmental impacts of the timing and location of development approvals in Sacramento County for which the necessary infrastructure has not been assured.

We completely agree with the EIR's determination that all of the land within the project area is Swainson's Hawk foraging habitat and that the appropriate mitigation ratio for this area would be 1:1 for loss of foraging habitat.

Improper Reliance on CNDDDB.

The EIR relies on CNDDDB to identify species presence. CNDDDB records are poorly maintained, out of date, and are therefore not complete and often underestimate species presence and recent nesting behavior.

CNDDDB is not intended to provide definitive data for purposes of CEQA review of a project.

The CNDDDB webpage says:

“...we cannot and do not portray the CNDDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers.” (http://www.dfg.ca.gov/biogeodata/cnddb/cnddb_info.asp)

CNDDDB is a first stop for biological assessment, indicating where likely rare plants and animals may be found. When assessing Swainson's Hawk impacts, DERA should consult directly with CDFG to determine how well the area has been surveyed in the past, and include all data available at CDFG, not just what is reported in the CNDDDB.

In the attached email from CDFG's CNDDDB manager, Brian Acord, dated September 15, 2011, more information is provided about the backlog in updating the database with nesting site information. Mr. Acord notes: "...we currently have 418 unprocessed source documents for Swainson's hawk in the state." He also notes that these records could be nests, perched or flying birds.

In the case of Swainson's Hawk records, the County had access to recent, high quality data commissioned by the Cities of Elk Grove and Rancho Cordova as well as the Department of Fish and Game. Much of this data had been incorporated into the planning for the South Sacramento County Habitat Conservation Plan and is represented on maps we are submitting with our comments.

The DEIR Ignores Important Available Biological Data on the Swainson's Hawk

The EIR is deficient in identifying the location of nesting Swainson's Hawks in relationship to the project site. Nor has it made a good faith effort to survey the site for Swainson's Hawk nesting territories.

Attached you will find several maps of Swainson's Hawk nesting sites. The map titled "Range of the Swainson's Hawk in the SSHCP Plan Area" was produced by the South Sacramento County Habitat Conservation Plan staff and shows nesting territories known to the County through the CNDDDB, and the surveys conducted for the Cities of Elk Grove and Rancho Cordova by Estep Biological Consulting. Measuring distances using the legend of distances on the Map, the Map shows at least three active SWH nests within one mile of the Project site, and many nesting territories within five and ten miles of the Project site.

We also include Figure 10 of Estep Environmental Consulting, 2006. The distribution, abundance, and habitat associations of Swainson's Hawk (*Buteo swainsoni*) in the City of Rancho Cordova Planning Area. (Prepared for the City of Rancho Cordova, CA.) This map confirms the siting documented in the SSHCP map.

We also attach a map prepared for FOSH by a volunteer which places the project site on the SSCHCP map and places circles around the nearest nesting territories on the map. The attached map shows yellow and purple dots representing known nesting territories identified by County of Sacramento SSCHCP staff in preparation of the attached map "Range of Swainson's Hawk in the SSHCP Plan Area." These include recent surveys done by Cities of Elk Grove and Rancho Cordova. Nesting sites close to the project are indicated with colored circles showing one (orange), two (yellow) and three (blue) mile radii circles around each nest site. Our map indicates that there are two known nesting sites quite close (within a mile) to the northwest corner of the project area, one within a mile of the southwest project boundary, one within a mile of the southeast project boundary and several others within 1 to 3 miles of the project.

These documents amply demonstrate that the EIR is deficient in identifying known nesting territories proximate to the project site and therefore the likely intensity of use of the site for foraging habitat as well as the likelihood of nesting activity within the project area.

The poor Biological Assessment in the EIR does not give public and decision-makers a reasonably accurate picture of the impact of the project on Swainson's Hawks and other raptors.

Potential direct and cumulative impacts on the species range and reproductive activity should be identified, including but not limited to the following:

- a) potential impacts on reproductive activity in nesting sites and nesting success within two miles
- b) potential impacts on reproductive activity and nesting success of other nesting sites within 2 - 5 miles;
- c) cumulative impacts due to urbanization of foraging lands already permitted by the Cities of Rancho Cordova and Elk Grove and the County of Sacramento.
- d) potential impacts on survivability of fledged juveniles from these nesting sites as well as potential impacts on the adequacy of nourishment of SWH needed to provide the strength and energy required to survive the annual SWH Fall migration. (Undernourished birds, especially undernourished first-year birds, are unlikely to survive the rigors of long-distance migration to central Mexico and southward)
- e) the potential for the project to "take" Swainson's Hawks, thus necessitating an incidental take permit from the Department of Fish and Game.

What are the risks of take from the project and how will the project mitigate these risks of take to less than significant?

Measures to Reduce Take Are Inadequate

The EIR mitigation measure to reduce take is unnecessarily vague and defers mitigation to an unknown future time. CEQA does not permit deferred mitigation. DERA should have standard language from DFG on these measures. In this case DERA did not set any minimum standard to meet the "mitigation below a level of significance" standard required of the lead agency. Instead, it defers the required mitigation on to DFG at some future time. We recommend the following language:

In order to avoid take of nesting raptors (including Swainson's hawks), a pre-construction raptor nest survey shall be conducted within 15 days prior to the beginning of construction activities by a California Department of Fish and Game (CDFG) approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to CDFG. If active nests are found, a quarter-mile (1320 feet) initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the CDFG to determine the best course of action necessary to avoid nest abandonment or take of individuals. Work may be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest. The designated on-site biologist/monitor shall be on-site daily if necessary while construction related activities are taking place and shall have the authority to stop work if raptors are exhibiting agitated behavior. In consultation with the CDFG and depending on the behavior of the raptors, over time it may be determined that the on-site biologist/monitor may no longer be necessary due to the raptors' acclimation to construction related activities.

The Presumption That Avoided Areas Are Deemed to Remain Foraging Habitat is Unsupported by Substantial Evidence; County Should Seek DFG Guidance

We have reviewed the DEIR discussion of avoided areas and the analysis of whether the avoided areas retain their foraging habitat value. The EIR concludes that 438 acres of the avoided area will not lose its Swainson's Hawk foraging habitat value.

This conclusion is unsupported. Review of the Project map shows that the large contiguous 298 acres of avoided area is largely surrounded by intensive urban development, with the exceptions of two corridors at the northern and southern ends opening onto adjacent undeveloped areas (grassland). Portions of the avoided area within the project site are quite narrow. Normally,

raptors are reluctant to forage on lands adjacent to, or surrounded by, intensive urban uses. For that reason, it appears that a large portion of the 298-acre avoided area within the project would seldom or never be used by SWH.

The DEIR states that two multi-purpose trails will be constructed through the primary avoidance area, and roads will also cross the avoidance area. These impacts will further reduce the SWH foraging value of the avoidance area

CDFG should be asked to make a determination of the amount of the avoided area that would be significantly impacted by adjacent intensive urban development, and accordingly recalculate the SWH habitat that would remain usable by SWH in the avoided areas within the project at build-out of the planned urban development. There is no evidence that such analysis has been done in the preparation of the draft EIR.

There is no evidence that the adjacent undeveloped areas connected to the planned avoided areas will remain undeveloped in perpetuity or that they will forever be managed in a manner which does not compromise or eliminate SWH foraging value. The fact that some the adjacent undeveloped area is outside the Urban Service Boundary does not mean that the adjacent undeveloped area will forever remain outside the USB. The County has already initiated a process to expand the Urban Service Boundary in Natomas Basin, and nothing prevents the County from expanding the Urban Service Boundary beyond Cordova Hills in the future. Nothing prevents the County from rezoning the adjacent undeveloped areas to small-parcel agricultural-residential uses outside the Urban Service Boundary.

Please explain how the avoided area will be managed to retain Swainson's Hawk foraging habitat? Currently, cattle grazing prevents dense overgrowth of weeds that impede SWH foraging access. Will cattle grazing be continued?

What measure will be taken to minimize the “edge effect” of adjacent intensive urban development on SWH foraging habitat in the avoided areas? What will be the vegetative cover?

Experience with open spaces next to other development projects has shown that unless human access is controlled – and enforced - the avoided areas will very likely be used by residents for bicycling (both on-trail and uncontrolled off-trail), running of dogs, kite flying, jogging, and other recreational activities.

How will human or canine (dogs) access be allowed or controlled?

Will there be bicycle or pedestrian trails within the avoided area in addition to the two trails mentioned in the DEIR?

What entity will be responsible for managing the avoided areas, and how will it be funded?

How will the existing undeveloped condition of adjacent lands connected to the “avoided area” be ensured in perpetuity?

Mitigation Measure BR-4 is inadequate because it incorrectly assumes that 438 acres of Swainson’s Hawk foraging habitat in the project area will retain all its foraging value after project development and because it assumes that a conservation easement on 36 acres on the eastern and southeastern sides of the project area can mitigate for loss of 36 acres within the project area. There is no evidence that California Department of Fish and Game concurs with this measure as mitigating the project impacts to less than significant.

Project creates detrimental effects of prematurely committing more land to urbanization than can be absorbed.

There is a good likelihood that approval of the Cordova Hills would result in the premature commitment of more land to urbanization than can be absorbed. The fact that water and other urban services are not guaranteed for the project further complicates the potential environmental impacts of premature approvals for urbanization. The EIR must analyze and disclose the environmental impacts of such a scenario.

Sacramento County staff, in response to proposals to greatly expand the County Urban Policy Area in its General Plan Update, addressed that issue in a staff report which recommended against the oversized expansion of the County Urban Policy Area. The County staff listed potential undesirable outcomes as follows:

1. Leapfrog development pressure;
2. Imbalance in focus between revitalizing the existing mature communities creating and serving new neighborhoods;
3. Unintended consequences to the partially built-out planned communities and if newer areas out-compete for buyers;
4. Inefficient extension of infrastructure and public services resulting in higher operating costs.
5. Pressure to approve uses that provide near term economic benefits to the developer over a long-term economically sustainable mix of land uses;
6. Impacts to the proposed SSCHCP and to the Connector expressway;
7. Difficulty in meeting State mandates related to climate change initiatives.

A copy of the Sacramento County County's Staff Report (Agenda for 10/13/10, 2030 General Plan Update: Adoption Hearings) with relevant pages 6 - 11, is attached.

The EIR needs to consider the likelihood of occurrence of each of these potential scenarios and the potential environmental consequences, including the physical effects of potential urban decay that may result from prematurely committing more land to urbanization than can be absorbed.

CEQA requires that the EIR describe the environmental effects of potential urban decay that could result from urban development that could foreseeably result from approval of the SOI.

CEQA requires an EIR to disclose and analyze the potential environmental effects of potential urban decay that could result from approval of a project. See *Bakersfield citizens for Local Control v City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1204-1213. *Bakersfield Citizens*, and other cases cited therein, dealt with potential urban decay that could result from permitting of a major new shopping center where project approval would foreseeably create oversupply of retail capacity beyond market demand, potentially leading to the closure of other retail outlets in the area, resulting urban decay that may have physical effects on the environment. The “shopping center” situation of *Bakersfield Citizens* and the cases cited therein is very analogous to the effects of approving Cordova Hills in a region which is suffering from the detrimental effects of a huge oversupply of vacant housing and retail. The Sacramento region is nationally recognized as a foreclosure “hot spot” with thousands of new or foreclosed homes remaining unsold on the market.

Current real estate sales are often at prices which are less than the cost of new construction. The construction of yet more homes and commercial property on a market suffering from gross oversupply could lead to urban decay and the accompanying physical environmental effects of urban decay, existing homes remain unsold and deteriorate, or are purchased as rentals by absentee landlords who may neglect maintenance and appearance. Local municipal revenues have drastically declined already due to the collapse of home and retail values, leading to major reductions in the staff and budgets of those agencies charged with maintaining parks, sanitation, drainage, and other functions which physically affect the environment.

Won't the approval of the proposed Cordova Hills development compete with existing development and invariably worsen the market for housing and retail activity within the existing urban area, increase the current housing and retail vacancy amount within the existing urban area, and potentially cause yet more urban decay.

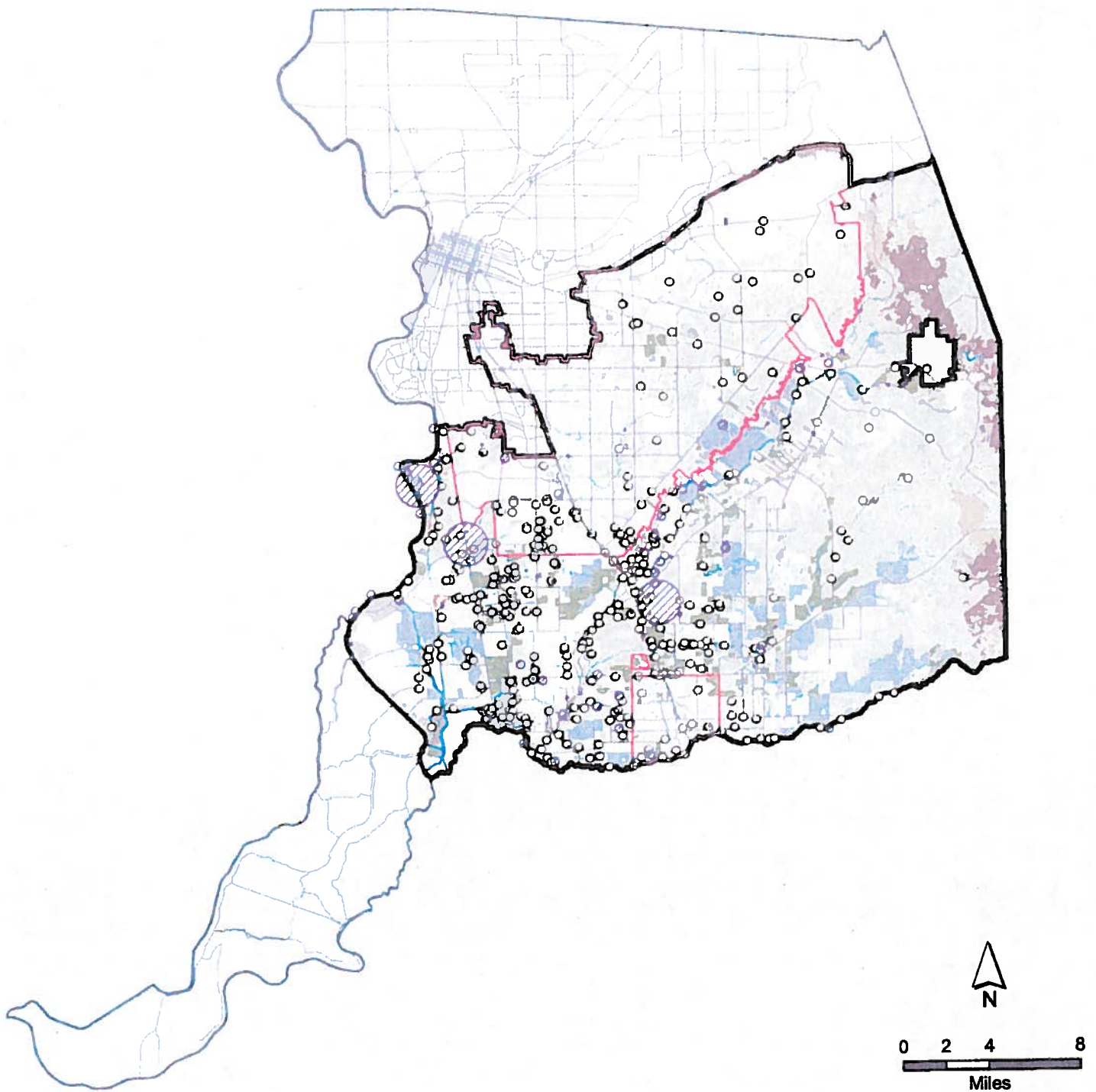
Please keep us informed regarding the availability of a recirculated DEIR, or FEIR, future public review of the proposed application, and public hearings. Thank you for this opportunity to comment.

Judith Lamare, Ph.D. President,
Friends of the Swainson's Hawk
916-447-4956

REFERENCES ATTACHED

Map of Swainson's Hawk range, South Sacramento County Habitat Conservation Plan
Figure 10, Estep Environmental Consulting. 2006. The distribution, abundance, and habitat

associations of Swainson's Hawk (*Buteo swainsoni*) in the City of Rancho Cordova Planning Area. (Prepared for the City of Rancho Cordova, CA.)
Detail Map of Swainson's Hawk nesting territories produced by FOSHEmail from Brian Acord dated September 15, 2011, about CNDDB
Sacramento County County's staff report (Agenda for 10/13/10, 2030 General Plan Update Adoption Hearings) with relevant pages 6 – 11



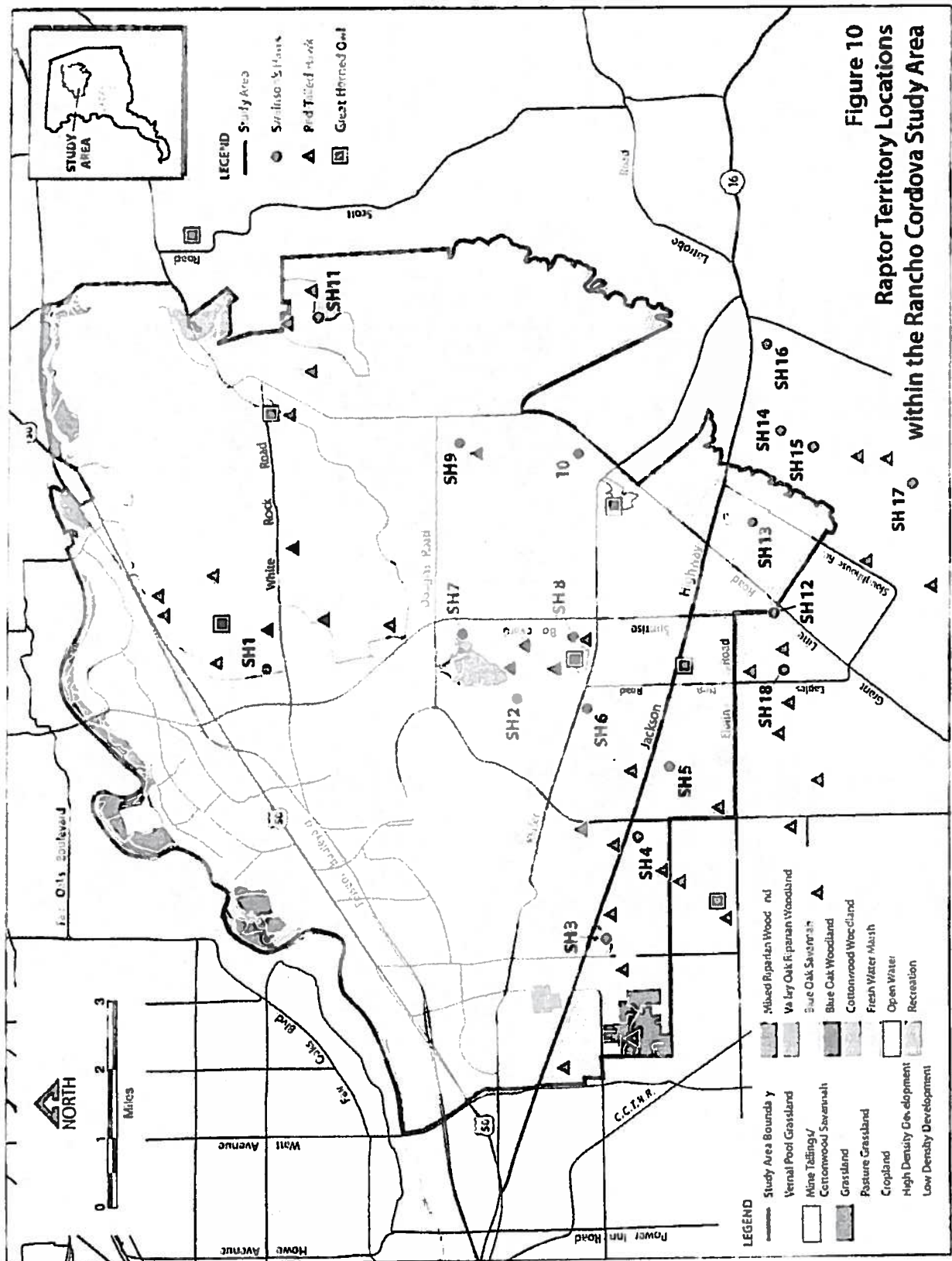
Range of Swainson's Hawk in the SSHCP Plan Area

- Consolidated Species Occurrences*
- ▨ Swainson's Hawk (CNDDB)
- ▭ Urban Development Area
- ▭ Plan Area
- ▭ Cropland
- ▭ Irrigated Pasture-Grassland
- ▭ Valley Grassland
- ▭ Vineyards
- ▭ Blue Oak Savanna
- ▭ Blue Oak Woodland
- ▭ Mixed Riparian Scrub
- ▭ Mixed Riparian Woodland

*Water Land Cover Types shown represent suitable habitat for Swainson's Hawk based on the Species - Habitat Use Matrix. "Consolidated Occurrence Data" includes data from numerous sources including data from studies conducted specifically for the SSHCP project-level studies, professional expertise and unconfirmed sightings. This species may occur throughout the Plan Area where suitable habitat is present.

Sources:
California Department of Fish and Game
California Natural Diversity Database
March 2010
ESTEP Environmental Consulting 2008

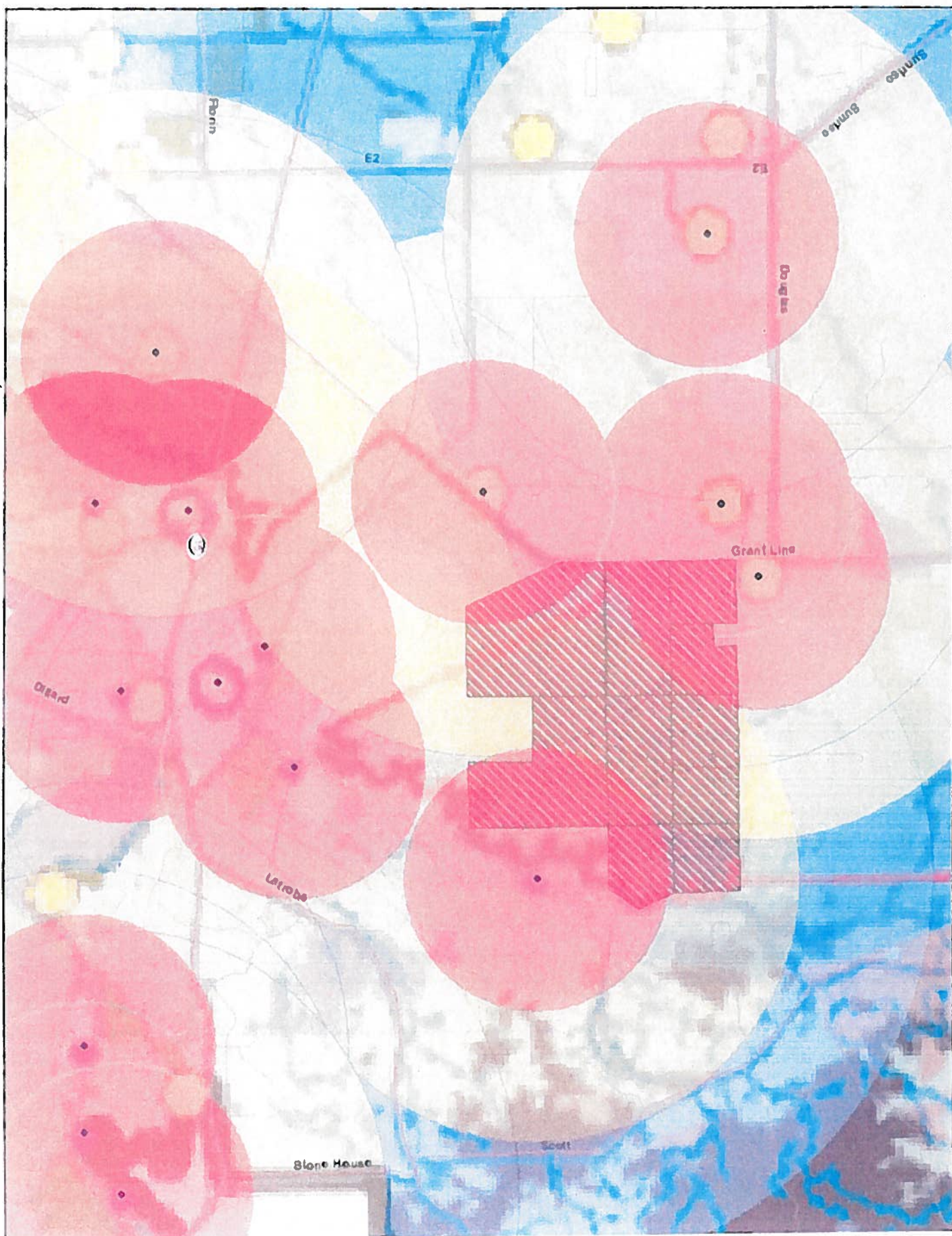




SOURCE: Modified from EcoSystem Sciences, 2004.

Cordova Hills Fost 1,2,3 mile circles

Swainson's Hawk Territories, S&T&CP Draft Range Map



Available on Supervisor's website, Agenda for
10/13/10 Supervisors' meeting, C.P. item.
COUNTY OF SACRAMENTO
CALIFORNIA

Control No.: 2002-0105
Type: GPB

TO: COUNTY PLANNING COMMISSION
FROM: PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT
SUBJECT: 2030 GENERAL PLAN UPDATE - ADOPTION HEARINGS
CONTACT: Dave Defanti, Senior Planner, 874-6155

PROJECT DESCRIPTION

Overview

This project proposes adoption of an updated General Plan for the County of Sacramento. The existing General Plan was adopted in 1993 and is approaching the end of its 2010 timeframe. The proposed General Plan will guide growth within the County through the year 2030. Elements with major updates include:

- Land Use Element and Land Use Diagram, including major changes to growth management strategies and a proposal to expand the Urban Policy Area;
- Circulation Element and Transportation Plan, a major rewrite to focus on overall mobility and creation of a multi-modal transportation system;
- Conservation Element, comprehensive update to reflect current regulatory environment and local initiatives including the South Sacramento Habitat Conservation Plan;
- Open Space Element, including new Open Space Vision diagram and policy changes;
- Agricultural Element, including support for agri-tourism and protect important farmland;
- Human Services Element, including support for closer integration with the land use planning process;
- Noise Element, revised to address current noise environment;
- Economic Development Element, a new element; and
- Delta Protection Element, created as a new element from an existing policy document.

Several new growth areas are being considered, including: an area West of Watt Avenue in the North Highlands community plan area; the Jackson Highway Corridor, north and south of Jackson Highway in the Rancho Cordova and Vineyard community plan areas; and the Grant Line East area which is east of the City of Rancho Cordova in the Cosumnes community plan area. The Land Use Element also includes a new Commercial Corridor strategy to revitalize a number of key corridors with strategic improvements and additional development.

four corridor planning areas, well in advance of the General Plan adoption. This program recognizes that in many ways, development within existing urban areas is more difficult than development within new growth areas, partly because of the lack of a coordinated master developer. In addition, parcels may be of odd configurations and difficult to develop within existing zoning requirements, infrastructure may be outdated and undersized, and existing communities may resist change, particularly within established residential neighborhoods. Projects in new growth areas have their own sets of challenges, but because initial land costs are likely lower and comprise much larger quantities of developable land, costs can be easier to allocate. Consequently, excessive capacity in new growth areas is likely to draw development away from the more challenging revitalization project areas and infill sites.

3. *Unintended consequences to the partially built-out planned communities if newer areas out-compete for new buyers*

Three planned communities exist in the Vineyard area, located south of the Jackson Highway Area: Vineyard Springs (generally built-out), North Vineyard Station (approved but with extensive remaining capacity), and Florin-Vineyard Gap (approval pending). Attention should be paid to ensuring that a reasonable pace of buildout is occurring in these master planned communities. While an extremely fast pace of buildout can cause "growth pains", an excessively slow pace can be equally problematic. Essential infrastructure (roads, transit) and amenities (parks, schools) rely on development fees. Opening up competing large tracts of land in amounts well above forecasted demand could result those areas "out-competing" development in Vineyard. Not only would there be a delay in building necessary infrastructure, services and amenities, there may also be a change to the character of the planned community to respond to changing market conditions. If these planned communities are unable to compete due to oversaturation of the market, the quality of these communities may be compromised.

4. *Inefficient extension of infrastructure and public services resulting in higher development fees and/or operating costs*

1. Provision of Infrastructure and Public/Municipal Services: Sacramento County is the municipal services provider to the unincorporated area. As such, the County should address effective and efficient provision of services and associated infrastructure to both existing and new development when exercising its land use authority. This is particularly pertinent when making decisions regarding new growth areas, as how and when they develop can impact (positively or negatively) the County's ability to provide excellent municipal services to these areas. For instance, due to economies of scale, costs of providing such services are generally lower in denser areas that are close to urban centers (Burchell and Mukherji, 2003)¹. In contrast, in the outlying metropolitan area, dispersed development patterns can inflate the costs of new infrastructure by 20 to 40 percent, some of which may be subsidized by local government (HOK, 2005, p. 2). In addition, interim infrastructure and facilities may be necessary if development occurs before and/or inconsistent with planned infrastructure improvements. The resulting higher cost of these

¹ Burchell and Mukherji, (2003), Auckland Regional Growth Forum, 1999.

sustainable mix of land uses (i.e. "complete communities") to ensure that revenue generated by development are sufficient to support necessary municipal services.

6. *Impacts to the South Sacramento Habitat Conservation Plan and the Capital Southeast Connector*

There are two key County-wide efforts currently underway that may affect or be affected by development in the Grant Line East area and in the Jackson Highway area east of Excelsior Road: the \$800 million Capital Southeast Connector (Connector) project and the South Sacramento Habitat Conservation Plan (SSHCP). High-level, multi-jurisdictional discussions are currently underway for both; initiating master planning efforts in these areas before these projects are finalized could affect or be affected by the outcome of these projects.

The SSHCP will require a habitat corridor connecting preserves at Mather to the Sacramento Valley Conservancy area and out to the Cosumnes River. The exact location and extent of this connection is currently unknown but will be defined as part of the ongoing negotiations related to the SSHCP. Additionally, the ultimate alignment and character of the Connector facility has yet to be finalized. Key issues related to the Connector are still being explored, such as location, general access to the facility, spacing between intersections, and the need for grade-separated vs. at-grade intersections. Projects proposing to take access from Grant Line Road (such as those in the Grant Line East area) could influence the alignment or performance of the Connector facility. Approval of projects, especially those proposing development near and/or with direct access to Grant Line Road, could be impacted by noise from traffic along the Connector and complicate efforts to limit access points along the corridor.

Decisions regarding timing of planning and development in any adopted new growth area should ensure that these two important projects reach fruition and can be successfully implemented. As adoption of the SSHCP is not anticipated until 2011 and the timing of the Connector project still unknown, the County should carefully analyze the relationship between the proposed new growth areas and these important projects so as to not impact these critical County-wide efforts.

7. *Difficulty in meeting recent State mandates related to climate change initiatives*

1. AB 32: Executive Order S-3-05 was signed by Governor Schwarzenegger in June 2005. It established emission reduction targets for the state: reduce greenhouse gas (GHG) emissions to 2000 levels by 2010, to 1990 levels by 2020 and to 80% below 1990 levels by 2050. In September 2006, the Governor signed Assembly Bill (AB) 32 which requires California GHG emissions be reduced to 1990 levels by the year 2020, just like Executive Order S-3-05. However, AB 32 is a comprehensive bill that requires the California Air Resources Board (CARB) to adopt regulations requiring the reporting and verification of statewide greenhouse gas emissions, and establishes a schedule of action measures. AB 32 also requires that a list of emission reduction strategies be published to achieve emissions reduction goals.

In October 2008, CARB published its Scoping Plan to describe what local governments and others must do to comply with AB 32. The document recognized that local

As noted in the attached flier (Attachment E), SB 375 requires each Metropolitan Planning Organization (MPO) to include a "Sustainable Communities Strategy" (akin to SACOG's Blueprint) in the regional transportation plan (the MTP) that demonstrates how the region will meet its greenhouse gas emission targets. SB 375 requires that decisions relating to the allocation of transportation funding be consistent with the Sustainable Communities Strategy (SCS). It also provides CEQA streamlining incentives for projects that are consistent with the regional Sustainable Communities Strategy (or the Alternative Planning Strategy if one is required.)



Sacramento County benefits from the fact that SACOG has already prepared a Blueprint Vision for the region and has used the results in their MTP process. It is anticipated that the land use scenario used for the MTP (Attachment F) will likely be used to form the SCS as required by state law. Since SB 375 requires that decisions related to the allocation of transportation funding must be consistent with the Sustainable Communities Strategy (SCS), it is important to note that the County's General Plan as currently scoped is inconsistent with the land use assumptions used in the MTP and therefore may be inconsistent with the future SCS. Potential implications regarding this inconsistency are unknown at this time, although there may be consequences for the County related to transportation funding and ability to take advantage of CEQA streamlining incentives.

It is important to note that the current MTP (and any future MTP/SCS) is based on performance-based decision making. Since transportation funding is a limited resource and needed improvements are essentially limitless, the region must identify transportation improvements that will result in the largest benefit per dollar spent. As such, even if Sacramento County adopts all new growth identified in the Draft 2030 General Plan, there is no guarantee that these areas will be included in the future MTP/SCS if serving the area with an efficient and effective transportation system is found to be financially infeasible or if it is out-competed by other necessary improvements. For example, jurisdictions throughout the region have identified capacity for new growth that is not included in the current MTP. To ensure that the unincorporated County can compete for and efficiently use limited transportation funds, adoption of new growth areas (particularly those with little to no transportation infrastructure like the Grant Line East area) and the strategic planning and buildout of those area should be a key discussion point in the adoption hearings.

Potential Solutions

The Jackson and Grant Line East Visioning Studies touch upon the issue of growth management relative to the Jackson Highway and Grant Line East areas. The final staff report submitted for the studies include a description of the following potential approaches to growth management in these areas (Attachment G), including:

- A. Constrained land supply approach
- B. Project merit-based approach
- C. Proactive management approach
- D. Market-based approach

From: Brian Acord <BACORD@dfg.ca.gov>
Subject: **Re: backlog at CNNDDB?**
Date: September 15, 2011 4:22:57 PM PDT
To: "Friends of the Swainson's Hawk"
<swainsonshawk@sbcglobal.net>
Cc: Frank Gray <fgray4birds@aol.com>, Cynthia Garcia
<garcia4ca@yahoo.com>
 1 Attachment, 14.0 KB 

Dear Ms. Lamare,

Thank you for contacting me. I appreciate your passion for Swainson's hawks, and the willingness to be actively involved in their protection and preservation. Before I answer your questions I do have some good news. Yes, you are correct that our data in the California Natural Diversity Database is not as up to date as we would like it to be. We have limited resources to cover such as biologically diverse state as California. Fortunately we have received support and we will be updating our Swainson Hawk records in the near future, but realize this may take several months to complete.

"Can you tell me if it has been submitted, and if it has been added to the database?"

There is not currently a CNDDDB occurrence for Swainson's hawk in the area you described near Sutter's Landing Regional Park. Our raw source data is logged into our raw data database by 24k quadrangle and county for general location fields. The area you describe is on the Sacramento East quad. We have 4 unprocessed documents for this quad. 1 is a Sacramento Bee article referencing a nest near Sutter's Landing (title). It is unknown exactly where or what the other 3 documents may represent. See attachment.

"Can you also tell me how many Swainson's Hawk nest site reports have been submitted to you that have not been included in the Cnddb database?"

First, let me explain our free Quick Viewer:

http://imaps.dfg.ca.gov/viewers/cnddb_quickviewer/app.asp. This free, online map querying tool allows people to answer similar questions to yours. The tool represented by the icon with an "i" in front of a file drawer will return a list of species that have unprocessed data for that quad. Likewise, the tool immediately to the right will return a list of

species that have unprocessed data for that county. What it won't tell you is how many unprocessed source documents there are.

Your question specifically asks about nest sites. This question can not be answered by looking at our raw data database. Some of these records may represent nest sites that will be mapped into the CNDDDB, but others may represent foraging or perched birds and may or may not be added to the database. Furthermore, some of the documents may represent multiple observations of a single nest, or may be data added to an existing CNDDDB occurrence. It is unknown what source records will be added to the database until they are critiqued and mapped. So, with that caveat in mind, we currently have 418 unprocessed source documents for Swainson's hawk in the state.

Sincerely,
Brian

>> On 9/15/2011 at 3:10 PM, in message <6C2CC870-8AE8-4B97-8AB3-611AD22F53DF@sbcglobal.net>, Friends of the Swainson's Hawk <swainsonshawk@sbcglobal.net> wrote:

Hi Brian:

I am writing to you because you are an expert on CNDDDB. We at FOSH - Friends of the Swainson's Hawk- try to be sure that nesting sites that we are aware of are turned into DFG to include in the CNDDDB. But we are aware that DFG's survey date and date from other researchers, such as Jim Estep's nest surveys of Rancho Cordova, Elk Grove, Natomas Basin, and South Sacramento County, are not included in the CNDDDB, though I believe they have been submitted.

We often review environmental documents and biological assessments that rely heavily on CNDDDB to identify the location of closest nesting Swainson's Hawks. We often comment on these documents in something like the following way:

Assessment. In terms of identifying the impacts on Swainson's Hawk nesting pairs, the biological assessment is inadequate. It apparently is based on outdated CNDDDB records rather than a direct consultation with CDFG or assessment using the recommended nesting survey protocol. CNDDDB records are poorly maintained, out of date, and are therefore not complete and often underestimate species presence.

Unknown

From: Maulit. Justin
Sent: Wednesday, February 22, 2012 8:37 AM
To: Hocker. Lauren
Subject: FW: Cordova Hills Project (Control Number: 2008-GPB-SDP-ZOB-AHP-00142)

LETTER 10

From: Kennedy, Donald [mailto:DLKn@pge.com]
Sent: Thursday, February 09, 2012 11:46 AM
To: DERA (Web Page)
Subject: Cordova Hills Project (Control Number: 2008-GPB-SDP-ZOB-AHP-00142)

Dear Sacramento County Environmental Coordinator,

Thank you for giving PG&E the opportunity to review and comment on the Notice of Availability for the Cordova Hills project (Control Number: 2008-GPB-SDP-ZOB-AHP-00142). PG&E has the following comments to offer.

PG&E operates and maintains a 115kV electric transmission tower line within the project boundaries. Land use is restricted around PG&E's facilities and within PG&E's easement area. To promote the safe and reliable maintenance and operation of utility facilities, the California Public Utilities Commission (CPUC) has mandated specific clearance requirements between utility facilities and surrounding objects or construction activities. One of PG&E's concerns is for continued access to its facilities with heavy equipment for maintenance and repair work. Another is for adequate ground clearance from the overhead electrical wires as set forth in California Public Utilities Commission General Order No. 95 for the proposed improvements. To ensure compliance with these standards, project proponents should coordinate with PG&E early in the development of their project plans. Any proposed development plans should provide for unrestricted utility access and prevent encroachments that might impair the safe and reliable maintenance and operation of PG&E's facilities.

The project proponent for the Cordova Hills project will need to work closely with PG&E in obtaining a "**No Objection**" letter for their project prior to any final approvals are granted by the County or prior to any construction activities taking place around PG&E's high voltage facilities. The project proponent shall work closely with PG&E to minimize potential impacts to existing utilities. Improvement plans should be sent to me at the address in my signature block below, and the plans should show the following information to be submitted for PG&E's review and approval:

PG&E's Easement Area in Relation to Project Area
 Tower Structures
 Wire Shots to determine Wire Heights should their be significant cuts or fills
 Grading Plans (Existing & Proposed)
 Landscape and Lighting Plan
 Any proposed crossings/encroachments within PG&E's Easement area

Any potential conflicts shall be identified as soon as possible because facility relocation's require long lead times and are not always feasible, the requesting party should be encouraged to consult with PG&E as early in their planning stages as possible. The requestor will be responsible for the costs associated with the relocation of PG&E electric transmission facilities to accommodate the proposed improvements.

Relocations of PG&E's electric transmission facilities (50,000 volts and above) could also require formal approval from the California Public Utilities Commission. If required, this approval process could take up to two years to complete. Proponents with development plans which could affect such electric transmission facilities should be referred to PG&E for additional information and assistance in the development of their project schedules.

There appears to be residential and road improvements within the vicinity of PG&E's tower line. Below are a few examples of restrictions within PG&E's Electric Transmission Line Easements, but shall not be limited to the following:

Buildings, Structures, and Wells are prohibited within PG&E's Easement area. This includes, but not limited to trash enclosures and block walls.

Any and all light fixtures located within PG&E's easement area shall not exceed a maximum height of 15 feet above grade, and shall be located a minimum horizontal clearance of 15 feet from the conductor's at rest.

No grading cuts or fills are allowed within PG&E's easement area without prior written approval from PG&E.

With regards to the placement and height of trees, within PG&E Electric Transmission Line Easement, the Project Proponent shall follow the standards as provided in Right-of-Way Diagram in the attached link (you may have to cut and paste the link): http://selectree.calpoly.edu/utilityTree_zones2.lasso. Any deviations from these standards shall be approved by PG&E's Vegetation Management Department.

There are restrictions when operating any equipment or tools in the proximity to the tower line. You must not erect, handle, or operate any such equipment or tools, closer to any of PG&E's overhead high-voltage electric conductors than the minimum clearances set forth in the High-Voltage Electrical Safety Orders of the California Division of Industrial Safety, but in no event closer than 13 feet.

General Order No. 95 of the California Public Utilities Commission sets forth certain clearance requirements for the construction and operation of electric lines. Therefore, you must control your excavations and digging, including spoils, in such a manner as not to decrease the ground-to-conductor clearance below thirty feet.

Continued development will have a cumulative impact on PG&E's gas systems and may require on-site and off-site additions and improvements to the facilities which supply these services. Because utility facilities are operated as an integrated system, the presence of an existing gas transmission or distribution facility does not necessarily mean the facility has capacity to connect new loads. Expansion of distribution and transmission lines and related facilities is a necessary consequence of growth and development. In addition to adding new distribution feeders, the range of gas system improvements needed to accommodate growth may include regulator stations, odorizer stations, valve lots, distribution and transmission lines.

We would like to recommend that environmental documents for your proposed project include adequate evaluation of cumulative impacts to utility systems, the utility facilities needed to serve the project and any potential environmental issues associated with extending utility service, and any possible relocations. This will assure the projects compliance with CEQA and reduce potential delays to the project schedule.

PG&E request's that the County and/or developers dedicate a standard 12.5 foot Public Utility Easement for underground facilities and appurtenances adjacent to all public ways, private drives and/or Irrevocable Offer of Dedication.

Gas service may be available to the area if desired. The project proponent should contact PG&E's Service Planning Department at (800) 743-5000 as soon as possible to coordinate construction with their project so as not to delay the project. We would also appreciate being copied on future correspondence as these various projects develop.

Sincerely,

Donny Kennedy

Pacific Gas & Electric Company
343 Sacramento Street
Auburn, CA 95603
Internal: (8) 732-5089
External: (530) 889-5089
Fax: (530) 889-3392



SACRAMENTO AREA BICYCLE ADVOCATES

February 22, 2012

Sacramento County Environmental Coordinator
Division of Environmental Review and Assessment
827 7th Street, Room 220
Sacramento, CA 95814

Subject: Draft Environmental Impact Report (DEIR) for Cordova Hills Master Plan

Dear Sacramento County Environmental Coordinator:

Thank you for the opportunity to comment on the subject DEIR. The Cordova Hills Master Plan has many positive aspects that will enhance the internal livability for its residents. For example, the compact design for mixed uses shown in the plan is especially demonstrated by Figure 6.9 where nearly all residential areas are within ½ mile of retail and entertainment facilities in the “flex commercial” districts. Such proximity will make walking and bicycling very attractive modes of transportation. However, **the project’s great distance from existing development and infrastructure makes its external connections to the regional circulation system problematic, of uncertain timing, and expensive for local governments to accommodate.**

Throughout the DEIR and the underlying Master Plan, the terminology used for bicycle facilities is inconsistent and confusing. Both documents should follow Caltrans’ definitions for bikeways which are Class I off-street “bicycle paths”, Class II “bicycle lanes” striped on streets, and Class III “bicycle routes” which do not have striped lanes but have signage and pavement markings to alert vehicle operators to the presence of bicyclists. This terminology should be corrected in multiple locations in the documents including pages 1-29, 1-31, and 16-36 of the DEIR and pages 6-32, 6-33, and 6-34 of the Master Plan. For example, page 1-29 and Plate PD-18 of the DEIR should specify and distinguish clearly between Class I paths and on-street Class II lanes. The documents should also acknowledge that other roadway treatments beyond the above 3-level classification are available to further protect bicyclists in special situations (see the NACTO Urban Bikeway Design Guide at <http://nacto.org/cities-for-cycling/design-guide/>).

DEIR page 16-26 states the 3 significance criteria used to assess impacts to bicyclists and pedestrians; according to the 3rd criterion, an impact is significant if it would “result in unsafe conditions for bicyclists . . . including bicycle/pedestrian, [or] bicycle/motor vehicle . . . conflict.” When judging unsafe conditions, we must envision bicyclists of all ages and abilities, from middle-school students to grandparents, and how they would negotiate planned bicycle facilities and crossings. The following paragraphs describe **unsafe and hazardous conditions for bicyclists that therefore constitute significant adverse impacts of the project.**

Neighborhood Electric Vehicles (NEVs)

NEVs will be allowed to use Class II bicycle lanes along approximately 4 miles of the 2 major east-west arterials within the project (see Master Plan Figure 6-7). These 2 arterials constitute the sole vehicular access links between the Town Center in the west and the major residential areas to the east. The NEVs will be allowed in the bike lanes because vehicular speed limits on these arterial segments are planned to be 45 mph, excessive for legal NEV operation. NEVs typically operate at 25 – 35 mph while utilitarian bicyclists commonly travel at 8 – 12 mph. Clearly the NEVs will present a hazard for bicyclists when they overtake a bicyclist silently from behind in a bike lane at much greater speed. The greater weight and size of NEVs will make collisions with bicyclists as dangerous as with motor vehicles. Furthermore, the 8-ft width of the shared NEV/bike lanes will make them easily mistaken for vehicle travel lanes, thus requiring protective measures to keep vehicles out of them. Therefore, **NEV use of the Class II bike lanes along these arterials is a significant adverse impact of the project on bicyclists.**

Project proponents have suggested that bicyclists fearful of sharing bike lanes with NEVs can instead use the Class I bicycle paths planned to parallel these arterial segments. These Class I paths are described in the DEIR and Master Plan as “multi-use trails” that will be shared with pedestrians. These trails will be attractive to casual recreational bicyclists but will not be useful to utilitarian bike riders who desire to ride directly and efficiently for several miles or more to locations for shopping, jobs, schools, and other community facilities.

We request that the DEIR evaluate possible solutions (i.e. appropriate mitigation) to this hazardous bicycle/NEV conflict including 1) reducing the speed limit on these arterials to 35 mph, 2) demarcating separate NEV and bicycle lanes with protective buffers between them, and 3) allowing NEVs to use the vehicular traffic lanes.

Design of Arterial Intersections.

Class I bicycle paths will parallel the 2 main east-west arterials through approximately 10 intersections. The DEIR and the Master Plan do not describe the design of these intersections or the designs of the Class I paths where they cross side streets. Plate TC-3 of the DEIR shows that some of these intersections will be signaled and some will be roundabouts. Both signaled traditional intersections and roundabouts can be hazardous for bicyclists on the Class I paths because of interactions with vehicular traffic signaling, traffic movement patterns through planned roundabouts, pedestrian movements, and the on-street Class II bike lanes. Until such designs are specified and can be reviewed by experienced bicycle planners, these intersections should be regarded as hazardous to bicyclists and pedestrians. **The arterial intersections therefore pose significant adverse impacts of the project on bicyclists.**

Connections to External Bicycle Facilities.

Figure 6.1 of the Master Plan describes transportation-mode alternatives for the project. The “service radius” for bicyclists is said to be only up to 3-mile radius and the figure also fails to acknowledge that bicyclists may want to use bicycle trips to access jobs; elsewhere the DEIR describes the main Rancho Cordova employment center as approximately 7 miles to the west, a relatively comfortable ride for a moderately experienced bicyclist to work locations with supportive facilities for bicyclists (secure parking, showers, etc.).

Hazardous bike riding conditions increase with widths of streets (i.e. crossing distances), volume and speed of traffic, and complexity of intersection configurations (e.g. numbers and timing of left turn and right turn lanes). Such intersections must be considered barriers to bicycle travel for the average rider. **The DEIR does not assess hazards to bicyclists in trying to**

cross Grant Line Road at its intersection with Chrysanthy Boulevard or at the intersections of Grant Line Road with the project's North Loop Road and University Boulevard. Until such designs are specified and reviewed by experienced bicycle planners, these primary crossing points for accessing Rancho Cordova must be regarded as hazardous to bicyclists and therefore a significant impact of the project.

Widening of Intersections in Project Vicinity.

The DEIR's Traffic Analysis identifies significant impacts of the project on many intersections and road segments in the vicinity of the project caused by traffic generated by the project. At 23 of these intersections and segments, the DEIR recommends mitigation measures that include constructing additional traffic lanes (up to 6 lanes in some cases). The DEIR should acknowledge that each of these lane additions will increase the hazards for bicycle riders using those intersections or segments because of increased crossing widths, increased vehicle speeds and volumes, and increased complexity of traffic movements. Therefore, **these lane additions should be considered significant adverse impacts of the project.** The DEIR should further acknowledge that additional mitigation measures to protect bicyclists will be needed (see the NACTO Urban Bikeway Design Guide at <http://nacto.org/cities-for-cycling/design-guide/> for descriptions of intersection treatments to protect bicyclists).

SABA works to ensure that bicycling is safe, convenient, and desirable for everyday transportation. Bicycling is the healthiest, cleanest, cheapest, quietest, most energy efficient, and least congesting form of transportation

Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tricia Hedahl', with a long horizontal flourish extending to the right.

Tricia Hedahl
Executive Director

CC: Glenda Marsh, Chair of Sacramento City-County Bicycle Advisory Committee Chair

February 22, 2012
E225.000

Lauren Hocker
County of Sacramento
Department of Environmental Review and Assessment
827 7th Street, Room 220
Sacramento, CA 95814

Subject: Cordova Hills Draft Environmental Impact Report

Dear Ms. Hocker,

Sacramento Area Sewer District (SASD) has reviewed the Draft Environmental Impact Report (DEIR) for the subject project. The Sacramento Regional County Sanitation District (SRCSD) has provided comments in a separate letter.

It is noted that the proposed project is located in the southeastern portion of Sacramento County on approximately 2,669 acres, adjacent to the City of Rancho Cordova. The area is designated by the Sacramento County General Plan as General Agriculture (80 acres) and is currently zoned for AG-80 agricultural uses. The project is within the Urban Services Boundary, but outside the Urban Policy Area and outside of the Sacramento Area Sewer District. Here are our summary comments.

- SASD's Board of Directors approved a SASD Sewer System Capacity Plan 2010 Update in January 2012. The Plan provides an updated mid-range and long-term plan for sewer service in this area. The sewer service alternatives identified in the subject document should be reviewed for consistency with the System Capacity Plan. Also, note the System Capacity Plan received a "Statutory Exemption" from the County of Sacramento's Division of Environmental Review and Assessment (Control Number 2011-70100).
- Annex the subject property to both the Sacramento Regional County Sanitation District (SRCSD) and the Sacramento Area Sewer District (SASD) prior to recordation of the Final Map or submission of any improvement plans, whichever occurs first. Upon annexation, conditions will apply to this project.

Board of Directors
Representing:

County of Sacramento
City of Citrus Heights
City of Elk Grove
City of Folsom
City of Rancho Cordova
City of Sacramento

Stan Dean
District Engineer

Christoph Dobson
Director of Operations

Prabhakar Somavarapu
Director of Policy & Planning

Karen Stoyanowski
Director of Internal Services

Joseph Maestretti
Chief Financial Officer

Claudia Goss
Public Affairs Manager

10060 Goethe Road
Sacramento, CA 95827-3553
Tel 916.876.6000
Fax 916.876.6160
www.sacsewer.com

Lauren Hocker
Page 2
February 22, 2012

In addition, here are our comments on statements within the Draft Environmental Impact Report:

1. Page 15-4, Para 1: SASD does not construct trunk sewer lines serving new development. The developer constructs trunk facilities to District Standards and is eligible for reimbursement in accordance with the SASD Sewer Ordinance. SASD will own and operate the facilities upon acceptance.
2. Page 15-4, Para 1: SASD is responsible for more than just the maintenance of the lower lateral and mainline pumps.
3. Page 15-7: Remove discussion of SASD's Sewerage Facilities Expansion Master Plan 2006 Update and replace with discussion of System Capacity Plan.
4. Page 15-38: Under "Regional Infrastructure", clarify the statement "service to Cordova Hills is not constrained." Sewer service alternatives are dependent on capacity availability at the time of development, and could be considered "constrained".
5. Page 15-38: The statement "All of the regional off-site infrastructure shown is already contemplated in SASD or SRCSD master planning documents, and thus are not impacts of the Project" is not correct. Some of the sewer service alternatives identified in the subject document are not included in SASD's System Capacity Plan (e.g., force mains to the Mather or Bradshaw Interceptors).
6. Page 15-49: The statement "SASD and SRCSD did not identify any facility constraints to service" is not correct. See comment 4 above.

If you have any questions regarding these comments please call me at (916) 876-6296.

Sincerely,

A handwritten signature in black ink, appearing to read "Amandeep Singh" followed by a flourish.

Amandeep Singh, P.E.
Sacramento Area Sewer District
Development Services

AS: ms

cc: Ken Giberson, MacKay & Soms (via email)
Steve Norris, SRCSD

Hocker.022212.ltr

Municipal Services Agency

Robert B. Leonard
Chief Deputy County Executive

Department of Transportation

Michael J. Penrose, Director



County Executive

Bradley J. Hudson

County of Sacramento

LETTER 13

February 22, 2012

Ms. Catherine Hack
County of Sacramento
Community Planning & Development Department
Division of Environmental Review and Assessment
827 7th Street, Suite 220
Sacramento, CA 95814

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CORDOVA HILLS SPECIAL PLANNING AREA.

Dear Ms. Hack:

The Department of Transportation (SACDOT) has received a copy of the draft environmental impact report (DEIR) for the Cordova Hills Special Planning Area project. We appreciate the opportunity to review this document and have the following comments to offer:

1. **Executive Summary. Page 34. Mitigation Measure TR-1.B.** The DEIR states "Mather Boulevard and Douglas Road –Construct a new traffic signal. Provide a shared through-right turn lane on the northbound approach; provide a separate left turn lane and a through lane on the southbound approach; and provide a separate left turn lane and a separate right turn lane on the westbound approach". It should be noted that since the completion of the traffic study for this project, the Zinfandel Drive extension project has been completed and a new signal has been installed at the Douglas Road and Zinfandel Drive /Eagles Nest Road intersection. We do not see a need for another traffic signal in close proximity to this newly installed signal. We would ask that the Cordova Hills project impact at the Mather Boulevard and Douglas Road intersection be reevaluated and mitigation measure TR-1.B be either deleted or recommend an alternative mitigation measure. If new analysis reveals that a mitigation measure is needed to mitigate the project impact then it should be coordinated with SACDOT staff for consultation and recommendation. Please coordinate with us as necessary.
2. **Executive Summary. Page 34. Mitigation Measure TR-1.E.** The DEIR states "Grant Line Road and White Rock Road – Construct a new traffic signal. Provide dual left turn lanes and a separate through lane on the northbound approach; provide a through lane and a separate right turn lane on the southbound approach; and provide separate left turn lane and a separate right turn lane on the eastbound approach. Also an extra westbound departure lane is needed for the dual northbound left turn movement." Please note that a traffic signal will be installed as part of the



"Leading the Way to Greater Mobility"

Design & Planning: 906 G Street, Suite 510, Sacramento, CA 95814 . Phone: 916-874-6291 . Fax: 916-874-7831
Operations & Maintenance: 4100 Traffic Way, Sacramento, CA 95827 . Phone: 916-875-5123 . Fax: 916-875-5363
www.sacdot.com

White Rock Road Improvements Project which will begin construction this year. But, Cordova Hills project's need for dual left lane in the northbound direction at the Grant Line Road and White Rock Road intersection is not part of the White Rock Road Improvements Project. Therefore, the Cordova Hills project will be responsible for constructing the dual left turn lane at this intersection and modify the signal to accommodate the lane additions. As result of the dual left turn lane, the westbound receiving lane would also need to be extended for the northbound left turn traffic and northbound thru lanes will shift to east on the approach and departure side. Please update the mitigation measure. SACDOT staff will submit a condition of approval relating to this change.

3. **Executive Summary. Page 38 and 39. Mitigation Measure TR-4.A.** Please note that this mitigation measure is in City of Elk Grove and construction responsibility is beyond the control of the County of Sacramento and the project proponent. Therefore, the project should pay its fair share towards this improvement to the City of Elk Grove if a reciprocal agreement between the County of Sacramento and City of Elk Grove is in place at the time of implementation of the Public Facilities Financing Plan. Otherwise, the project is only responsible for paying the fair share of improvements within the control of County of Sacramento.
4. **Executive Summary. Page 41. Mitigation Measure TR-7.A.** Mitigation measure states "Construct sidewalks and bicycle lanes along Grant Line Road from Douglas Road to White Rock Road and on Douglas Road from Rancho Cordova Parkway to Grant Line Road." Since the Grant Line Road and Douglas Road would be six lanes ultimately, we understand that curb, gutter and sidewalk cannot be installed at the ultimate location as part of the 4 lane widening as recommended in mitigation measures TR-5.F and TR-5.I. We recommend the mitigation measure be revised to include interim pedestrian and bicycle facilities to the satisfaction of the Department of Transportation. Typically all four lane widening projects would require an appropriate detached AC path for pedestrians. Additionally, the bike lane/shoulder will be 6 feet due to lack of curb and gutter. SACDOT staff will submit a condition of approval to Planning and DERA staff relating to this matter. The mitigation measure should be revised.
5. **Traffic and Circulation. Page 16-1 to 16-83.** The above four comments will result in changes to this chapter. Please update in the FEIR.
6. **General.** The number of through lanes at mitigated intersections should be consistent with the number of through lanes for mitigated roadway segments. Please update the mitigation measures. Lane drops should be done on departure side of the intersections. The left turn lane will be set up based on the improvement standards for an arterial or thoroughfare. Please revise the intersection mitigation measures as necessary to match with roadway segment mitigation measures.
7. **General.** The standard county left turn pocket length would not be sufficient to store the vehicle queues for intersections that carry more than 600 vehicles per hour for the dual left turn lane. For those locations, a queuing analysis needs to be completed prior to the approval of improvement plans and final maps to determine the appropriate left turn pocket length. A separate condition of approval will also be submitted to address this issue in the future for the Cordova Hills project.

Ms. Hack.

Comments on the DEIR for the Cordova Hills SPA.

Page 3

8. **General.** Please note that left turn pockets at some of these locations carry a lot of traffic compared to standard intersections. At those locations, the left pockets will be extended and analysis would be required to determine the length of these pockets (as discussed in the comment above). The standard sections at the intersections will need to be modified to fit the project needs. SACDOT staff recommends adding a condition of approval on the project for wider median on Grant Line Road as it will have long left turn pockets with a narrow median. To improve the aesthetics of the corridor, we will condition the project to provide landscaping for trees in the median up to cross walks. Please coordinate with SACDOT staff regarding this landscaping requirement and include this change in the draft public facilities financing plan.
9. **General.** The project applicant should continue to work with SACDOT staff to find an appropriate design for the free right turn lane mitigation measure. The free right turn lane concept design should be submitted to SACDOT staff for preliminary approval.
10. **General.** The applicant shall coordinate with the Capital Southeast Connector JPA and the Sacramento County Department of Transportation in order to develop an alternative access design for the North Loop Road intersection with Grant Line Road. The alternative design must either consist of moving the North Loop Road intersection to create a 4-way intersection with Douglas Road and Grant Line Road or shall consist of another design acceptable to both the Capital Southeast Connector JPA and the Sacramento County Department of Transportation. Any application for Capital Southeast Connector improvements to the relevant segment of Grant Line Road which is submitted for discretionary approval to Sacramento County shall be incorporated into the alternative design.

Should you have any questions, please feel free to contact me at (916) 875-2844 or atwalk@saccounty.net.

Sincerely,



Kamal Atwal, P.E.
Department of Transportation

KA

Cc: Mike Penrose – DOT
Dan Shoeman - DOT
Dean Blank – DOT
Matt Darrow – DOT
Kyle Hines – DOT
Melissa Wright – DOT
Tricia Stevens - Planning

Ms. Hack.

Comments on the DEIR for the Cordova Hills SPA.

Page 4

Surinder Singh -- Planning

Lauren Hocker -- DERA

John Long -- DKS

Tom Zlotkowski -- Southeast Connector JPA

Municipal Services Agency

*Department of Waste
Management & Recycling*

Paul Philleo, Director



*Steven C. Szalay, Interim County Executive
Paul J. Hahn, Administrator*

LETTER 14

MEMORANDUM

To: Lauren Hocker, Department of Environmental Review and Assessment

From: Dave Ghirardelli, Department of Waste Management & Recycling

Date: February 21, 2012

Subject: **DWMR comments on Cordova Hills DEIR**

The Sacramento County Department of Waste Management and Recycling (DWMR), which owns the Kiefer Landfill adjacent to the proposed project, has reviewed the Draft Environmental Impact Report and have the following comments:

Odors.

On page 5-36 the DEIR states “As landfill gas is a major source of odor from a landfill, the active extraction of gases for use in generating electricity is an effective form of limiting odors. Given all of the foregoing – with particular emphasis on the ability of the gas extraction system to reduce the potency and density of landfill odor – and the mitigation incorporated below, odor impacts are not expected to be substantial, and impacts are *less than significant*.” DWMR disagrees with this statement.

The landfill gas (LFG) collection system at Kiefer landfill will not reduce the Cordova Hills project’s odor impacts (bringing sensitive receptors into such close proximity to Kiefer landfill) to the level of *less than significant*. LFG collection system reductions in odor are ancillary, as clearly stated on the website referenced, and generally occur on closed sections of a landfill where an LFG system is installed.

Kiefer landfill generates odors primarily from unloading and spreading municipal solid waste and from unloading and processing greenwaste. The LFG collection system does not reduce those odors at all. Additionally, as the landfill is constructed, the odor generating operations will be closer to the Cordova Hills project. This is described in the Project Description chapter of the Certified (1998) Kiefer Landfill Final Supplemental Environmental Impact Report (Kiefer EIR).

The Cordova Hills project will bring sensitive receptors into close proximity to these operations and doing so is **a significant impact and requires additional mitigation on the part of the Cordova Hills project.**

Aesthetics.

On page 3-2 the DEIR states "...the property to the south is visually dominated by the Kiefer landfill." Kiefer landfill is currently constructing Module 3 of the 10 modules approved by the Kiefer EIR in 1998. Module three is approximately 4,000 feet from the Sports Park and 4,500 feet from the Living and Learning zone of the campus. Module 3 is currently being constructed at 100 to 150 feet elevation above MSL, approximately.

During approximately 2025 to 2035, module 5 (of 10) will be constructed approximately 1,700 feet from the Sports Park and 2,200 feet from the Living and Learning zone of the campus and to an elevation of 325 feet above MSL.

To understand the visual impacts of the Cordova Hills project, a "Kiefer landfill viewer group (viewpoint 6)" should be included in the Impacts and Analysis section of the Aesthetics chapter of the DEIR. The vantage should be taken from the Living and Learning area of campus or from the Sports Park and show the view residents of the campus or users of the park will have when Module 5 is being constructed. **The Cordova Hills project will have significant aesthetic impacts that will require mitigation.**

Mitigation.

DWMR maintains that, at a minimum, mitigation is necessary in the form of Restrictive Covenants, or some similar mechanism, recorded in perpetuity on deeds for all parcels created in the Cordova Hills Special Planning Area, stating that property owners acknowledge the preexistence and proximity of the Kiefer Landfill and release rights to seek corrective action to nuisances. Additionally, the Cordova Hills project must establish financial mechanisms to pay for responses to the inevitably increased number of complaints.

Thank you for the opportunity to comment on the DEIR. Please contact me at 875-4557 if you have any additional questions.

C: Paul Philleo
Pat Quinn
Eric Vanderbilt
Keith Goodrich
Lea Gibson

Countywide Services Agency

Environmental Management
Department

Environmental Compliance Division
Elise Rothschild, Chief

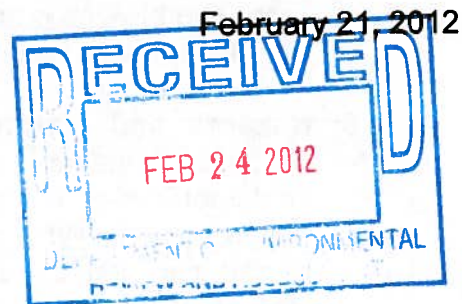


County of Sacramento

Bradley J. Hudson, County Executive
Bruce Wagstaff, Chief Deputy County Executive
Val F. Siebal, Department Director

LETTER 15

Lauren Hocker
Division of Environmental Review and Assessment
827 7th Street
Sacramento, CA 95814



Dear Ms. Hocker:

**SUBJECT: REVIEW OF THE CORDOVA HILLS PROJECT DRAFT ENVIRONMENTAL
IMPACT REPORT, CONTROL NUMBER 2008-00142**

The Sacramento County Environmental Management Department (EMD) has reviewed the Draft Environmental Impact Report (DEIR) for the Cordova Hills project. EMD acts as the Local Enforcement Agency (LEA) for the California Department of Resources, Recycling, and Recovery (CalRecycle) in the cities and County of Sacramento. The permitted boundary of Kiefer Landfill is adjacent to the southwest edge of this project.

The LEA's comments focus on concerns about the proximity of the project to an active municipal solid waste landfill, as follows:

- 1) **Aesthetics**, Page 3-21: The DEIR claims that the distance of the project from the landfill renders the impact of lights from Kiefer's operations insignificant. While the current location and size of Kiefer's operations may render the light impact insignificant to the project, the landfill's operations will eventually expand and the active face will move closer to the project site. The projected average daily tonnage in 2035 is nearly double the current permitted average daily tonnage. Also, the maximum permitted elevation of the landfill is 325 feet. Did the DEIR account for the increased amount of lighting required for an expanded landfill operation, as well as the eventual increase in elevation of the landfill, which will increase the visibility of Kiefer's operations from the project site?
- 2) **Air Quality**, Pages 5-36—5-37: This section states "with particular emphasis on the ability of the gas extraction system to reduce the potency and density of landfill odor – and the mitigation incorporated below, odor impacts are not expected to be substantial, and impacts are less than significant." Odors are also generated by the delivery and compacting of waste, the processing of green waste at the site, and the operation of the flare. The sub-surface landfill gas extraction system does not control these odors. The EIR should not rely on the landfill gas extraction system to reduce odors to a less-than-significant level. Further, while odors must be controlled under Title 27 of the California Code of

Regulations (27 CCR), the generation of odors during routine landfill operation is unavoidable and there is no requirement to reduce the potential for odors to zero. The LEA recommends notifying potential tenants of the increased potential for odor issues associated with the proximity to the landfill.

- 3) **Hazards and Hazardous Materials**, Page 10-17: This section includes a mitigation measure stating that continuous landfill gas monitoring will be implemented in any structures within 1,000 feet of buried waste or proposed buried waste. Who will be responsible for implementing and maintaining the landfill gas monitoring equipment? The LEA does not have authority to ensure that landfill gas monitoring is being conducted outside of the permitted boundary of the landfill. Any structures within 1,000 feet of the permitted landfill boundary also ought to adhere to the construction standards contained in 27 CCR 21190 (g). Again, the LEA does not have authority to enforce this standard outside of the permitted boundary of the landfill, so the party responsible for implementing these construction standards should be clearly assigned in the FEIR.
- 4) **Land Use**, Page 12-37, Paragraph 2: This paragraph states that Kiefer Landfill is permitted to accept 10,815 tons per day (tpd) and the average intake is approximately 6,000 tpd. The tonnage cited is the maximum permitted tonnage for the year 2034/35; the current permitted maximum tonnage is 5,598 tpd. The permitted tonnage increases each year according to a schedule referenced in the facility's Solid Waste Facility Permit. The EIR should clarify the permitted tonnage and year used to analyze the impacts of the landfill on the proposed development. This paragraph also states that the estimated remaining capacity is 108 million cubic yards. Per the Solid Waste Facility Permit, the remaining site capacity as of 2006 was 86,559,490 cubic yards.
- 5) **Land Use**, Page 12-37, Paragraph 3: This paragraph mentions the upcoming Kiefer Bufferlands Special Planning Area (SPA), which will designate areas around Kiefer Landfill for waste-industry uses; however, the DEIR does not include analysis of the potential impacts of the proposed SPA uses on the Cordova Hills tenants. The DEIR also does not include an analysis of the GreenCycle project, a proposed composting facility adjacent to Kiefer Landfill. The FEIR for the GreenCycle project was released in November 2010 and a Supplemental EIR is due for release in 2012. The addition of waste industries and a large-scale composting facility to the area will exacerbate the potential for nuisance conditions, including vectors/pests, dust, noise, and odors. The FEIR should include an analysis of the potential impacts of the GreenCycle project and the Kiefer SPA on the Cordova Hills project.

- 6) **Land Use**, Page 12-38, Paragraph 2: This paragraph states that “nuisance pests and vectors are typically experienced only in close proximity to the source condition”. What is considered “close proximity”? Per the DEIR, the project abuts Kiefer Landfill and the adjacent area is to be designated as Agricultural land, which could provide additional habitat for pests. The LEA recommends notifying potential tenants of the increased potential for vector and pest issues associated with the proximity to the landfill.
- 7) **Land Use**, Page 12-38, Paragraph 2: This paragraph also states that litter was not observed during any of the site visits to the project area and that litter from the landfill would be caught in the intervening landscape. The active portion of the landfill will eventually move closer to the proposed project site, so the fact that litter was not observed during site visits from 2008-2012 would not be relevant to the future conditions of the landfill. Litter may also enter the proposed development from refuse vehicles delivering waste to the facility. Kiefer Landfill implements litter control measures as required in 27 CCR 20830, but it cannot control for litter blowing off of refuse vehicles. The LEA recommends notifying potential tenants of the increased potential for litter in their neighborhood due to the proximity of the landfill and the refuse vehicles utilizing the roadways.
- 8) **Land Use**, Page 12-38, Paragraph 3: This paragraph states that CalRecycle is responsible for verifying compliance with State Minimum Standards. EMD, acting as the LEA in Sacramento County, is certified by CalRecycle to regulate Kiefer Landfill to ensure the facility meets the State Minimum Standards, per 14 CCR 18081 (c). The section of regulation cited in this paragraph, 27 CCR 21685(b)(8), pertains to CalRecycle’s concurrence with the issuance of a Solid Waste Facility permit or permit revision. Kiefer Landfill has already been issued a Solid Waste Facility permit, so the section pertaining to CalRecycle’s concurrence is not relevant to ensuring ongoing compliance with the State Minimum Standards. Another section of regulation cited in this paragraph, 14 CCR 17867 (a), pertains to composting facilities, not disposal sites. Kiefer Landfill is a permitted as a disposal site, so 27 CCR 20760 is the appropriate section to cite for nuisance control.
- 9) **Land Use**, Page 12-39: Mitigation measure LU-2 states that the location and nature of Kiefer Landfill will be disclosed to buyers within one mile of the “ultimate active landfill boundary.” What is the definition of the “ultimate active landfill boundary”? Is it the same as the disposal site permitted facility boundary, as specified in Kiefer Landfill’s Solid Waste Facility Permit? If not, what criteria were used to determine the “ultimate active landfill boundary”? Also, who will be

responsible for providing the notification to the buyers and what information will be included in the notification?

- 10) **Noise**, p13-39: This section uses a 1989 study to determine the impact of noise on the proposed project. In 1989, Kiefer landfill's average permitted daily tonnage was approximately 2,700 tpd. In 2012, the average permitted daily tonnage is 3,293 tpd, and, in 2035, it will be 6,362 tpd. The increase in tonnage accepted at the landfill will require additional equipment to handle the waste and there will be additional traffic delivering waste, meaning increased noise levels at the landfill. The FEIR ought to consider future noise levels instead of using 1989 noise levels to determine the impact to the residents of the proposed development.
- 11) **Public Services**, p 14-21: This section states that the facility is permitted to accept 10,815 tpd and currently receives 700,000 tons per year. The permitted tonnage cited is the maximum daily tonnage for the year 2035. The facility's current maximum daily tonnage is 5,598 tpd and the projected annual tonnage for this fiscal year is 1,202,000 tons, per the Solid Waste Facility Permit. This section also cites "N. Yeats" of CalRecycle. The CalRecycle permitting contact for Sacramento County is Nevin Yeates, not Yeats.

Thank you for the opportunity to comment on the DEIR for the proposed Cordova Hills project. Please contact me at (916) 875-8468, if you have any questions or concerns about the LEA's comments.

Sincerely,



Lea Gibson, Environmental Specialist
Environmental Compliance Division

LG:se

c: Nevin Yeates, CalRecycle

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Sacramento
LAFCo

LETTER 16

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
1112 I Street, Suite 100 • Sacramento, CA 95814 • (916) 874-6458 • Fax (916) 874-2939

February 22, 2012

Ms. Catherine Hack, Sacramento County Environmental Coordinator
Division of Environmental Review and Assessment
827 7th Street, Room 220, Sacramento, CA 95814

SUBJECT: CORDOVA HILLS DEIR (LAFCo #M-2010-008)

Thank you for the opportunity to review and provide comments on the Draft Environmental Impact Report (DEIR) for the Cordova Hills project regarding the Sacramento Local Agency Formation Commission (LAFCo). These comments should be considered in the context of those provided as a responsible agency under the California Environmental Quality Act, on February 21, 2011, regarding the Notice of Preparation (NOP.) Those earlier comments clarified that LAFCo will be a responsible agency for this project because LAFCo will conduct various project related proceedings, including annexation to the Sacramento Area Sewer District (SASD) for the collection of wastewater and the Sacramento Regional County Sanitation District (SRCSD) for conveyance and treatment of wastewater. Additionally, project implementation will require detachment from the Sacramento County Regional Parks Department County Service Area 4B and County Service Area 10, and formation of the Cordova Hills Community Services District (CSD). Thus, LAFCo will be a responsible agency and will rely on the County's environmental document with respect to the project.

To assist in review of the proposed project, it was requested that the DEIR include analyses of several specific topics of interest: describing the role of LAFCo in the approval and CEQA processes in the EIR Project Description; and evaluating potential effects to affordable housing, public services and utilities (both on and off-site,) agricultural lands, open space, and environmental justice. This review consists of identifying whether the environmental issues cited in the NOP comment letter were comprehensively addressed consistent with state and local LAFCo requirements. During this review of the DEIR, LAFCo has not conducted an independent analysis of the County's or affected special districts' capacity to provide various services to the project site, as that will more appropriately be analyzed during subsequent LAFCo proceedings, as will any potential adverse economic effects to other service providers.

The review of the Cordova Hills DEIR indicates that many of the specific topics of interest to LAFCo were addressed or are acknowledged by the County as necessary actions that need to occur prior to LAFCo taking action on any subsequent annexation requests. This letter sets forth our understanding of the project's compliance with the CEQA process as documented in the County's DEIR, and the adequacy of that document to serve LAFCo as a responsible agency when conducting subsequent discretionary proceedings regarding the project.

Specific comments on the DEIR include:

1. **Project Description** (DEIR, Chapter 1, Project Description) – This chapter adequately sets forth LAFCo's role in the entitlement process, including all required LAFCo proceedings and actions, such as

annexation of the project site to the SRCSD and SASD service areas, detachment from the Sacramento County Regional Parks Department County Service Area 4B and County Service Area 10, and the formation of a CSD (pages 1-8 thru 1-9). The description includes a discussion of the role of LAFCo, as a responsible agency in the decision-making process to process the application and supporting documentation (Municipal Services Review) for the creation of the CSD.

The DEIR clearly and adequately addressed the following issues of statutory concern, unless otherwise stated, to permit LAFCo to use the County's environmental documentation in the Commission's consideration of the proposed annexation to the SASD and SRCSD, detachment from the County Service Areas 4B and 10, and the formation of the CSD.

2. **Population, Employment and Housing** (DEIR, Chapter 1, Project Description) – LAFCo is required to ensure that there will be no net loss of targeted housing resources on a countywide basis, both in incorporated and unincorporated areas. The project description states the proposed project site is currently used for cattle grazing and does not contain any structures or development (page 1-6). Because there is no existing residential zoning, nor housing located within the proposed project area, it would not result in the loss of affordable housing.

Prior to LAFCo considering any annexation request within the project area, the County must demonstrate compliance with the SACOG Regional Housing Needs Allocation (RHNA) and obtain confirmation of compliance from the California Department of Housing and Community Development that the County is meeting its Regional Share Housing goals for all income levels through its adopted General Plan Housing Element. The DEIR summarizes the proposed housing mix and includes an affordable housing plan (page 1-8). Plate PD-12 shows the locations of proposed affordable housing units (page 1-17).

3. **Utilities & Service Systems** (DEIR, Chapter 1, Project Description; Chapter 15, Public Utilities) – LAFCo requested that the public utilities evaluation focus on whether any physical facilities would need to be constructed to serve the project, including those outside of the project site, whose construction potentially could result in environmental effects. The following summarizes the information provided in the DEIR on the proposed physical facilities that would need to be constructed to serve the Cordova Hills project.

Proposed Utility Infrastructure

Proposed public infrastructure and service connections include physical facilities, whose construction could result in potential environmental effects. Physical facilities proposed to be constructed within the project site include a corporation yard, solar facility, district energy plant, schools, and new public utility infrastructure (page 1-34 thru 1-37). Public utility infrastructure includes water supply distribution, wastewater conveyance and treatment, and storm drainage improvements.

Water Supply: The Sacramento County Water Agency (SCWA) would provide water supply. Connection would occur outside of the Urban Services Boundary (USB) and outside the SCWA service area via off-site water line extensions. The project involves the extension of water to a 241-acre portion of the project site outside the USB, which requires a General Plan amendment (page 1-36).

Sanitary Sewer/Wastewater Treatment: The proposed project would need to be annexed into the SASD and the SRCSD in order to connect to public wastewater conveyance and treatment infrastructure services. The SASD owns and operates the sewer trunk and collection system

throughout Sacramento County. SRCSD owns and operates the Sacramento Regional Wastewater Treatment Plant (SWRTP) and interceptor system in the County. The proposed project is within the Sphere of Influence (SOI) for both the SASD and SRCSD (page 1-37). The SOI is coterminous with the USB. Connection to the SASD sewer lines would require off-site extensions and on-site transmission lines.

Storm Drainage: Storm drainage features include on-site detention basins, open stormwater swales, and an underground pipe system. Water quality measures include features such as, grassy swales, settling basins, and natural filters to be incorporated into the open space corridors and parks (page 1-37). LAFCo requested that the secondary effects of constructing and operating these facilities be evaluated in the DEIR. LAFCo also requested the evaluation assess whether the SRCSD and SASD have (1) the service capability and capacity to serve the project area, and (2) whether they can provide services to the project area without adversely affecting existing service levels elsewhere in their service areas.

Chapter 15, Public Utilities evaluates the project's potential impacts related to infrastructure improvements. The DEIR states that with the exception of a few facilities that may involve off-site construction, most of the public utility infrastructure construction has either been evaluated as part of other infrastructure projects, or is within the boundaries of the project site. Below is a summary of the public utilities and services impacts evaluated in the DEIR:

Potable & Non-Potable Water Supply: Infrastructure. For potable water supply, the proposed project would not result in new infrastructure outside the project area. The project is within the Zone 40 service area of the SCWA. The Vineyard Surface Water Treatment Plant (VSWTP) and the North Service Area Pipeline (NSAP) would provide potable water to the existing and future development (page 15-26). Project infrastructure would include pipelines and facilities that already exist or have already been approved by the SCWA (page 15-28).

None of the regional infrastructure options would result in new significant adverse environmental effects (page 15-34). All infrastructure and pipelines would be located in areas where such facilities already exist, with the exception of a 30-inch transmission pipeline from the North Douglas Storage Tanks to the intersection of Grant Line Road and Glory Lane. This alignment will occur within an existing private unpaved roadway (page 15-35). Portions of the pipeline would occur in areas known to contain biological resources, such as wetlands and protected species habitat (page 15-35). As an alternative, construction of pipeline infrastructure of the currently undeveloped, off-site Cordova Hills storage tank site will also impact biological resources. Therefore, the local water line and the storage tanks would result in a significant and unavoidable impact to wetland resources and species supported by those wetlands. Mitigation BR-1 thru BR-9 is provided in Chapter 6, Biological Resources (page 6-28 thru 6-29; page 6-51 thru 6-52; 6-57; 6-61) to reduce impacts.

For non-potable water supply, the proposed project will involve an interim connection to an on-site non-potable water system. When the County's future reclaimed water transmission system becomes available, the project connection to the on-site non-potable system will be terminated and the reclaimed water will be distributed through the separate non-potable pipe network. Construction activities associated with the non-potable pipe network will take place within the project boundaries. The reclaimed water system will be laid out within arterial and collector streets and connect to irrigated land uses within the project area (page 15-25). Infrastructure impacts would not occur outside the project boundary (page 15-26).

Capacity: A Water Supply Master Plan (WSMP) was prepared for the project to determine whether project water demands would be met by the SCWA. The projected annual water demand for the entire project is 6,549.9 acre-feet per year (AFY) (pages 15-46 thru 15-47, Table PU-3). As identified in the Water Forum Agreement and the WSMP, the SWCA has appropriative rights to 40,900 AFY in the underlying groundwater in the Central Basin and from three sources of surface water totaling up to 61,251 AFY (page 15-46; page 15-51). Approximately 102,151 AFY would be supplied to Zone 40. While the project would add to the overall demand for water within the Zone 40 services area, it would not require water beyond the service area's projected supplies (page 15-46). Demands will be met by a combination of groundwater and surface water delivered by SCWA through the North Vineyard Well Field, the NSAP, and the Anatolia Raw Water Pipeline Conversion (page 15-28 thru 15-34).

Sewer Conveyance/Treatment: Infrastructure. For sewer conveyance and treatment, the proposed project will rely on annexation into both the SASD and SRCSD service boundaries. The SRCSD 2000 Master Plan included a 20 million gallons per day (mgd) regional interceptor pump station to collect flows from the Upper Deer Creek (DCU) shed, which includes the Cordova Hills area. A 2.02 mgd pump station is proposed to serve the first phase of the project. It is sited in the southwestern portion of the project site (page 15-38). Because this pump station would be located in an area already impacted by the project development, and the construction of all other pump stations and lines would be built within the project area, no adverse utility-related impacts would result. All other local on-site infrastructure would occur within the project boundary (page 15-39.)

With the exception of one on-site regional line, (POC-4 shown on Plate PU-8, Sewer Infrastructure Plan) all other regional lines are located in areas designated for developed uses. One regional line is being routed through an off-site area, but wetland delineations, cultural resource surveys, and other resources studies have not been conducted for the area. Although impacts would vary depending on the chosen alignment, it is assumed construction of this line can avoid cultural resources impacts, but may result in wetland impacts that are significant and unavoidable. Mitigation BR-1, BR-3, BR-4, BR-5, BR-7, BR-8, and CR-1 are provided in Chapter 6, Biological Resources (pages 6-28 thru 6-57) and Chapter 8, Cultural Resources (page 8-29) to reduce impacts.

Capacity. On an interim basis, the proposed project would utilize capacity at existing facilities. According to the SRCSD 2000 Master Plan, the 2006 CSD-1 Sewerage Facilities Expansion Master Plan, and the SASD/SRCSD Strategic Plan, service to Cordova Hills is not constrained. The SRWTP has a permitted average dry weather flow design capacity of 181 mgd and wet weather flow of 392 mgd. There is sufficient treatment capacity to accommodate sewage from the project without the need for facility expansion (page 15-38 and 15-49). The project will not exceed existing or planned disposal and conveyance capacity, and it not expected to impact the SRCSD's service levels.

Electrical/Natural Gas: Infrastructure. For energy services and dry utilities, the Sacramento Municipal Utility District (SMUD) would provide service. The majority of all on-site electrical transmission line construction would occur within road right-of-ways already impacted by the project. Off-site electrical lines would occur along public right-of-ways and within public utility easements. Off-site impacts may occur because some impacts have not been evaluated as part of the SMUD master plan. Construction activities would occur at existing electrical line poles and near wetlands located along the eastern side of Grant Line Road. Because environmental studies have not been conducted, it is possible that impacts will occur as part of the line upgrades (page 15-43). SMUD would act as the lead agency on the utility upgrades and would evaluate impacts in a separate environmental analysis, consistent with CEQA. Therefore, there is the potential that off-site

electrical line construction would result in impacts to biological resources that are significant and unavoidable. These impacts are described in more detail in Chapter 6, Biological Resources.

For natural gas, services would be provided by Pacific Gas & Electric Company (PG&E;) an investor owned utility, not subject to LAFCo purview.

Capacity. Energy usage for the project indicates the estimated annual residential and commercial electricity demand for the project will be 122,903,000-kilowatt hours. Because the estimated energy usage of the project is substantially less than the annual energy production for SMUD, the electrical energy service provider will have sufficient capacity to serve the project.

4. **Agricultural Lands** – (DEIR, Chapter 4, Agricultural Resources) As noted in our February 21, 2011 comment letter, the analysis should include a discussion of current agricultural uses and activities within and adjacent to the project area. LAFCo is required to make findings regarding five tests of “prime agricultural land” as defined by Government Code §56064. The DEIR needs to provide information regarding such lands to permit LAFCo to make these findings as a responsible agency. The DEIR correctly notes that no high value agricultural resources are located within the project area, and that no adverse effects to such resources would result. The following summarizes the project area agricultural uses and the information supporting the five tests that determine the presence of “prime agricultural land.”

Agricultural Uses

The impact analysis discusses whether the proposed project would conflict with existing agricultural use and zoning. The Sacramento County General Plan designates the project site as General Agriculture (80 acres). It is zoned for AG-80 agricultural uses (page 4-1 thru 4-2, Plate AR-1). The site consists of grassland, used for cattle grazing. There was a small eucalyptus grove on the southwest quadrant of the site that was cut down several years ago. That portion of the site was designated as Unique Farmland. The remainder of the site is classified as Grazing land, as displayed on Plate AR-2, Farmland Classifications. There are no other intensive agricultural uses on the site (page 4-1). Surrounding land uses to the north, east, and south of the site are zoned for agricultural uses (AG-80 and AG-20). The project requests a Zoning Ordinance and General Plan amendment to ensure the proposed land uses are consistent with the County’s General Plan and Zoning Ordinance.

Williamson Act Land: The DEIR addresses the presence of any lands protected by a Williamson Act contract. Approximately 480 acres in the southeastern quadrant of the site are under a Williamson Act contract (Plate AR-4, Williamson Act Contracts in Vicinity). The landowner initiated the non-renewal process for the contract in February 2007. Under the non-renewal process, the contract is expected to expire in 2016 (page 4-1). At that time, the land would no longer be subject to the Williamson Act contract.

The project includes a large-lot subdivision map that would create parcels that range from less than one acre to approximately 35 acres. Pursuant to the Subdivision Map Act, subdivision maps involving parcels less than 40 acres in size cannot be approved on contracted lands unless the contract is three years from nonrenewal or findings are made. Because the on-site contract will expire in 2016, approval of the subdivision map could occur in early 2013. If the Board of Supervisors makes findings pertinent to the subdivision proposal, defers the effective date of the rezone until contract expiration, and grazing is continued until the expiration date, the project would not result in significant conflicts with the Williamson Act (page 4-16). Mitigation AG-2 would further reduce these impacts to a less than significant level.

Important Farmlands: The DEIR discusses the FMMP classification according to the Department of Conservation (DOC) Important Farmlands Map. The majority of the project area consists of Grazing Land, but includes a small area within the project site classified as Unique Farmland. The small area was designated Unique Farmland because a small eucalyptus grove used to be planted at the location. Because the grove no longer exists, the DOC may redesignate this portion of the site during the next farmland mapping update (page 4-11). While the project would not result in the loss of prime agricultural land or protected agricultural lands, the DEIR did evaluate the countywide trend of agricultural loss in Chapter 18, Cumulative and Growth-Inducing Impacts. The cumulative analysis discusses the loss of 2,660 acres of Grazing Land and nine acres of Unique Farmland (page 18-6).

Soil Types: The DEIR summarizes the types of soils found within the project area according to the Natural Resource Conservation Service (NRCS) land use capability classification and Storie Index rating from the DOC, Soil Survey of Sacramento County. This analysis determines the presence or absence of “prime agricultural land” as defined by Government Code §56064. As shown on Plate AR-5 (page 4-13), there are 16 different soil types within the project boundaries. Four soils on the site are listed as prime soils (i.e. 132, 158, 160, 192), if irrigated. These soils are hatch-marked on Plate AR-5. The Storie Index rating for these soils are 66, 61, 46, and 51. The Storie Index expresses the relative suitability of soil for general intensive agricultural or rangeland uses on a scale of zero to 100, with 100 being the best soil suitability (page 4-12). Therefore, only four of the sixteen soil types are considered prime, if irrigated. While there are wells on the site to provide water for cattle, the site has not been irrigated; thus, none of the soils would qualify as a prime soil. All four soil types exhibit moderate soil suitability.

Irrigated Capability Classes: The land use capability classes are listed according to Roman numerals I thru VIII, with the first four representing land suitable for crops and the last four representing land suitable for pasture or rangeland uses. Within the project area, the land use capability classes range from III, IIIw, to IIIe (page 4-12). The limitations on use increase as the Roman numeral increases. The letter “e” indicates that the soils are subject to erosion, the letter “s” indicates that soils are shallow and/or rocky, and the letter “w” indicates excess wetness. The four soil classes described are only considered prime farmland, if they are irrigated. As discussed above, the site has not been irrigated. The topography of the site is highly varied (i.e. slopes of 30% – 50%), which would make installation of an irrigation system expensive and difficult to operate. Also, the area containing prime soils is small relative to the site as a whole; approximately 170 acres out of 2,669, or 6% (page 4-12).

Agricultural Economic Value: Because some historical agricultural uses are present within the project area, for each use or operation the DEIR determined if the use supports, at a minimum, one Animal Unit (AU)/acre or has returned, or would return if planted with fruit or nut bearing trees, an agricultural value of at least \$400/acre for 3 of the last 5 years. With the exception of the small eucalyptus grove, there are no agricultural crops harvested within the project site. This indicates the site was mainly used for cattle grazing and supports one head of cattle for every 15 acres. Cattle grazing is not considered an intensive agricultural investment because the cattle are not densely concentrated.

5. **Public Services** – (DEIR Chapters 14, Public Services) – LAFCo requires the public services evaluation to focus on whether any physical facilities would need to be constructed to serve the project, including those outside of the project site, whose construction could have environmental effects. The majority of

the project area is located within the USB. The portion of the project that occurs outside the USB does not include any residential or retail uses, but it does include the sports parks and corporation yard. None of the project area is within the UPA. In order to receive public services, the project must be within both the UPA and USB. Therefore, the project includes a General Plan Amendment to move the UPA to include approximately 2,366 acres of the project site (page 14-1). The following discusses the overall impacts that could result from construction new facilities, such as parks, schools, libraries, sheriff stations, fire stations, and solid waste facilities that would be needed to serve the Cordova Hills project.

Recreation

For recreation services, the project area would detach from the Sacramento County Regional Parks Department County Service Area 4B and a newly created Cordova Hills CSD would provide recreation services. Detachment from the Sacramento County CSA 4B would require LAFCo discretionary action.

The DEIR evaluates whether the park facilities distributed throughout the project area would meet Quimby Act and Sacramento County General Plan park standards (page 14-23 thru 14-24). Cordova Hills will generate an estimated population of approximately 21,379 residents, requiring a minimum park dedication requirement of 106.9 acres. The proposed project would include 99.1 acres of formal parkland, and an additional 151 acres of informal parkland. The analysis concludes that with the implementation of parks identified in the Cordova Hills Master Plan Special Planning Area, adequate recreation resources would be provided to meet County standards, and the cost of park maintenance would be fully covered by the proposed CSD special tax assessment (page 14-26). The DEIR concludes that because the project is consistent with the Quimby Act and the General Plan park standards, the project will not increase demand for existing park services.

LAFCo is statutorily required to evaluate whether the County (or proposed CSD) has the service capability and capacity to serve the project area, and also whether they can provide services to the project area without adversely affecting existing service levels elsewhere in their service area.

Additionally, LAFCo must evaluate whether the deletion of territory now served by the Sacramento County Regional Parks Department County Service Area 4B would lead to an adverse impact on current CSA 4B users or facilities resulting from any related loss of tax revenues, thereby diminishing the ability of the County to deliver adequate services within the remaining service area of CSA 4B. Adequate information on any such loss of tax revenue is not presented in the DEIR. The County or project proponents will need to provide sufficient information to LAFCo to evaluate these questions prior to the Commission's consideration of any related detachment or district formation.

Therefore, LAFCo requests the County evaluate whether the deletion of the territory now served by the Sacramento County Regional Parks Department County Service Area 4B would lead to the loss of tax revenues, thereby diminishing the ability of the agency to deliver adequate services within their remaining service areas.

Consideration should be given to the evaluation of regional park resources in the context of the adequacy of regional park resources on a regional basis to serve existing and projected populations, and the project's effect on the adequate provision of such resources. Also, the DEIR should further discuss information that supports the document's environmental conclusion regarding the adequacy of fees or other sources of revenue to support the development of any new needed regional park facilities, and/or the maintenance of existing facilities.

Schools/Libraries

Neither service is subject to LAFCo purview.

Law Enforcement/Fire Protection

For law enforcement and fire protection services, the Sacramento County Sheriff's Department (SSD) and the California Department of Forestry and Fire Protection (CalFIRE) and the Sacramento Metropolitan Fire District (SMFD) would provide fire protection and emergency services. The proposed project includes a maximum of 8,000 residential units for a population of approximately 21,379 residents. Funding for increased law enforcement services would be provided through the County General Fund and the County Police Services Community Facilities District 2005-1 (CFD 2005-1) annual special tax. Compliance with General Plan goal and policies supporting law enforcement facilities, programs, and neighborhood security measures (page 14-21) would ensure the Sheriff's Department adequately serves new growth. The project includes sites for one or two fire stations to serve the project and adjacent development. It is anticipated that the station will require a truck, engine, and medic company. With adherence to existing regulations and the construction of new fire facilities, impacts associated with fire protection services will be less than significant (page 14-19).

6. **Natural Resources/Open Space** – The February 2011 NOP comment requested the DEIR include an evaluation of any open space resources as defined by Government Code §65560 that are located within or adjacent to the project area. While LAFCo had requested a separate evaluation on open space resources, such as a discrete impact statement, there is adequate information in Chapter 6, *Agricultural Resources*, to make findings for our Commission. Therefore, we request no changes to the EIR to address this issue.
7. **Environmental Justice** - State law requires LAFCo to consider the extent to which the project will promote environmental justice. "Environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The February 2011 NOP comment letter requested the DEIR evaluate environmental justice effects that could occur as a result of implementing the proposed project. The DEIR does not evaluate potential environmental justice effects related to the project. In order for LAFCo to comply with its statutory responsibilities with respect to environmental justice, we request that this issue area be addressed in the Final EIR.

We look forward to continuing our coordination with all interested parties regarding this project. Please contact me if you have any questions.

Very truly yours,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION



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(916) 874-6458

Donald.Lockhart@SacLAFCo.org

cc: LAFCo Commissioners

Hand-Delivered and Via Email

February 22, 2012

Ms. Lauren Hocker
Sacramento County
Department of Environmental Review and Assessment
827 7th Street, 3rd Floor
Sacramento, CA 95814

Subject: Cordova Hills Draft Environmental Impact Report
SMAQMD #: SAC200600987

Dear Ms. Hocker:

Thank you for the opportunity to review and comment on the Cordova Hills Draft Environmental Impact Report (DEIR). Staff of the Sacramento Metropolitan Air Quality Management District (District/SMAQMD) thanks the County and applicant for working with us early and often, especially during the development of the 35% Operational Air Quality Mitigation dated June 1, 2011 and Greenhouse Gas Reduction Plan dated May 2011 (AQMP, and GHG Plan, accordingly) that we determined to be technically adequate in June 2011 (documents and determination letters are attached).

District staff applauds the County in its clear presentation in the air quality, land use, and climate change chapters; in particular, the County's GHG thresholds of significance analysis and its explanation that its thresholds were modified mid-stream while the County was preparing the EIR. Also, the District concurs with the County's decision to require an AQMP to reduce ozone precursor emissions by 35%,

as opposed to the standard 15%, as feasible mitigation since the emissions from the Cordova Hills project were not included in the State Implementation Plan to achieve the federal health based standards.

The project originally contemplated included the early development of key aspects of the University of Sacramento (University) campus component. As the District has indicated to County staff, as well as the project applicant, the University and its phasing played a pivotal role in the District's determination that the AQMP Plan met 35% mitigation requirement, and that the GHG Plan met the County's thresholds in place at that time. It was the District's understanding, based on discussions with the applicant, that construction of the overall project phases would be conditioned on the early construction of the Campus so that the integrity of the AQMP and GHG Plan analysis and conclusions would be protected.

The DEIR now anticipates development of a "University/College Campus" that appears to conceptually maintain the elements of the original University of Sacramento plan, but the DEIR contains no conditions requiring early development of the Campus, and in fact appears to anticipate that the Campus may not be built for 30 years. A letter from SACOG to Mr. Ron Alvarado representing Cordova Hills (attached) affirms our understanding that the County would require appropriate phasing. The SACOG letter states: "Cordova Hills indicated in a recent discussion that if Sacramento County approves an entitlement for the project it is very likely that it will attach a condition requiring the construction of the university before other substantial construction can occur."¹

If there is no early Campus development commitment, the DEIR should be recirculated with an analysis of project impacts that assumes the Campus is not constructed. Without the Campus, the existing air quality analysis misstates and underestimates the project's emissions because it assumes reductions associated with or generated by the Campus component, and these reductions may never occur. *Absent an early development commitment, the District's determination of technical adequacy for the GHG and AQMP plans is null and void.*

¹ McKeever, Mike. Letter to Ron Alvarado. October 7, 2011.

The impact of the loss of the Campus component on the GHG Plan is plain. The GHG analysis and GHG Plan are based on the applicant's detailed project description that included 21,379 residents in 8,000 dwellings and over 4,000 students that would live in the 1,010 small, efficient, high density, alternative energy-producing dorm rooms on campus, and that the University would not allow first year students to maintain vehicles on campus. Collectively, these and many other promised features of the University acted to conserve resources and generate fewer GHG emissions than most projects of a comparable population. These detailed characteristics and emission reduction measures were embedded in the calculation that yielded a 5.8 MT CO₂e per capita efficiency. Without a Campus, for example, the density of the project would be reduced from an overall net density of 10.4 dwelling units per acre to 8.9 dwelling units per acre, which would impact the per capita emission calculation and prevent the project from achieving the reductions to which it has committed.

The impact on the AQMP is equally plain. A full 25% of emissions reductions are attributed to the relatively high internal trip capture rate, which was achievable through the diverse mix of uses including the presence of a functioning Campus.

We make the following recommendations to specific mitigation measures **only if an early Campus development commitment is included in the FEIR and project approval, and an acceptable phasing agreement is developed.**

1. CC-1 should be modified to make it clear that any amendments to the Cordova Special Planning Area must maintain 5.80 MTCO₂e/capita max for the entire project (not just that parcel) and that the parties consult with the District during the amendment process. Our suggested changes appear in red underline:

CC-1. All amendments to the SPA shall include an analysis which quantifies to the extent practicable, the effect of the Amendment on greenhouse gas emissions for the entire project. The amendment shall not increase greenhouse gas emissions above an average 5.80 MT [CO₂e] per capita (including emissions from building energy usage and vehicles) for the entire Cordova Hills project. The proponent shall consult with the SMAQMD on the revised analysis and shall prepare a revised GHG Plan for approval by the County, in consultation with SMAQMD.

2. Currently, the Climate Change chapter on page 27 states that GHG reduction measures need not be imposed as a mitigation measure because “they are design features already embedded in the SPA...” Our experience has shown us that well intended mitigation may not be implemented because it gets overlooked or buried as projects build out. So, with the goal of providing a clear path linking the mitigation measures to the MMRP and then to actual implementation by a developer/contractor, we suggest that the County include a mitigation measure specifically requiring compliance with the GHG Plan as well as all other feasible and reasonable mitigation measures to which the applicant has committed. We request that the County include the following new mitigation measure:

CC-2: The GHG Plan, dated May, 2011 shall be consulted and implemented at every phase as the project builds out. The measures are as follows...

3. In December 2011, a federal judge granted a preliminary injunction against California’s low carbon fuel standard. We suggest that the EIR discuss the possibility that certain statewide greenhouse gas reduction rules may be rescinded, and discuss the potential impact on the emissions reductions efforts of the Cordova Hills project.
4. The County should include a new mitigation measure requiring a revised AQMP be approved by the County in consultation with the District.

AQ-5: All amendments to the SPA shall include an analysis which quantifies to the extent practicable, the effect of the Amendment on ozone precursor emissions for the entire project. The amendment shall not increase ozone precursor emissions above what was considered in the AQMP for the entire Cordova Hills project. The proponent shall consult with the SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the County, in consultation with SMAQMD.

5. As suggested in underline and strikeout, please clarify the following statement on page 5-20 regarding operational ozone precursor reductions to indicate that emissions reductions have not yet taken place:

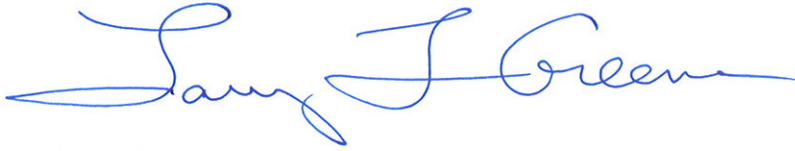
~~With the construction of the Campus component during the early phases Emissions reductions were accomplished through the production of an Air Quality Management Plan⁹ (AQMP), which was designed to, the Cordova Hills project will achieve a minimum 35% emissions reduction under the AQMP (per guidance from SMAQMD, indicating that this represents the feasible mitigation that should be applied).~~

6. Currently, AQ-1 states that the Special Planning Area will be revised to "include language requiring all individual development projects to implement SMAQMD rules and mitigation pertinent to construction-related ozone precursors, as defined by the most current version of the SMAQMD Guide to Air Quality Assessment." As a backstop, we suggest including our current construction mitigation language, along with a statement that the project must comply with SMAQMD's mitigation in force at the time the project goes to build/becomes operational in case the mitigation requirements change.
7. Finally, the Cordova Hills circulation plan- in particular its access policy- should be carefully crafted in order to support goals of the Capital South East Connector Project.

In conclusion, the proper phasing of this project and development of a functioning University/College Campus are keys to ensuring that air quality and greenhouse gas mitigations are achieved. If there is no early Campus development commitment, the DEIR should be recirculated with an analysis of project impacts that assumes the Campus is not constructed. In the absence of a condition requiring early development of the Campus, the District will withdraw its approval of the AQMP and GHG Plans, because the revised project constitutes a significant change in the project analyzed in those Plans, and a new GHG and AQMP Plan should be developed in consultation with SMAQMD staff.

Again, we would like to thank the County and applicant for working with us early and often. We look forward to working in future to ensure greenhouse and ozone precursor reductions are achieved.

Sincerely,



Larry Greene
Executive Director
Sacramento Metropolitan Air Quality Management District

C: Tricia Stevens, Sacramento County Planning
Surinder Singh, Sacramento County Planning

Attachments:

Cordova Hills Greenhouse Gas Reduction Plan (May 2011)
Letter of Technical Adequacy for the Greenhouse Gas Reduction Plan (June 2, 2011)
Cordova Hills Operational Air Quality Mitigation Plan (June 1, 2011)
Letter of Endorsement for the Operational Air Quality Mitigation Plan (June 2, 2011)
Correspondence from Mike McKeever of SACOG to Ron Alvarado Representing Cordova Hills
(October 7, 2011)

June 2, 2011

Ms. Lauren Hocker
Sacramento County
Department of Environmental Review and Assessment
827 7th Street, 2nd Floor
Sacramento, CA 95814

**Subject: Cordova Hills Greenhouse Gas Mitigation Plan- determination of technical adequacy
SAC200600987**

Dear Ms. Hocker:

SMAQMD has reviewed the May 2011 Cordova Hills Greenhouse Gas Mitigation Plan (GHG Plan, version received June 1, 2011) as well as its accompanying technical analysis. The GHG Plan narrative sufficiently describes the commitments which will allow Cordova Hills to meet the greenhouse gas CEQA threshold expectations that the County currently requires of the project. In addition, SMAQMD finds the GHG Plan technical analysis suitable for CEQA purposes. SMAQMD wishes to thank the County, and particularly the proponent, for their close consultation with SMAQMD throughout the development of the Plan.

SMAQMD would like to note that the County released revised greenhouse gas CEQA thresholds in mid-April 2011. Because this GHG Plan was developed over a long period of time, the County has allowed the proponent to use the previous thresholds. We would like to point out that the project would not meet the new thresholds, nor does it meet three thresholds currently required individually (instead, the project meets a threshold that combines all three into one). These facts are clearly and satisfactorily disclosed in the GHG Plan narrative.

In order for the Cordova Hills development to achieve the actual reductions committed to in this GHG Plan, each measure and policy must be codified in one or more of the following documents: development agreement, master plan, mitigation and monitoring report, urban services plan, financing plan, etc. Successful implementation will be verified by site visits and lead agency consultation. If any measure becomes obsolete or are no longer applicable, please contact us for assistance in identifying replacements.

Again, we thank the County and proponent for working so closely with us. Please do not hesitate to contact me if you have any questions or comments.

Sincerely,



Rachel DuBose
Air Quality Planner/Analyst
Sacramento Metropolitan Air Quality Management District (SMAQMD)

C: Mark Hanson, SBM Corp
Cathy Baranger, William Hezmalhalch Architects, Inc.
Larry Robinson, Sacramento Metropolitan Air Quality Management District (SMAQMD)
Jeane Berry, Sacramento Metropolitan Air Quality Management District (SMAQMD)

Statement of Endorsement

The above operational Air Quality Mitigation Plan for the project known as Cordova Hills (SAC200600987) has been found by the Sacramento Metropolitan Air Quality Management District to be consistent with the District's *Recommended Guidance for Land Use Emission Reductions v2.5* and meets the recommended level of emissions reduction for this type of project.

The District anticipates that implementation of the Mitigation Measures described in the plan will lead to a 35.32 percent or greater reduction in operational criteria emissions from the project.

Endorsed this 2nd day of June, 2011



Paul Philley, Associate Air Quality Planner | Analyst
Sacramento Metropolitan Air Quality Management District
777 12th Street, 3rd Floor
Sacramento, CA 95814
pphilley@airquality.org
916-874-4882

October 7, 2011

Ron Alvarado
Partner
Conwy LLC
5241 Arnold Avenue
McClellan, CA 95652

Dear Mr. Alvarado:

We appreciated the opportunity to meet with you again last week to discuss the Cordova Hills project. As we discussed, SACOG has received several letters regarding Cordova Hills—we have identified four letters since 2007. In each case, the letters either followed up on, or resulted in, a meeting between SACOG and members of the Cordova Hills project team. SACOG staff, and I personally, also have had numerous other meetings and telephone calls with the Cordova Hills project team over the last few years. As I think you have acknowledged, SACOG has been willing to meet and discuss the project on all occasions. As a consequence, until last week we did not believe that there were any outstanding requests for information, meetings, or written responses. In fact, as discussed below, based on our conversation in August 2010, I believed that you understood and accepted SACOG's decision not to include Cordova Hills in the three Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) alternatives that were going to be vetted in the public workshop process last fall. In light of the foregoing, I am sending this letter only in response to your specific request last week that we put in writing the issues we have discussed in our many meetings. The letter provides a brief summary of the main questions and concerns we have raised about the suitability of including Cordova Hills in this MTP/SCS update cycle.

I will first say that in our many conversations about Cordova Hills we have noted several elements of the evolving land use plan and transportation system that we thought were consistent with SACOG's priorities, and we have made suggestions for refinements to the plan. The plan in its current form contains many elements that are consistent with principles we encourage our members and members of the development community to follow. We were particularly pleased to learn recently that you intend your project to be consistent with the smart growth criteria in the County draft updated General Plan. Notwithstanding the positive elements in the current plan, for over a year we have indicated that we did not believe Cordova Hills, at this juncture, would meet the criteria for inclusion in the current update to the Metropolitan Transportation Plan, which will for the first time include a Sustainability Communities Strategy that implements SB 375, a new state law.

In June 2010, SACOG published a memorandum titled "Method for Developing MTP Update Growth Projections" to help our members and stakeholders understand the federal and state rules, and SACOG priorities when developing the land use component of the MTP/SCS. Rather than repeat the examples of market and regulatory/policy issues that we address through this process, I am reattaching the memorandum for your information and reference.

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Citrus Heights
Colfax
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Lincoln
Live Oak
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

Many in the development community who read this memorandum indicated that they better understood how we do our best to take into account all of the relevant market and regulatory/policy considerations that together drive the estimate of the likely future growth pattern for the planning period (2035 in this case). Many developers specifically acknowledged the limitations SACOG had including their project in this plan update, but wanted to work with us to develop a clear process for adding more lands to the plan in future updates. As mentioned above, you told me on August 10, 2010, after reading this memorandum that you could not argue with SACOG's decision not to include Cordova Hills in the three alternatives that were going to be vetted in the public workshop process that fall, but instead would work with us and hope to be included in the next update four years hence. Last week you stated that you would not have told me that had you understood the relevance of that decision to the SCS. Although we have tried to be clear about the integral connection between this MTP update and the SCS (a point that is made throughout the memorandum), I understand that SB 375 is a new law and that we are all climbing a learning curve as we implement it for the first time. For that reason, we have tried to make it very clear in our print materials and in the verbal presentations used in dozens of public focus groups and workshops, as well as at regular briefings with our Board and Committees over the last two years, how integrally connected the MTP and SCS would be.

The 2035 MTP/SCS is based on a growth forecast that projects a need to build approximately 300,000 new housing units in the six-county region by 2035. This forecast is lower than the one underpinning the current MTP by 145,000 housing units. This means that SACOG must find that many units to *subtract from* the projected growth pattern in the currently adopted MTP. This is a unique situation in this particular plan cycle, and it creates a very high bar for new projects to be added in this update that are not in the current MTP. The approximately 300,000 new housing units preliminarily identified to be included in the updated plan are located within developing communities, established communities, and centers and corridors. These communities have a planned capacity for approximately 500,000 units, which is nearly 70% of capacity beyond the projected 300,000 units of construction by 2035.

We consider a wide range of variables in trying to answer, to the best of our ability, the straightforward question: At this time, does it appear that Cordova Hills is more likely to be constructed during the 2035 planning horizon than the 300,000 plus units of housing projected to be built in our current draft—but also should it be preferred over the more than 150,000 housing units of additional capacity in other greenfield projects in various stages of planning around the region that also are not included in our draft plan documents? Many of these 150,000 other housing units not presently in the draft plan are in developments that have been included in locally adopted plans for some time, and some have either no, or relatively minor, outstanding federal permit issues.

Beyond the regional market demand and supply issue, the key questions and concerns specific to Cordova Hills that we have raised many times with you are briefly repeated below.

- **Federal Permits.** Both the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service have jurisdiction on these lands through the Clean Water Act and Endangered Species Act. When asked to characterize the likelihood of securing the necessary federal permits under these two laws, Cordova Hills responded “it’s going to be a war.” While

that was obviously not to be taken literally, it unfortunately accurately foreshadowed the level of concern those two agencies have about this project. It also partially explains why, when the Blueprint map was adopted by the SACOG Board in December 2004, Sacramento County requested that a significant portion of the Cordova Hills site remaining as open or natural space. Moreover, while the County is working hard on the South Sacramento Habitat Conservation Plan (SSHCP), that document is not completed. One of the primary remaining outstanding issues relates to whether, and how, its resource conservation needs can be met for the Cordova Hills property given the current development plan. SACOG is a strong supporter of the SSHCP and we very much hope that it reaches a successful conclusion soon. However, recent conversations with the federal agencies confirm that there are substantial unresolved issues on the Cordova Hills site, especially that portion showing a planned 900,000 square foot commercial center fronting Grant Line Road and located in the heart of what the federal agencies consider to be a valuable vernal pool complex. The timing of the construction of Cordova Hills will remain in considerable doubt until these federal issues are resolved.

- **Commercial Center and Economic Viability.** While many aspects of the current land use plan have evolved and are now focused on building a self-contained and self-sustaining community (i.e., on-site housing substantially targeted at university students, staff, and faculty, and a series of paths to promote walking, biking, and the use of neighborhood electric vehicles for travel within the site), the large commercial center stands out as the exception. Project representatives repeatedly have said that it is sized and located not only to serve the needs of on-site residents, but a larger regional market, and have acknowledged that this will create longer distance car trips to the site. We have repeatedly raised questions about the market feasibility of a 900,000 square foot regional shopping center at that location, citing our studies showing that the region has an over 70-year supply of retail zoning now, including many other projects in the same general area that are also planning large quantities of retail. Cordova Hills consistently has told us that Cordova Hills is not economically viable without a large, regional shopping center. It has further indicated that because a large, regional shopping center on that site must have direct access to Grant Line Road it cannot be relocated to eliminate or reduce the impacts on the natural resources that the federal agencies are concerned about. Consequently, the retail center design and location creates a kind of double-bind for the project's feasibility. Our data lead us to be skeptical that the needed market demand to serve it will materialize. And it seems far from certain at this time that the project will be able to secure the needed federal permits soon, as long as the location and scale of the shopping center remain unchanged. We have suggested that a shopping center downsized to focus just on the needs of the project's residents would have both a smaller footprint and would not need to be located on Grant Line Road, in the middle of the natural resources. Cordova Hills has consistently maintained that those changes would render the project economically unviable. At the moment, it is not clear how the hard trade-offs related to the retail center are going to be successfully resolved to the mutual satisfaction of all the relevant parties.

- **University.** The planned university is a key component of this project, of course. It would be a wonderful asset to the County and region were it to be built. It is one of the few large-scale, new employers that can realistically create a relatively self-contained community, if planned and designed well. Our concerns about the university have nothing to do with its benefits, but rather, again, the current prospects for its construction given the growth forecast during the planning horizon. Finding, financing, and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region. Unfortunately, the planned institution, the University of Sacramento, recently withdrew their involvement in the project. We are aware that you are actively soliciting a replacement institution, but that you have not been able to secure a new commitment yet. Many of the short and multi-modal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all. Cordova Hills indicated in a recent discussion that if Sacramento County approves an entitlement for the project it very likely will attach a condition requiring the construction of the university before other substantial construction can occur. However, the uncertainty over whether a commitment from a 6,000 student, private university will be secured any time soon is another reason for us to conclude that, for this MTP/SCS update cycle, Cordova Hills does not meet the requirements we must follow to project a land use pattern that represents the most likely to be constructed for the region.

Given all of the above, SACOG staff has concluded, and continues to believe, that adding Cordova Hills to the MTP/SCS at this time is not justified, and that it would create risks for the timely adoption of the MTP/SCS and certification of the related EIR. I know you also understand that, since Cordova Hills was not included in the alternatives analysis, adding the project now would add several months, at a minimum, to our adoption process, with new public input, technical analysis, etc. required. It is important to emphasize, however, that most of the considerations listed here relate to practical obstacles that affect the suitability of including Cordova Hills in this plan update cycle. We certainly wish Cordova Hills the best in its worthy endeavor to secure a private university, and that it will be able to resolve the financial, transportation, and natural resources issues associated with the shopping center element of the land plan. Sacramento County appears headed towards adopting a new Growth Management Element to their General Plan, which will provide tighter linkage between projects approved according to their smart growth criteria and future MTPs/SCSs. As you know, we have supported the approach the Board of Supervisors tentatively approved last month—in particular, the important variables related to passenger vehicle greenhouse gas emissions and vehicle miles traveled that are so innovatively and effectively addressed through the smart growth criteria in the County draft plan. However, notwithstanding that support, federal and state law requires that the MTP/SCS be consistent with SACOG's regional forecast and its most reasonable estimate of what is likely to be built. We look forward to continuing our constructive discussions and reconsidering this proposal as it evolves and as our future plan updates include capacity for more years of growth, and presumably higher estimates for needed housing capacity in the region.

With regard to that final point, I want to reemphasize with you a portion of our discussion from last week. First, while I think we understand the general nature your concerns about including Cordova Hills in the MTP/SCS, you know that we do not agree with your conclusions about the

consequences of that determination. SB 375 was intended to create CEQA incentives for projects consistent with the MTP/SCS. We understand that Cordova Hills does not intend to avail itself of those benefits. Under those circumstances, SB 375 expressly states that the SCS does not regulate the use of land, does not supersede the exercise of local land use authority, and does not require a local government's land use policies and regulations, including its general plan, to be consistent with the MTP/SCS. Second, and perhaps most importantly, notwithstanding our strong commitment to facts and science, SACOG recognizes the limitations on our forecasting and modeling—we cannot predict market and regulatory forces with absolute certainty over a 20-year plus period. For this reason, the regular four-year updates of the plan are important. For the same reason, we understand that consistency with the MTP/SCS is not the only question regarding any project. Over the last decade, the region has embraced a Blueprint for growth in the region to 2050. We recognize that there are many projects consistent with that vision that, for a multitude and variety of reasons, will not be included in this MTP/SCS. Again, thank you for your time and we look forward to assisting you in the future.

Sincerely,



Mike McKeever
Chief Executive Officer

cc: Greg Thatch



February 21, 2012

LETTER 18

Main Office

10060 Goethe Road

Sacramento, CA 95827-3553

Tele: (916) 876-6000

Fax: (916) 876-6160

Sacramento Regional Wastewater**Treatment Plant**

8521 Laguna Station Road

Elk Grove, CA 95758-9550

Tele: (916) 875-9000

Fax: (916) 875-9068

Board of Directors**Representing:**

County of Sacramento

County of Yolo

City of Citrus Heights

City of Elk Grove

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City of Rancho Cordova

City of Sacramento

City of West Sacramento

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District EngineerRuben Robles
Director of OperationsPrabhakar Somavarapu
Director of Policy & PlanningKaren Stoyanowski
Director of Internal ServicesJoseph Maestretti
Chief Financial OfficerClaudia Goss
Public Affairs ManagerLauren Hocker
Department of Environmental Review
827 7th Street, Room 220,
Sacramento, California, 95814**Subject: Cordova Hills Draft Environmental Impact Report (CN# 2008-GPB-SDP-ZOB-AHP-00142)**

Dear Ms. Hocker:

Sacramento Regional County Sanitation District (SRCSD) has reviewed the Cordova Hills DEIR and determined that the sections on sewer service within this document contain inaccurate or outdated information. Please revise these sections based on the following comments:

The Cordova Hills area is located outside the SRCSD Service Area. This area will need to be annexed into the SRCSD Service Area through the Sacramento Local Agency Formation Commission (LAFCo) in order to receive sewer service from SRCSD. The annexation process is to be initiated by the project proponent, not SRCSD.

Once annexed, local sewer service for the proposed project area will be provided by Sacramento Area Sewer District (SASD). Conveyance from local trunk sewers to the Sacramento Regional Wastewater Treatment Plant (SRWTP) will be provided by SRCSD through large pipelines called interceptors.

SRCSD is in the process of finalizing an Interceptor Sequencing Study that will aid SRCSD in planning and implementing regional conveyance projects and assists SASD in coordinating collection system facilities.

SRCSD sewer systems are designed using predicted wastewater flows that are dependent on land use information provided by each land use authority. Sewer studies, including points of connection and phasing information will need to be completed to fully assess the impacts of any project that has the potential to increase existing or future flow demands. Please remove any reference in this document regarding previous sewer studies, as they will need to be updated to reflect the most current information within the SASD System Capacity Plan and SRCSD planning documents.

Customers receiving service from SRCSD are responsible for rates and fees outlined within the latest SRCSD ordinances. SRCSD fees for connecting to the sewer system are set up to recover the capital investment of sewer and treatment facilities that serves new customers.

SRCSD is not a land-use authority. Projects identified within SRCSD planning documents are based on growth projections by land-use authorities. Onsite and offsite impacts associated with constructing sanitary sewers facilities to provide service to the subject project must be included in this environmental impact report.

There are incorrect statements regarding the design of the SRWTP within the subject document. The SRWTP provides secondary treatment using an activated sludge process. Incoming wastewater flows through mechanical bar screens through a primary sedimentation process. This allows most of the heavy organic solids to settle to the bottom of the tanks. These solids are later delivered to the digesters. Next, oxygen is added to the wastewater to grow naturally occurring microscopic organisms, which consume the organic particles in the

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REVIEW AND ASSESSMENT

wastewater. These organisms eventually settle on the bottom of the secondary clarifiers. Clean water pours off the top of these clarifiers and is chlorinated, removing any pathogens or other harmful organisms that may still exist. Chlorine disinfection occurs while the wastewater travels through a two mile "outfall" pipeline to the Sacramento River, near the town of Freeport, California. Before entering the river, sulfur dioxide is added to neutralize the chlorine. The design of the SRWTP and collection system was balanced to have SRWTP facilities accommodate some of the wet weather flows while minimizing idle SRWTP facilities during dry weather. The SRWTP was designed to accommodate some wet weather flows while the storage basins and interceptors were designed to accommodate the remaining wet weather flows.

A new NPDES Discharge Permit was issued to Sacramento Regional County Sanitation District (SRCSD) by the Central Valley Regional Water Quality Control Board (Water Board) in December 2010. In adopting the new Discharge Permit, the Water Board required SRCSD to meet significantly more restrictive treatment levels over its current levels. SRCSD believes that many of these new conditions go beyond what is reasonable and necessary to protect the environment, and has appealed the permit decision to the State Water Resources Control Board. A decision on that appeal has not yet occurred. In the meantime, SRCSD is required to begin the necessary activities, studies and projects to meet the new permit conditions. All new treatment facilities must be completed by 2020. There are incorrect statements within the subject document regarding the permitted average dry weather flow (ADWF), permitted wet weather flow and the design capacity of the SRWTP. The SRWTP NPDES Permit adopted in December 2010 lists the permitted capacity as 181 mgd ADWF.

SRCSD currently owns and operates a 5-mgd Water Reclamation (WRF) that has been producing Title 22 tertiary recycled since 2003. The WRF is located within the SRWTP property in Elk Grove. A portion of the recycled water is used by SRCSD at the SRWTP and the rest is wholesaled to the Sacramento County Water Agency (SCWA). SCWA retails the recycled water, primarily for landscape irrigation use, to select customers in the City of Elk Grove.

The Cordova Hills DEIR's identified potential "Non-Potable Water" sources that could be used in its project area to meet non-potable water demands, e.g. landscape irrigation. SRCSD was referenced as a potential source of non-potable water, i.e. recycled water, in *the Non-Potable Water Master Plan for Cordova Hills (March 2011)*. It should be noted that SRCSD currently does not have any planned facilities that could provide recycled water to the proposed Cordova Hills project or its vicinity. Additionally, SRCSD is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

If you have any questions regarding these comments, please contact me at 916-876-9994

Sincerely,



Sarena Moore
SRCSD/SASD
Policy and Planning

Cc: SRCSD Development Services, SASD Development Services, Michael Meyer, Dave Ocnosak, Prabhakar Somavarapu



Mother Lode Chapter

801 K Street, Suite 2700

Sacramento, CA 95814

Tel. (916) 557-1100 ext. 119 Fax: (916) 557-9669

info@mlc.sierraclub.org — www.motherlode.sierraclub.org

Sent Via Email 2/22/12 2:45 p.m.

February 22, 2012

LETTER 19

Delta Sierra Group

Catherine Hack

Sacramento County Environmental Coordinator

Maidu Group

Department of Environmental Review and Assessment

827 7th Street, Room 220

Sacramento, CA 95814

Placer Group

Subject: Comments on the Cordova Hills Draft Environmental Impact Report

Sacramento Group

Dear Ms. Hack,

Shasta Group

Thank you for the opportunity to briefly comment on the DEIR for the Cordova Hills project. As a general comment, this is fundamentally a flawed project, located as it is on the fringe of the region's urban footprint, seven miles from light rail, surrounded by undeveloped land and outside the county's urban services boundary. Its remote location made it ineligible for inclusion in the Draft MTP/SCS; thus the project would hinder efforts of SACOG to achieve its targets under SB 375. The design of the project is inconsistent with efforts to develop the South Sacramento Habitat Conservation Plan since the proposed project would construct a shopping center in an important vernal pool area that federal agencies have indicated is needed for conservation under the SSHCP. In multiple ways the project fundamentally defies ongoing efforts by the region to achieve landscape level habitat conservation and responsible land use and transportation planning.

Sierra Nevada Group

Tahoe Group

Tuolumne Group

Yahi Group

Biological Resources

Yokuts Group

Much of the project's site is a high-value vernal pool area, a significant portion of which will be impacted by the project. An EIS will be required by USEPA, a 404 permit from the ACOE, and a Section 7 consultation with FWS, which must issue a favorable Biological Opinion. The EIS and these federal permits will dictate the final onsite habitat avoidance and offsite mitigation. While CEQA requires the provision of feasible mitigation, the DEIR defers mitigation for impacts to vernal pool wetlands and to listed species to future federal permits, thus denying key information to decision-makers and the public, violating the very essence of CEQA. A combined EIR/EIS would have presented a complete picture of avoidable and unavoidable impacts and complete information regarding how the project would avoid or mitigate for its impacts to biological resources.

Yolano Group

Representing 17,000 members in 24 counties in Northern and Central California

Alpine - Amador - Butte - Calaveras - Colusa - El Dorado - Glenn - Lassen - Modoc - Nevada - Placer - Plumas
Sacramento - San Joaquin - Shasta - Sierra - Siskiyou - Solano - Stanislaus - Sutter - Tehama - Tuolumne - Yolo - Yuba

Air Quality

The Sacramento Metropolitan Air Quality Management District noted in its letter dated June 2, 2011 that Cordova Hills had provided sufficient mitigation to reduce its emissions to meet the air district's guidelines. That determination was based in part on a university being part of the project, with a resulting positive effect on VMT. However, while the DEIR anticipates construction of the university during the initial phase, there appears to be no requirement that housing and commercial development proceed only if there is a commitment of a university to locate on the site and construction has begun.

In fact there are substantial reasons to doubt that the university component of the project will ever be a reality. A letter from SACOG dated October 7, 2011 and attached states, *"Finding, financing and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region."* And the letter goes on to state that, *"Many of the short trips and multimodal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all."*

Given the expressed concerns of SACOG, air quality impacts must be assessed both with and without the university. In order for the project to meet the SMAQMD emissions requirements the project should achieve a 35% reduction in emissions both with and without a university.

For further comments on the DEIR, we incorporate by reference those of the Environmental Council of Sacramento (ECOS), which you have already received. Please keep me on your list of interested parties who will receive notices as the review process for Cordova Hills moves forward.

Sincerely,



Terry Davis | Director
Mother Lode Chapter Sierra Club
(916) 557-1100 ext. 108
terry.davis@sierraclub.org

Attachment: SACOG Letter of October 7, 2011

October 7, 2011

Ron Alvarado
Partner
Conwy LLC
5241 Arnold Avenue
McClellan, CA 95652

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- **Federal Permits.** Both the U.S. Army Corps of Engineers and U.S. Fish and Wildlife Service have jurisdiction on these lands through the Clean Water Act and Endangered Species Act. When asked to characterize the likelihood of securing the necessary federal permits under these two laws, Cordova Hills responded “it’s going to be a war.” While

that was obviously not to be taken literally, it unfortunately accurately foreshadowed the level of concern those two agencies have about this project. It also partially explains why, when the Blueprint map was adopted by the SACOG Board in December 2004, Sacramento County requested that a significant portion of the Cordova Hills site remaining as open or natural space. Moreover, while the County is working hard on the South Sacramento Habitat Conservation Plan (SSHCP), that document is not completed. One of the primary remaining outstanding issues relates to whether, and how, its resource conservation needs can be met for the Cordova Hills property given the current development plan. SACOG is a strong supporter of the SSHCP and we very much hope that it reaches a successful conclusion soon. However, recent conversations with the federal agencies confirm that there are substantial unresolved issues on the Cordova Hills site, especially that portion showing a planned 900,000 square foot commercial center fronting Grant Line Road and located in the heart of what the federal agencies consider to be a valuable vernal pool complex. The timing of the construction of Cordova Hills will remain in considerable doubt until these federal issues are resolved.

- **Commercial Center and Economic Viability.** While many aspects of the current land use plan have evolved and are now focused on building a self-contained and self-sustaining community (i.e., on-site housing substantially targeted at university students, staff, and faculty, and a series of paths to promote walking, biking, and the use of neighborhood electric vehicles for travel within the site), the large commercial center stands out as the exception. Project representatives repeatedly have said that it is sized and located not only to serve the needs of on-site residents, but a larger regional market, and have acknowledged that this will create longer distance car trips to the site. We have repeatedly raised questions about the market feasibility of a 900,000 square foot regional shopping center at that location, citing our studies showing that the region has an over 70-year supply of retail zoning now, including many other projects in the same general area that are also planning large quantities of retail. Cordova Hills consistently has told us that Cordova Hills is not economically viable without a large, regional shopping center. It has further indicated that because a large, regional shopping center on that site must have direct access to Grant Line Road it cannot be relocated to eliminate or reduce the impacts on the natural resources that the federal agencies are concerned about. Consequently, the retail center design and location creates a kind of double-bind for the project's feasibility. Our data lead us to be skeptical that the needed market demand to serve it will materialize. And it seems far from certain at this time that the project will be able to secure the needed federal permits soon, as long as the location and scale of the shopping center remain unchanged. We have suggested that a shopping center downsized to focus just on the needs of the project's residents would have both a smaller footprint and would not need to be located on Grant Line Road, in the middle of the natural resources. Cordova Hills has consistently maintained that those changes would render the project economically unviable. At the moment, it is not clear how the hard trade-offs related to the retail center are going to be successfully resolved to the mutual satisfaction of all the relevant parties.

- **University.** The planned university is a key component of this project, of course. It would be a wonderful asset to the County and region were it to be built. It is one of the few large-scale, new employers that can realistically create a relatively self-contained community, if planned and designed well. Our concerns about the university have nothing to do with its benefits, but rather, again, the current prospects for its construction given the growth forecast during the planning horizon. Finding, financing, and constructing a private 6,000 student institution of higher learning rates very high on the degree of difficulty scale, especially in this economic environment. It has never been done in this region. Unfortunately, the planned institution, the University of Sacramento, recently withdrew their involvement in the project. We are aware that you are actively soliciting a replacement institution, but that you have not been able to secure a new commitment yet. Many of the short and multi-modal trips from the project will turn into longer distance car trips if the university is not constructed early in the project, or at all. Cordova Hills indicated in a recent discussion that if Sacramento County approves an entitlement for the project it very likely will attach a condition requiring the construction of the university before other substantial construction can occur. However, the uncertainty over whether a commitment from a 6,000 student, private university will be secured any time soon is another reason for us to conclude that, for this MTP/SCS update cycle, Cordova Hills does not meet the requirements we must follow to project a land use pattern that represents the most likely to be constructed for the region.

Given all of the above, SACOG staff has concluded, and continues to believe, that adding Cordova Hills to the MTP/SCS at this time is not justified, and that it would create risks for the timely adoption of the MTP/SCS and certification of the related EIR. I know you also understand that, since Cordova Hills was not included in the alternatives analysis, adding the project now would add several months, at a minimum, to our adoption process, with new public input, technical analysis, etc. required. It is important to emphasize, however, that most of the considerations listed here relate to practical obstacles that affect the suitability of including Cordova Hills in this plan update cycle. We certainly wish Cordova Hills the best in its worthy endeavor to secure a private university, and that it will be able to resolve the financial, transportation, and natural resources issues associated with the shopping center element of the land plan. Sacramento County appears headed towards adopting a new Growth Management Element to their General Plan, which will provide tighter linkage between projects approved according to their smart growth criteria and future MTPs/SCSs. As you know, we have supported the approach the Board of Supervisors tentatively approved last month—in particular, the important variables related to passenger vehicle greenhouse gas emissions and vehicle miles traveled that are so innovatively and effectively addressed through the smart growth criteria in the County draft plan. However, notwithstanding that support, federal and state law requires that the MTP/SCS be consistent with SACOG's regional forecast and its most reasonable estimate of what is likely to be built. We look forward to continuing our constructive discussions and reconsidering this proposal as it evolves and as our future plan updates include capacity for more years of growth, and presumably higher estimates for needed housing capacity in the region.

With regard to that final point, I want to reemphasize with you a portion of our discussion from last week. First, while I think we understand the general nature your concerns about including Cordova Hills in the MTP/SCS, you know that we do not agree with your conclusions about the

consequences of that determination. SB 375 was intended to create CEQA incentives for projects consistent with the MTP/SCS. We understand that Cordova Hills does not intend to avail itself of those benefits. Under those circumstances, SB 375 expressly states that the SCS does not regulate the use of land, does not supersede the exercise of local land use authority, and does not require a local government's land use policies and regulations, including its general plan, to be consistent with the MTP/SCS. Second, and perhaps most importantly, notwithstanding our strong commitment to facts and science, SACOG recognizes the limitations on our forecasting and modeling—we cannot predict market and regulatory forces with absolute certainty over a 20-year plus period. For this reason, the regular four-year updates of the plan are important. For the same reason, we understand that consistency with the MTP/SCS is not the only question regarding any project. Over the last decade, the region has embraced a Blueprint for growth in the region to 2050. We recognize that there are many projects consistent with that vision that, for a multitude and variety of reasons, will not be included in this MTP/SCS. Again, thank you for your time and we look forward to assisting you in the future.

Sincerely,



Mike McKeever
Chief Executive Officer

cc: Greg Thatch

February 22, 2012

LETTER 20

Catherine Hack, Environmental Coordinator
Sacramento County Division of Environmental Review
827 7th Street, Room 220
Sacramento, California 95814

RE: Cordova Hills Draft Environmental Impact Report

Dear Ms. Hack:

Thank you for the opportunity to provide comments on the Cordova Hills Draft Environmental Impact Report. These comments are submitted on behalf of the Capital SouthEast Connector Joint Powers Authority (Connector JPA).

The Capital SouthEast Connector (Connector) is a proposed multi-modal transportation project within a 35 - mile service area that spans two Counties (Sacramento and El Dorado) and links the Cities of Elk Grove, Rancho Cordova, Folsom and the community of El Dorado Hills. These communities and the contiguous study area define the Connector corridor. The project is intended to be developed and operated as a local facility (non Caltrans) but to provide a higher degree of mobility, safety, and mode choice than most local area roadways.

The Connector project will link residential areas and employment centers in the Corridor, serve both local and regional travel, and relieve congestion on the heavily congested existing roadways, all while preserving open space and habitat. The Connector Project will also provide new options for bicycle, pedestrian, transit, and automobile mobility throughout the corridor to address the increased travel demand. This project was included in the 2004 voter approved Measure A half cent sales tax renewal expenditure plan.

The Connector corridor extends from the Hood-Franklin Road interchange on I-5 in Sacramento County on the west, through the City of Elk Grove, unincorporated Sacramento County, the City of Rancho Cordova, the southern sphere of influence of the City of Folsom (mostly in Sacramento County), then through El Dorado County, terminating in the east at U.S. Highway 50 (U.S. 50) in the vicinity of Silva Valley Parkway.

In October, 2011, the Connector JPA Board of Directors selected the Grant Line Road alignment as its preferred alignment for the project and certified the Program Environmental Impact Report (PEIR) for that route. That alignment utilizes mostly existing roadway right of ways that include Kammerer Road, Grant Line Road, and White Rock Road. A technical clarification initiated a recirculation in December, 2011, but the PEIR is expected to be recertified in March, 2012 adopting that same alignment.

As part of that PEIR process, the Connector identified preferred access locations to adjacent roadways and land use in the immediate vicinity of the proposed Cordova Hills Special Planning Area (SPA). In this segment of the Connector, the PEIR analyzed an expressway configuration as the preferred functional cross section to provide for the necessary Level of Service and safety needs of the future corridor. This expressway configuration constitutes four through travel lanes in a 200' wide limited access right of way with very restrictive access allowed only at designated locations. Grade separations have been identified as the means to provide for accommodation of future volumes as noted in Table 16-13 of the PEIR, (copy attached) once planned growth and resulting traffic volumes justify.

Recognizing that the proposed access to the Cordova Hills SPA would not be compatible with the desired intersection/interchange spacing of the proposed expressway configuration of the Connector, JPA staff advised both the applicant and the County of Sacramento in writing, dated December, 2009, that an alternative connection for the northern access point to the Cordova Hills SPA should be reconfigured to eliminate its intersection with Grant Line Road. The letter further stated that if the Grant Line Road alignment was chosen as the preferred route for the Connector, the three major access points in the vicinity of the project would be Douglas Road, Crysanthus Road, and University Road under the planned expressway configuration.

Despite this expressed concern, the Connector project was not considered a "foreseeable project" at the time of the release of the Notice of Preparation (NOP) for the Cordova Hills SPA EIR, and the current Sacramento County General Plan designation for this section of Grant Line Road was used in the existing, existing plus project, cumulative, and cumulative plus project traffic analyses. The JPA feels this failure to recognize the Connector is in error in that activity on the PEIR for the Connector was initiated well in advance of the work on the Cordova Hills EIR and that the NOP for the Connector preceded the release of the NOP for Cordova Hills by six months. It is unclear as to the reasons why there was no mention of even the potential for an access conflict as expressed in the Traffic and Circulation chapter of the Cordova Hills EIR, given the aforementioned notice and understanding by the parties involved of the potential for the incompatibility of this access.

Although the aforementioned Cordova Hills DEIR traffic analysis does not acknowledge the proposed Connector expressway configuration, it is recognized in Chapter 18 of that DEIR under Cumulative and Growth Inducing Impacts. Under the Traffic and Circulation section on page 18-12, the issue of incompatibility involving the northern access to the project is clearly outlined both in text and in Tables CU-2 and CU-3. Both of these tables indicate that given the high probability that an expressway configured Connector will ultimately be constructed across the project frontage, both the spacing and operating conditions of the current North Loop Road access will result in unacceptable levels of service to both Connector JPA and County of Sacramento standards.

Presently, discussions between the applicant and JPA staff have resulted in only concept designs that require additional analysis to confirm their legitimacy. Some of these solutions may require the support of not only the applicant but of the land use authority(s) adjacent to the preferred Connector corridor. Additional refinement of these alternative accesses is considered essential before one might be considered applicable.

The Connector JPA strongly believes that a mitigation measure that resolves this conflict and improves operating conditions to acceptable levels for both the County of Sacramento and the Connector JPA be fully investigated and required as a part of the environmental process and the project approvals. Only with this assurance can the Connector project advance forward with the certainty that the Cordova Hills SPA will not compromise its viability as a regional transportation asset.

Sincerely,



Tom Zlotkowski
Executive Director
Capital SouthEast Connector JPA
916-876-9095

TJZ: plk
Attachments

Revised Table 16-13. Assumed Travel Lanes and Access to Connector for Proposed Project

Page 1 of 4

Connector Roadway	Cross Street	Future without Project			Future with Project		
		Lanes - Facility Type	Traffic Signal	Comments on Assumed Access	Lanes - Facility Type	Traffic Signal	Interchange Comments on Assumed Access ¹
White Rock Road	US 50 EB Ramps		1			1	
	Vine/Valley View Pkwy		1			1	
	Sunset						
	Keables Lane			Right in/out			Right in/out
	Monte Verde Dr						
	Post St			Left in/Right out			Left in/Right out
	Latrobe Road	4-T	1		4-T	1	
	Windfield Way		1			1	
	Manchester Drive		1			1	
	Bailey Circle			Right in/out			Right in/out
	Stonebriar/Four Seasons		1			1	
	Carson Crossing		1			1	
	Empire Ranch Road		1				
	Placerville Rd/Payen Rd	4-T	1				1
	RR Crossing			At-Grade Crossing			Right in/out
	Scott Road (E)		1				At-Grade Crossing
	Collector			Right in/out			1
	Oak Avenue Pkwy		1			1	No connection
							Acceptable 2035 LOS as signalized intersection
	Scott Rd (W)		1				Existing access eliminated and realigned with Prairie City Rd Interchange
	Collector			Right in/out			No connection
	Prairie City Rd	6-T	1				1
	OHV Park East Ent			Right in/out (except events)			Connected to realigned Scott Rd (W) with access to Prairie City Rd Interchange
	OHV Park West Ent/Aerojet Rd		1			1	

¹ Other connections will only be allowed along the Proposed Project if the JPA determines that the design would ensure an acceptable LOS and meet performance standards for the Connector.

Revised Table 16-13. Continued

Connector Roadway	Cross Street	Future without Project			Future with Project		
		Lanes - Facility Type	Traffic Signal	Comments on Assumed Access	Lanes - Facility Type	Traffic Signal	Comments on Assumed Access ¹
Grant Line Road	Grant Line Rd	4-T	1	Realign across from either North Douglas access or White Rock Rd	4-E	1	No access between White Rock Rd and Centennial
	Teichert Entrance			Centennial extension post-2035			
	North Douglas Access (future Centennial)		1			1	Future interchange with interim signal
	Douglas Rd		1			1	Potential Right in/out access for residence north of Douglas Rd
	Glory Lane			Access through Cordova Hills or Right in/out			Frontage road to Douglas Road, or other potential design option that ensures an acceptable LOS and meets performance standards for the Connector, as determined by the JPA)
	Cordova Hills		1			1	
	Chrysanthy Blvd		1			1	
	University		1			1	
	Kiefer Blvd		1			1	
	Rancho Cordova Pkwy		1			1	Acceptable 2035 LOS as signalized intersection
	Jackson Rd		1	Rt in/RT out to driveways		1	Frontage road to Michlen Ct for driveway access north of Jackson Rd
	Sunrise Blvd		1			1	Frontage road connecting existing six driveways on SE side to single right in/ out access; access to residence near Sunrise Blvd via frontage road
	Eagles Nest Rd/ Sloughhouse Rd		1			1	Right in/out for residence

Connector Roadway	Cross Street	Future without Project			Future with Project		
		Lanes - Facility Type	Traffic Signal	Comments on Assumed Access	Lanes - Facility Type	Traffic Signal	Interchange
Grant Line Road	Calvine Rd		1	Rt in/RT out to driveways		1	Three field entrances connected via frontage road with one access point; Residence access Calvine Rd via frontage road; North private drive access via frontage road to Sloughhouse Rd
	Farm Road			All driveways and local roads remain open. Median with Right in/out (except signalized intersections)			High Access Roadway: Maintain access to all driveways and local roads with Right in/ out with signals at same locations as Baseline
	Richert Lane						
	Poppy Seed Lane						
	Spanish Grant Rd						
	Public Road						
	Bradley Ranch Rd						
	Beitzel Rd						
	Graybill Lane						
	Oak Pond Lane						
	Sheldon Woods Way						
	Sheldon Rd		1		4-T	1	Reduced Access Roadway: Reduce the number of driveways and local road connections along Grant Line Road and provide access to properties via alternative access
	Mooney Rd						
	Siefker Ct		1				
	Aleilani Lane		1				
	Wilton Road		1				
	Pleasant Grove School Rd			Right in/out			
	De Souza Lane			Realign with Sherman Oaks			
	Sherman Oaks Ct		1	Right in/out for all driveways and local roads			
	Upton Ct						
Menlo Oaks Ct							
Clark Lake Lane							
Bond Road		1			1	Deer Creek Causeway: No access on causeway. Maintain access to all driveways and local roads along Grant Line Road	

Revised Table 16-13. Continued

Connector Roadway	Cross Street	Future without Project			Future with Project			
		Lanes - Facility Type	Traffic Signal	Comments on Assumed Access	Lanes - Facility Type	Traffic Signal	Interchange	Comments on Assumed Access ¹
Grant Line Road	Equestrian Dr	4-T		All driveways and local roads remain open				Cul-de-sac; access to Wrangler Dr.
	Pavich Lane							Right in/out
	Freeman Rd							Right in/out
	Jetmar Way							Realigned to Elk Grove Blvd
	Elk Grove Blvd	1	Left in (no LT out) could be considered at some local roads	1		1	Driveway access via frontage roads to Bradshaw Rd and Elk Grove Blvd	
	Bradshaw Rd	1			1	One access for 2 residents on NW side; frontages roads to Mosher & Bradshaw		
	Mosher Rd	1			1			
	Waterman Road	6-T		Grade separated	6-T			
	UPRR		1				1	Grade separated
	E. Stockton Blvd		1				1	Driveways routed to E. Stockton/Survey
Kammerer Road	SR 99 NB Ramps	6-T	1	3 existing right in/ out access points	6-T	1		
	SR 99 SB Ramps		1				1	Existing right in/ out access points maintained
	W Stockton Blvd		1				1	Existing right in/ out access points maintained
	Lent Ranch Pkwy	6-T	1	3 existing right in/ out access points	6-T	1		
	Lotz Pkwy		1				1	
	Collector		1				1	
	Big Horn Blvd		1				1	Frontage road to Bruceville or Big Horn
	Rau Road	4-T	1	Right in/ out	4-E	1		No access to Kammerer Bypass Option
	Collector 2		1				1	
	Bruceville Rd		1				1	
	Willard Pkwy		1				1	Grade separated
	UPRR	4-T	1	Grade separated	4-E	1		
	Franklin Blvd		1				1	Right in/out
Hood Franklin Rd	1					1		
I-5 NB Ramps		1				1		
Red = Future Roadways		Total	49		Total	34-36	10	Bold = Major Cross-Streets
Source: DKS Associates 2010.		T = Thoroughfare E = Expressway			3 additional signals with Sheldon No Build Option			

**RECORDING REQUESTED BY
AND WHEN RECORDED
MAIL TO:**

**NAME: Department of
Community Development,
Planning and Environmental
Review Division**

COUNTY MAIL CODE: 01-220

**No Fee--For the Benefit of
Sacramento County (Code
6103)**

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

**COUNTY OF SACRAMENTO
DEPARTMENT OF COMMUNITY DEVELOPMENT
PLANNING AND ENVIRONMENTAL REVIEW DIVISION**

MITIGATION MONITORING AND REPORTING PROGRAM

CONTROL NUMBER: PLNP2008-GPB-SDP-ZOB-AHP-00142

NAME: Cordova Hills

LOCATION: The project site is located in the southeastern portion of Sacramento County on approximately 2,669 acres on the eastern side of Grant Line Road, and south of Glory Lane.

ASSESSOR'S PARCEL NUMBER: 073-0040-020 through -026, 073-0040-029, 073-0050-023, and 073-0050-052

OWNER:

Conwy, LLC; Cielo LLC; and Grantline
LLC
Attn: Ron Alvarado

APPLICANT:

Cordova Hills Ownership Group
Attn: Ron Alvarado

PROJECT DESCRIPTION:

1. A **General Plan Amendment** to move the Urban Policy Area (UPA) boundary east to include approximately 2,366.3 acres of the Cordova Hills site.

2. A **General Plan Amendment** to amend the Land Use Diagram from General Agriculture to Low Density Residential, Medium Density Residential, Commercial and Office, Recreation, Natural Preserve, and Public/Quasi Public for approximately 2,366.3 acres.
3. A **General Plan Amendment** to include a new policy in the Land Use Element to address the provision of limited public water service to serve uses potentially allowed by the Cordova Hills Special Planning Area for 251 acres located in proximity to the Kiefer Landfill, and an Amendment to LU-1 to reference this exception.
4. **Amend the General Plan Transportation Plan** to show new thoroughfares, arterials and collectors as shown in the Transportation General Plan Amendment Diagram dated October 17, 2011.
5. **Amend the Bikeway Master Plan to add on- and off-street bikeways** as shown in the Bikeways Master Plan Amendment Diagram dated October 17, 2011.
6. A **Zoning Ordinance Amendment** to adopt the Cordova Hills Special Planning Area (SPA) to incorporate a Master Plan including Design Guidelines and Development Standards. The SPA consists of a total of 2,668.7 acres in three distinct areas:
 - a. Cordova Hills urban areas – 2,119.7 acres
 - b. University/College Campus Center – 246.6 acres
 - c. Buffer lands and floodplain outside the Urban Policy Area – 302.4 acres. The areas will be designated Agriculture, Recreation (sports park), and Avoidance in the SPA.
7. A **Large Lot Tentative Subdivision Map** to create 155 large parcels for the purpose of creating legal parcels corresponding to villages within Cordova Hills SPA and within the approximately 2,668.7-acre SPA.
8. An **Affordable Housing Plan** consisting of on-site construction of affordable units and/or land dedication.
9. A **Development Agreement** by and between the County of Sacramento and the landowners.
10. **Adoption of a Public Facilities Financing Plan** for Cordova Hills that includes a Capital Improvement Program and Financing Plan.
11. A **Street Resolution** to allow certain County streets within the Cordova Hills Land Use Master Plan to be based on less than a 40-foot right-of-way, pursuant to the State Streets and Highways Code Section 906.
12. **Zone 40 Boundary:** Amend Zone 40 boundary to include the 251 +/- acres of the Cordova Hills project which lies outside of the Urban Services Boundary.
13. **Zone 41 Boundary:** Amend Zone 41 boundary to include 251 +/- acres of the Cordova Hills project which lies outside of the Urban Services Boundary.

14. Adoption of the Cordova Hills Water Supply Master Plan Amendment:

Amends the existing Zone 40 Water Supply Master Plan to include provision of water service to Cordova Hills.

TYPE OF ENVIRONMENTAL DOCUMENT:

____ Negative Declaration
☒ Environmental Impact Report
____ Supplemental Environmental Impact Report

____ Prior Negative Declaration
____ Prior Environmental Impact Report

PREPARED BY: Sacramento County Department of Community Development
Planning and Environmental Review Division
827 7th Street, Room 220
Sacramento, CA 95814

PHONE: (916) 874-7914

MITIGATION MONITORING AND REPORTING PROGRAM

ADOPTED BY:

DATE:

ATTEST: _____

SECRETARY/CLERK

**State of California
County of Sacramento**

On _____ before me, _____ (name, title of officer),
personally appeared:

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

DECLARATION OF AGREEMENT

This Mitigation Monitoring and Reporting Program applies to certain real property, a Legal Description of which is attached as Exhibit A. I (We) the undersigned agree that this Mitigation Monitoring and Reporting Program applies to the real property described in Exhibit A. I (We) the undersigned am (are) the legal owner(s) of that property, and agree to comply with the requirements of this Mitigation Monitoring and Reporting Program (Summary and Mitigation Measures attached).

IN WITNESS WHEREOF, this declaration is hereby executed by the undersigned named legal owner(s) of the subject property on this ____ day of _____, 20____.

OWNER(S):

(Print company, corporation, or organization name, if applicable)

(Print name and/or title above)

(Signature above)

ALL PURPOSE ACKNOWLEDGEMENT

<p>State of California County of Sacramento</p> <p>On _____ before me, _____(name, title of officer), personally appeared:</p> <p>_____,</p> <p>who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or entity upon behalf of which the person(s) acted, executed the instrument.</p> <p>I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.</p> <p style="text-align: right;">WITNESS my hand and official seal.</p> <p style="text-align: right;">_____ <i>Signature</i></p>	<p>CAPACITY CLAIMED BY SIGNER</p> <p><input type="checkbox"/> INDIVIDUAL(S) SIGNING FOR ONESELF/THEMSELVES</p> <p><input type="checkbox"/> CORPORATE OFFICER(S) _____ TITLE(S) _____ COMPANY _____</p> <p><input type="checkbox"/> PARTNER(S) _____ PARTNERSHIP _____</p> <p><input type="checkbox"/> ATTORNEY-IN-FACT _____ PRINCIPAL(S) _____</p> <p><input type="checkbox"/> TRUSTEE(S) _____ TRUST _____</p> <p><input type="checkbox"/> OTHER _____ TITLE(S) _____ TITLE(S) _____ ENTITY(IES) REPRESENTED _____ ENTITY(IES) REPRESENTED _____</p>
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IMPLEMENTATION

The project applicant/owner shall create a “Mitigation Monitoring and Reporting Program” section in the Cordova Hills SPA Master Plan, which includes all of the mitigation measures, along with all numbered implementation and verification measures. The following mitigation measures contained within the EIR specified that changes should be made to the policy language of the SPA: AE-1, AQ-1, AQ-2, AQ-3, AQ-4, and CC-1. It is important to ensure that the measures are immediately implemented (i.e. that the changes to the SPA occur) and to provide a mechanism to verify that the actions required by those measures occur (e.g. that appropriate fixtures pursuant to measure AE-1 are installed). To this end, the list below provides the changes which must be made to the SPA prior to recordation of the MMRP, while the Mitigation Measures AE-1, etc which will be incorporated into the Mitigation Monitoring and Reporting Program section of the SPA do not contain the direction to amend the SPA.

The following policies shall be incorporated into the Cordova Hills SPA Master Plan prior to recordation of the MMRP, to the satisfaction of the Environmental Coordinator:

- All lighting applications subject to the 2008 Building Efficiency Standards Section 147 shall use fixtures approved by the International Dark Sky Association.
- All individual development projects shall implement Sacramento Metropolitan Air Quality Management District rules and mitigation pertinent to construction-related ozone precursor emissions, as defined by the most current version of the Sacramento Metropolitan Air Quality Management District Guide to Air Quality Assessment.
- All amendments to the Cordova Hills SPA with the potential to result in a change in ozone precursor emissions shall include an analysis which quantifies, to the extent practicable, the effect of the proposed SPA amendment on ozone precursor emissions. The amendment shall not increase total ozone precursor emissions above what was considered in the AQMP for the entire Cordova Hills project. If the amendment would require a change in the AQMP to meet that requirement, then the proponent of the SPA amendment shall consult with SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the County, in consultation with SMAQMD.
- Buffers shall be established on a project-by-project basis and incorporated during permit or project review to provide for buffer separations between sensitive land uses and sources of air pollution or odor. The California Air Resources Board’s “Air Quality and Land Use Handbook: A Community Health Perspective”, or more current document, shall be utilized when establishing these buffers. Sensitive uses include schools, daycare facilities, congregate care facilities, hospitals, or other places of long-term residency for people (this includes both single- and multiple-family). The buffers shall be applied to the source of air pollution or odor, and shall be established based either on proximity to existing sensitive

uses or proximity to the property boundary of land designated for sensitive uses. Buffers current at the time of the establishment of this SPA indicate that sensitive uses should be:

- A. A least 500 feet from auto body repair services.
 - B. At least 50 feet from existing gasoline dispensing stations with an annual throughput of less than 3.6 million gallons and 300 feet from existing gasoline dispensing stations with an annual throughput at or above 3.6 million gallons.
 - C. At least 300 feet from existing land uses that use methylene chloride or other solvents identified as a TAC, including furniture manufacturing and repair services.
- The western perimeter of the Sports Park and University/College Campus Center (where these are within 2,000 feet of the Kiefer landfill) include a minimum 25-foot-wide landscaping area. This landscaping area shall include a dense mix of trees and shrubs, to screen the uses from the landfill. Acceptable tree species include those expected to reach minimum heights of 40 feet.
 - All amendments to the SPA with the potential to change SPA-wide GHG emissions shall include an analysis which quantifies, to the extent practicable, the effect of the Amendment on SPA-wide greenhouse gas emissions. The Amendment shall not increase SPA-wide greenhouse gas emissions above an average 5.80 metric tons per capita (including emissions from building energy usage and vehicles). If the SPA amendment would require a change in the approved GHG Reduction Plan in order to meet the 5.80 MT CO₂e threshold, then the proponent of the SPA amendment shall consult with the SMAQMD on the revised analysis and shall prepare a revised GHG Reduction Plan for approval by the County, in consultation with SMAQMD.

In addition to the above policies, the requirements of the Air Quality Mitigation Plan dated June 1, 2011 shall also be incorporated into the Cordova Hills SPA, and Appendix NO-1 of the November 2012 FEIR for the Project shall be incorporated as an Appendix of the Cordova Hills SPA. The Environmental Coordinator will review the Cordova Hills SPA Master Plan and ensure that the above language has been appropriately incorporated prior to recordation of the MMRP.

PURPOSE AND PROCEDURES

Pursuant to Section 21081.6 of the Public Resources Code and Chapter 20.02 of the Sacramento County Code, a Mitigation Monitoring and Reporting Program has been established for the project entitled Cordova Hills **(Control Number: PLNP2008-GPB-SDP-ZOB-AHP-00142)**.

PURPOSE

The purpose of this program is to assure diligent and good faith compliance with the Mitigation Measures which have been recommended in the environmental document, and adopted as part of the project or made conditions of project approval, in order to avoid or mitigate potentially significant effects on the environment.

NOTIFICATION AND COMPLIANCE

It shall be the responsibility of the project applicant/owner to provide written notification to the Environmental Coordinator, in a timely manner, of the completion of each Mitigation Measure as identified on the following pages. The Environmental Coordinator will verify that the project is in compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP). Any non-compliance will be reported to the project applicant/owner, and it shall be the project applicant's/owner's responsibility to rectify the situation by bringing the project into compliance and re-notifying the Environmental Coordinator. Any indication that the project is proceeding without good-faith compliance could result in the imposition of administrative, civil and/or criminal penalties upon the project applicant/owner in accordance with Chapter 20.02 of the Sacramento County Code.

PAYMENT

It shall be the responsibility of the project applicant/property owner to reimburse the County for all expenses incurred in the implementation of the Mitigation Monitoring and Reporting Program (MMRP), including any necessary enforcement actions. The applicant/property owner shall pay an initial deposit of **\$15,000.00**. This deposit includes administrative costs of **\$800.00**, which must be paid to the Department of Community Development, Planning and Environmental Review Division **prior to recordation of the MMRP and prior to recordation of any final parcel or subdivision map. The remaining balance will be due prior to review of any plans by the Environmental Coordinator or issuance of any building or grading permits.** Over the course of the project, Department of Community Development, Planning and Environmental Review Division will regularly conduct cost accountings and submit invoices to the applicant/property owner when the County monitoring costs exceed the initial deposit.

RECORDATION

In order to record the adopted Mitigation Monitoring and Reporting Program with the County Recorder as required by Section 20.02.050(b)(2) of the Sacramento County Code, the project applicant/owner shall provide to the Environmental Coordinator a Legal Description for the real property that is the subject of the project.

COMPLETION

Pursuant to Section 20.02.060 of the Sacramento County Code, upon the determination of the Environmental Coordinator that compliance with the terms of the approved Mitigation Monitoring and Reporting Program has been achieved, and that there has been full payment of all fees for the project, the Environmental Coordinator shall record and issue a Program Completion Certificate for the project.

PROPERTY TRANSFER

The requirements of this adopted Program run with the real property that is the subject of the project, as described in Exhibit A. Successive owners, heirs and assigns of this real property are bound to comply with all of the requirements of the adopted Program.

Prior to any lease, sale, transfer or conveyance of any portion of the real property that is the subject of the project, the record owner(s) at the time of the application for the project, or his or her successor's in interest, shall provide a copy of the adopted Program to the prospective lessee, buyer, transferee, or one to whom the conveyance is made.

PENALTIES

Chapter 20.02 of the Sacramento County Code permits civil remedies and criminal penalties to be imposed in the event of non-compliance with an adopted Mitigation Monitoring and Reporting Program. The civil remedies, which are found in Section 20.02.090 of the Sacramento County Code, include injunctive relief, stop work orders, revocation of any special permit granted concurrently with the approval of a Program, and the abatement of any resulting nuisance. The criminal penalties, which are found in Section 20.02.080 of the Sacramento County Code, include a fine not to exceed five hundred dollars or imprisonment in the County jail not to exceed six months, or both.

Plans that are inconsistent with the adopted Mitigation Measures will not be approved.

In the event of an ongoing, serious non-compliance issue, the Environmental Coordinator may call for a "stop work order" on the project or phase.

STANDARD PROVISIONS

Page one of all Project Plans within the Cordova Hills boundaries must include the following statement in a conspicuous location:

“All Plans associated with this project are subject to the conditions of Mitigation Monitoring and Reporting Program 2008-GPB-SDP-ZOB-AHP-00142. For any questions regarding compliance with the MMRP document, contact MMRP staff at (916) 874-7914.”

All Project Plans and any revisions to those Plans shall be in full compliance with the adopted Mitigation Monitoring and Reporting Program (MMRP). The project applicant/owner shall submit one copy of all such Plans and any revisions to the Environmental Coordinator prior to final approval by the Sacramento County Building Permits and Inspection Division (BPID) or Site Improvement and Permit Section (SIPS). If the Environmental Coordinator determines that the Plans are not in full compliance with the adopted MMRP, the Plans shall be returned to the project applicant/owner with a letter specifying the items of non-compliance, and instructing the applicant/owner to revise the Plans, and then resubmit one copy of the revised Plans to the Environmental Coordinator, for determination of compliance, prior to final approval by BPID or SIPS.

Additionally, the project applicant/owner shall notify the Environmental Coordinator **no later than 48 hours** prior to the start of construction and no later than 24 hours after its completion. The applicant/owner shall notify the Environmental Coordinator no later than 48 hours prior to any/all Final Inspection(s) by the County of Sacramento.

☐ MITIGATION MEASURE AE-1: LIGHTING

All lighting applications subject to the 2008 Building Efficiency Standards Section 147 shall use fixtures approved by the International Dark Sky Association.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Submit a list of proposed fixtures along with documentation indicating that they are approved by the International Dark Sky Association to the Planning and Environmental Review Division for approval. Once approved and the fixtures have been purchased, submit receipts or other proofs of purchase to the Planning and Environmental Review Division.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other submitted documentation prior to the start of construction. Approve Project Plans and other documentation that are determined to be in compliance with all required mitigation.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE AG-1: RIGHT-TO-FARM NOTICE

The applicant shall disclose to all prospective buyers of properties within 500 feet of the northern property boundary that they could be subject to inconvenience or discomfort resulting from accepted farming practices as per provisions of the County Right-To-Farm Ordinance and shall include a Note on all final maps disclosing the Right-To-Farm Ordinance.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Submit documentation which demonstrates that notification has been given consistent with this measure.

Verification (Action by the Environmental Coordinator):

1. Review the final maps for consistency with this measure, along with any other submitted documentation, and approve final maps which are compliant.

☐ MITIGATION MEASURE AG-2: CONTINUANCE OF AGRICULTURE

The applicant shall enter into an agreement with an agricultural operator to maintain grazing use, or other more intensive use, on the land which is subject to Williamson Act contract 72-AP-109. Agricultural use shall be maintained until Williamson Act contract expiration. Documentation of this agreement shall be submitted to the Environmental Coordinator prior to approval of the zoning agreement for the Williamson Act contracted property.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. If for any reason the agreement with the agricultural operator is terminated or the operator violates the agreement by failure to maintain agricultural use, the condition shall be remedied within 30 days. If circumstances are such that the applicant finds this timeframe to be infeasible, then the applicant shall submit documentation which demonstrates infeasibility, to the satisfaction of the Environmental Coordinator. The applicant shall concurrently submit documentation which demonstrates a good faith effort to remedy the situation in as short a timeframe as possible.

Verification (Action by the Environmental Coordinator):

1. Review submitted documentation for compliance with the measure, and approve the documentation if deemed sufficient. This measure may be deleted after the Williamson Contract expires (in February 2016).

☐ MITIGATION MEASURE AG-3: AGRICULTURAL LAND REPLACEMENT

Prior to the approval of improvement plans, building permits, or recordation of the final map, whichever occurs first, the applicant shall offset the loss of 8.6 acres of Unique Farmland and 242.4 acres of Grazing Land through 1:1 preservation of farmland within a permanent conservation easement. Preservation land must be in-kind or of similar resource value.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Submit documentation which demonstrates measure compliance to the Environmental Coordinator for review and approval.

Verification (Action by the Environmental Coordinator):

1. Review submitted documentation and, if deemed sufficient, approve project plans/maps which are consistent with the measure.

☐ MITIGATION MEASURE AQ-1: CONSTRUCTION AIR QUALITY

All individual development projects shall implement Sacramento Metropolitan Air Quality Management District rules and mitigation pertinent to construction-related ozone precursor emissions, as defined by the most current version of the Sacramento Metropolitan Air Quality Management District Guide to Air Quality Assessment.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work, and coordinate with SMAQMD, as necessary, to verify compliance.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE AQ-2: OPERATIONAL AIR QUALITY

Comply with the provisions of the Air Quality Mitigation Plan dated June 1, 2011. All amendments to the Cordova Hills SPA with the potential to result in a change in ozone precursor emissions shall include an analysis which quantifies, to the extent practicable, the effect of the proposed SPA amendment on ozone precursor emissions. The amendment shall not increase total ozone precursor emissions above what was considered in the AQMP for the entire Cordova Hills project and shall achieve the original 35% reduction in total overall project emissions. If the amendment would require a change in the AQMP to meet that requirement, then the proponent of the SPA amendment shall consult with SMAQMD on the revised analysis and shall prepare a revised AQMP for approval by the County, in consultation with SMAQMD.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure, including submittal of documentation which may be requested by the Environmental Coordinator in order to demonstrate compliance.
2. Upon submittal of an SPA Amendment application, supply all technical information requested by the Environmental Coordinator in order to determine whether a revised AQMP is required.

Verification (Action by the Environmental Coordinator):

1. Review all project plans for compliance with the Air Quality Management Plan.
2. Review all proposed SPA Amendments for compliance with this measure, and coordinate with SMAQMD on a revised analysis if necessary.
3. Review and approve any revised AQMP, if one is prepared which is deemed satisfactory, and amend Measure AQ-2 to reflect the new AQMP date, as appropriate, as part of the SPA Amendment.

☐ MITIGATION MEASURE AQ-3: BUFFERS FOR SENSITIVE USES

Buffers shall be established on a project-by-project basis and incorporated during permit or project review to provide for buffer separations between sensitive land uses and sources of air pollution or odor. The California Air Resources Board's "Air Quality and Land Use Handbook: A Community Health Perspective", or more current document, shall be utilized when establishing these buffers. Sensitive uses include schools, daycare facilities, congregate care facilities, hospitals, or other places of long-term residency for people (this includes both single- and multiple-family). The buffers shall be applied to the source of air pollution or odor, and shall be established based either on proximity to existing sensitive uses or proximity to the property boundary of land designated for sensitive uses. Buffers current at the time of the establishment of this SPA indicate that sensitive uses should be:

- A. At least 500 feet from auto body repair services.
- B. At least 50 feet from existing gasoline dispensing stations with an annual throughput of less than 3.6 million gallons and 300 feet from existing gasoline dispensing stations with an annual throughput at or above 3.6 million gallons.
- C. At least 300 feet from existing land uses that use methylene chloride or other solvents identified as a TAC, including furniture manufacturing and repair services.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure.
- 2. Incorporate the above measure into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

Verification (Action by the Environmental Coordinator):

- 1. Review submitted improvement plans or other maps to ensure compliance with this measure, and approve all plans determined to be in compliance.

☐ MITIGATION MEASURE AQ-4: LANDSCAPING BUFFER FROM KIEFER

The western perimeter of the Sports Park and University/College Campus Center (where these are within 2,000 feet of the Kiefer landfill) shall include a minimum 25-foot-wide landscaping area. This landscaping area shall include a dense mix of trees and shrubs, to screen the uses from the landfill. Acceptable tree species include those expected to reach minimum heights of 40 feet.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-1: WETLAND COMPENSATION

To compensate for the permanent loss of wetlands, the applicant shall perform one or a combination of the following prior to issuance of building permits, and shall also obtain all applicable permits from the Army Corps of Engineers, the U.S. Fish and Wildlife Service, the Central Valley Regional Water Quality Control Board, and the California Department of Fish and Game:

- A. Where a Section 404 Permit has been issued by the Army Corps of Engineers, or an application has been made to obtain a Section 404 Permit, the Mitigation and Management Plan required by that permit or proposed to satisfy the requirements of the Corps for granting a permit may be submitted for purposes of achieving a no net-loss of wetlands. The required Plan shall be submitted to the Sacramento County Environmental Coordinator, U.S. Army Corps of Engineers, and U.S. Fish and Wildlife Service for approval prior to its implementation.
- B. If regulatory permitting processes result in less than a 1:1 compensation ratio for loss of wetlands, the Project applicant shall demonstrate that the wetlands which went unmitigated/uncompensated as a result of permitting have been mitigated through other means. Acceptable methods include payment into a mitigation bank or protection of off-site wetlands through the establishment of a permanent conservation easement, subject to the approval of the Environmental Coordinator.
- C. The Project applicant may participate in the South Sacramento Habitat Conservation Plan if it is adopted, and if the Project area and activities are covered. The applicant shall prepare Project plans in accordance with that Plan and any and all fees or land dedications shall be completed prior to construction.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Submit documentation which demonstrates compliance with this measure to the Environmental Coordinator.

Verification (Action by the Environmental Coordinator):

1. Review submitted documentation and Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-2: WETLAND PROTECTION

Prior to issuance of building permits, all areas designated within the SPA as Avoided shall be placed within a permanent conservation easement, which shall be reviewed and approved by the Environmental Coordinator. At a minimum, the permanent conservation easements must cover all areas which are required to be preserved as part of the Section 404 and Section 401 wetland permits.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Submit documentation which demonstrates that the easements have been established to the Environmental Coordinator.
3. All Project Plans must show conservation easements if they are located adjacent to the project construction site, along with a Construction Note indicating that all construction activity is prohibited in these areas (including stockpiling, storing equipment/vehicles, driving of vehicles, and other disturbance activities).

Verification (Action by the Environmental Coordinator):

1. Review the submitted documentation and Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-3: RAPTOR SURVEYS

If construction, grading, or Project-related improvements are to occur between March 1 and September 15, a focused survey for tree- or ground-nesting raptors within 500 feet of the construction site (1/2-mile for Swainson's hawk) and for ground-nesting grasshopper sparrow shall be conducted by a qualified biologist within 14 days prior to the start of construction work (including clearing and grubbing). If active nests are found, the California Department of Fish and Game shall be contacted to determine appropriate protective measures. If no active nests are found during the focused survey, no further mitigation will be required.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Submit a nesting survey report, prepared by a qualified biologist, to the Environmental Coordinator for review and approval prior to the start of construction work. In the event that nests are found and consultation with Fish and Game is initiated, submit documentation describing the outcome of the coordination to the Environmental Coordinator prior to the start of construction work. This documentation must include the name(s) of Fish and Game staff members who were contacted and a description of the protective measures or other actions which were scoped and agreed to by the agency.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-4: SWAINSON'S HAWK

Prior to the approval of improvement plans, building permits, or recordation of the final map, whichever occurs first, implement one of the options below to mitigate for the loss of Swainson's hawk foraging habitat on the Project site; based on current Project designs this is 2,267 acres. Based on current designs, this can be reduced to 2,231 acres of mitigation if the applicant establishes a permanent conservation easement over the areas designated Agriculture on the eastern and southeastern sides of the site (these are areas outside of the Urban Services Boundary). Foraging habitat preserved shall consist of grassland or similar habitat open habitat, not cropland, because this mitigation measure also offsets impacts to other species that do not use cropland habitat.

- A. The project proponent shall utilize one or more of the mitigation options (land dedication and/or fee payment) established in Sacramento County's Swainson's Hawk Impact Mitigation Program (Chapter 16.130 of the Sacramento County Code).
- B. The Project proponent shall, to the satisfaction of the California Department of Fish and Game, prepare and implement a Swainson's hawk mitigation plan that will include preservation of Swainson's hawk foraging habitat.
- C. Should the County Board of Supervisors adopt a new Swainson's hawk mitigation policy/program (which may include a mitigation fee payable prior to issuance of building permits) prior to the implementation of one of the measures above, the Project proponent may be subject to that program instead.

If the design of the primary avoided area on the western plateau (currently 382 acres in size) is increased in size in response to Section 404 wetland permitting requirements, the total amount of mitigation land required may be adjusted downward to reflect this increased avoidance, at the discretion of the Environmental Coordinator.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Submit documentation which demonstrates compliance to the Environmental Coordinator.

Verification (Action by the Environmental Coordinator):

1. Review submitted Project Plans and other documentation and consult with Fish and Game as necessary, in order to determine compliance.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-5: BURROWING OWL

Prior to construction activity (including site improvements, and building construction) focused surveys shall be conducted by a qualified biologist for burrowing owls in the construction area and within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities. Surveys shall be conducted in accordance with "Burrowing Owl Survey Protocol and Mitigation Guidelines" published by The California Burrowing Owl Consortium (April 1993). The following shall also apply:

- A. If no occupied burrows are found in the survey area, a letter report documenting survey methods and findings shall be submitted to the County and no further mitigation is necessary.
- B. If an occupied burrow is found the applicant shall contact the Environmental Coordinator and consult with the California Department of Fish (CDFG), prior to construction, to determine if avoidance is possible or if burrow relocation will be required.
- C. If owls are to remain on-site, a minimum of 6.5 acres of foraging habitat for each occupied burrow needs to be permanently preserved according to California Department of Fish and Game guidelines. In addition, no activity shall take place within 160 feet of an active burrow from September 1 to January 31 (wintering season) or 250 feet from February 1 through August 31 (breeding season). Protective fencing shall be placed, at the distances above, around the active burrows and no activity shall occur within the protected buffer areas. Permanent improvements shall be a minimum of 250 feet from an occupied burrow.
- D. Any impact to active owl burrows, relocation of owls, or mitigation for habitat loss shall be done in accordance with the Fish and Game "Staff Report on Burrowing Owl Mitigation" (October 17, 1995) or the version current at the time of construction. Written evidence from Fish and Game staff shall be provided to the Environmental Coordinator attesting to the permission to remove burrows, relocate owls, or mitigate for lost habitat, and shall include a plan to monitor mitigation success.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Submit the required documentation to the Environmental Coordinator for review and approval prior to the start of construction work. In the event that owls are

found and consultation with Fish and Game is initiated, submit documentation describing the outcome of the coordination to the Environmental Coordinator prior to the start of construction work. This documentation must include the name(s) of Fish and Game staff members who were contacted and a description of the protective measures or other actions which were scoped and agreed to by the agency.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-6: TRICOLORED BLACKBIRD

If construction occurs between March 1 and July 31 pre-construction surveys for nesting tricolored blackbirds shall be performed by a qualified biologist. Surveys shall include the construction site and areas of appropriate habitat within 300 feet of the construction site. The survey shall occur no longer than 14 days prior to the start of construction work (including clearing, grubbing or grading). The biologist shall supply a brief written report (including date, time of survey, survey method, name of surveyor and survey results) to the Environmental Coordinator prior to ground disturbing activity. If no tricolored blackbird were found during the pre-construction survey, no further mitigation would be required. If an active tricolored blackbird colony is found on-site or within 300 feet of the construction site the project proponent shall do the following:

- A. Consult with the California Department of Fish and Game to determine if project activity will impact the tricolored blackbird colony(s), and implement appropriate avoidance and impact minimization measures if so directed. Provide the Environmental Coordinator with written evidence of the consultation or a contact name and number from the California Department of Fish and Game.
- B. The applicant may avoid impacts to tricolored blackbird by establishing a 300-foot temporary setback with fencing that prevents any project activity within 300 feet of the colony. A qualified biologist shall verify that setbacks and fencing are adequate and will determine when the colonies are no longer dependent on the nesting habitat (i.e. nestlings have fledged and are no longer using habitat), which will determine when the fencing may be removed. The breeding season typically ends in July.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Submit the required documentation to the Environmental Coordinator for review and approval prior to the start of construction work. In the event that nests are found and consultation with Fish and Game is initiated, submit documentation describing the outcome of the coordination to the Environmental Coordinator prior to the start of construction work. This documentation must include the name(s) of Fish and Game staff members who were contacted and a description of the protective measures or other actions which were scoped and agreed to by the agency.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-7: VERNAL POOL INVERTEBRATES

Presence of California linderiella, midvalley fairy shrimp, vernal pool fairy shrimp and vernal pool tadpole shrimp shall be assumed unless determinate surveys that comply with U.S. Fish and Wildlife protocol conclude that the species are absent. If the protocol surveys are performed and all listed crustacean species are absent, Ricksecker's water scavenger beetle may also be presumed absent, and no further mitigation shall be required for listed vernal pool invertebrates. If species are found, one or a combination of the following shall apply:

- A. *Total Avoidance: Species are present or assumed to be present.* Unless a smaller buffer is approved through formal consultation with the Fish and Wildlife Service, construction fencing shall be installed a minimum of 250 feet from all delineated vernal pool margins. All construction activities are prohibited within this buffer area. For all vernal pools where total avoidance is achieved, no further action is required.
- B. *Compensate for habitat removed.* Obtain all applicable permits from the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, California Department of Fish and Game, and the Central Valley Regional Water Quality Control Board for any proposed modifications to vernal pools and mitigate for habitat loss in accordance with the Biological Opinion and Section 404 permits obtained for the Project. At a minimum, mitigation ratios shall be consistent with County General Plan Policy, which requires no net loss of wetland resources. Any vernal pool loss not mitigated through the permitting process shall be mitigated for by payment into a mitigation bank or protection of off-site wetlands through the establishment of a permanent conservation easement, subject to the approval of the Environmental Coordinator.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Submit the required documentation (including any permits) to the Environmental Coordinator for review and approval. In the event that a smaller buffer is requested, submit documentation which demonstrates that Fish and Wildlife has approved the smaller buffer to the Environmental Coordinator prior to the start of construction work. This documentation must include the name(s) of Fish and Wildlife staff members who were contacted and a description of the protective measures or other actions which were scoped and agreed to by the agency.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-8: WETLAND WATER QUALITY

If construction activities encroach within the 250-foot buffer for vernal pools 358, 363, 370, 426 or 511 the applicant shall prepare a pesticide and pollution prevention plan. The plan shall include measures to reduce pollution run-off, pesticide drift, and other similar potential contaminants, to protect surrounding preserve areas from urban contaminants. Measures shall include the implementation of best management practices (e.g. straw wattles, silt fencing, and soil stabilization) for stormwater control. The plan shall be incorporated in the Operations and Management Plan which is a requirement of the Section 404 permit process.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).
3. Submit all required documentation to the Environmental Coordinator for review and approval prior to construction activities within the 250-foot buffer.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.
3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE BR-9: INVASIVE SPECIES CONTROL

The project applicant shall prepare an invasive species removal and prevention plan. The plan shall provide methods to remove invasive species from preservation areas and to restore the affected wetland features. The plan shall include methods for the prevention of the introduction of new invasive species from landscapes associated with the development. Minimum components of such a plan shall include: mapping of existing invasive plant populations within the avoided areas, with the map being updated a minimum of every five years; a description of acceptable methods for removing invasive species, examples of which include hand removal or biological controls (e.g. natural parasites); and a prohibition on the use of non-native plants within either the avoided areas or the Recreation-2 areas. The plan shall be incorporated in the Operations and Management Plan which is a requirement of the Section 404 permit process.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Submit the required plan to the Environmental Coordinator for review and approval prior to the start of construction work, and submit the updated invasive plant populations map every five years thereafter.

Verification (Action by the Environmental Coordinator):

1. Review the submitted documentation prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Ensure that the documentation is updated as required. If an updated map is due but has not been submitted, do not approve further Project Plans until such time as the update is submitted and approved. This verification action may be superseded should an alternative timeframe or pathway for compliance be approved by the United States Fish and Wildlife Service.

☐ MITIGATION MEASURE CC-1: GREENHOUSE GAS REDUCTION

All amendments to the SPA with the potential to change SPA-wide GHG emissions shall include an analysis which quantifies, to the extent practicable, the effect of the Amendment on SPA-wide greenhouse gas emissions. The Amendment shall not increase SPA-wide greenhouse gas emissions above an average 5.80 metric tons per capita (including emissions from building energy usage and vehicles). If the SPA amendment would require a change in the approved GHG Reduction Plan in order to meet the 5.80 MT CO₂e threshold, then the proponent of the SPA amendment shall consult with the SMAQMD on the revised analysis and shall prepare a revised GHG Reduction Plan for approval by the County, in consultation with SMAQMD.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Prepare a revised GHG analysis, as necessary, which accounts for plan-wide changes in GHG emissions and submit the analysis to the Environmental Coordinator for review and approval. Concurrently, the analysis must also be submitted to SMAQMD for review.
3. If necessary, prepare and submit a revised GHG Reduction Plan to the Environmental Coordinator for review and approval. Concurrently, the analysis must also be submitted to SMAQMD for review.

Verification (Action by the Environmental Coordinator):

1. Review all proposed SPA Amendment applications to determine whether the project has the potential to change SPA-wide greenhouse gas emissions. Examples include projects which would change the average housing density of the plan area and projects which could change the distribution of vehicle trips.
2. Review any revised GHG analysis for adequacy, and consult with SMAQMD on the analysis.
3. Review any revised GHG Reduction Plan, and approve the plan if found to be adequate. Ensure that the revised Plan is incorporated into the Cordova Hills SPA Master Plan, which will replace to any prior Plan.

☐ MITIGATION MEASURE CR-1: CULTURAL RESOURCES PROTECTION

If subsurface deposits believed to be cultural or human in origin are discovered during construction, then all work must halt within a 200-foot radius of the discovery. A qualified professional archaeologist, meeting the Secretary of the Interior's Professional Qualification Standards for prehistoric and historic archaeology, shall be retained at the Applicant's expense to evaluate the significance of the find. If it is determined due to the types of deposits discovered that a Native American monitor is required, the Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites as established by the Native American Heritage Commission shall be followed, and the monitor shall be retained at the Applicant's expense.

Work cannot continue within the 200-foot radius of the discovery site until the archaeologist conducts sufficient research and data collection to make a determination that the resource is either 1) not cultural in origin; or 2) not potentially eligible for listing on the National Register of Historic Places or California Register of Historical Resources.

If a potentially-eligible resource is encountered, then the archaeologist, the Environmental Coordinator, and project proponent shall arrange for either 1) total avoidance of the resource, if possible; or 2) test excavations or total data recovery as mitigation. The determination shall be formally documented in writing and submitted to the Environmental Coordinator as verification that the provisions of CEQA for managing unanticipated discoveries have been met.

In addition, pursuant to Section 5097.97 of the State Public Resources Code and Section 7050.5 of the State Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Include the above measure verbatim as a Construction Note and incorporate it into all Plans and Specifications for the project, and submit one copy to the Environmental Coordinator for review and approval prior to the start of any construction work (including clearing and grubbing).

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans prior to the start of construction. Approve Project Plans that are determined to be in compliance with all required mitigation.
2. Monitor compliance during periodic site inspections of the construction work.

3. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE HM-1: LANDFILL GAS MONITORING

Any structure within the project boundaries (including but not limited to, buildings, subsurface vaults, utilities, or any other areas where potential landfill gas buildup may cause adverse impacts to the public health or safety or the environment) within 1,000 feet of buried waste or proposed buried waste at Kiefer Landfill shall be continuously monitored by the owner/operator of said structure for landfill gas and be designed and constructed to prevent landfill gas accumulation in those structures.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Under the circumstances described by this measure, submit a plan for landfill gas monitoring to the Environmental Coordinator for review and approval. Also submit documentation which verifies that the proposed building design complies with the measure.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans and other documentation that is determined to be in compliance with all required mitigation.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE LU-1: BOY'S RANCH DISCLOSURE

The location and nature of the Sacramento County Boys Ranch facility shall be disclosed to all prospective buyers of estate-residential properties.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Prior to recordation of any small-lot subdivision map within the Estate Residential area (which is the only land use along the easternmost portion of the site where properties are most proximate to the facility), submit the proposed notice to the Environmental Coordinator, along with a description of the means by which the notice will be given.
3. Submit documentation certifying that the appropriate notice was given.

Verification (Action by the Environmental Coordinator):

1. Prior to recordation of any small-lot subdivision map within the Estate Residential area (which is the only land use along the easternmost portion of the site where properties are most proximate to the facility), review the proposed notice and the means of conveying the notice to ensure that it will comply with the measure.

☐ MITIGATION MEASURE LU-2: KIEFER LANDFILL DISCLOSURE

The location and nature of the Kiefer Landfill facility shall be disclosed to all prospective buyers of properties within one mile of the ultimate active landfill boundary. The disclosure notice shall include:

- A. A statement substantially consistent with the following: "The landfill will expand in height and land area over time, and thus the visibility and proximity of the landfill from the property at the time of purchase does not reflect how visible or proximate the landfill will be in the future." This statement shall be supplemented with relevant facts about ultimate landfill design, including the distance of the property to the ultimate planned edge of the landfill waste disposal area to the nearest 100 feet and the ultimate planned height of the landfill (as set forth in the Solid Waste Facilities Permit).
- B. Notification that the landfill operates under a Solid Waste Facilities Permit and is required to control pests, vectors, litter, and odor to the extent practicable, but that it is not possible to eliminate all of these nuisances. For this reason, property owners may experience some of these nuisance conditions.
- C. Notification that the active landfill area is lighted at night.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure.
- 2. Prior to recordation of any subdivision map, submit the proposed notice to the Environmental Coordinator, along with a description of the means by which the notice will be given.
- 3. Submit documentation certifying that the appropriate notice was given.

Verification (Action by the Environmental Coordinator):

- 1. Prior to recordation of any subdivision map, review the proposed notice and the means of conveying the notice to ensure that it will comply with the measure.

☐ MITIGATION MEASURE NO-1: NOISE AFFECTING RESIDENTIAL EXTERIOR

All residential development projects exposed to greater than 65 dB L_{dn} (as identified in Appendix NO-1) at the property line shall be designed and constructed to reduce noise levels to within General Plan Noise Element standards for exterior activity areas.

Potential options for achieving compliance with noise standards include, but are not limited to, noise barriers, increased setbacks, and/or strategic placement of structures. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant shall be submitted to and verified by the Environmental Coordinator prior to the issuance of any building permits for affected sites.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Refer to Appendix NO-1 of the November 2012 FEIR prepared for the Cordova Hills SPA project (Control Number 2008-00142), which has also been included as an Appendix of the SPA, and if applicable, submit an acoustical analysis to the Environmental Coordinator for review and approval. The analysis may use updated noise data or calculation methodologies, subject to the approval of the Environmental Coordinator.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans and other documentation that is determined to be in compliance with all required mitigation.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE NO-2: NOISE AFFECTING RESIDENTIAL INTERIOR

All residential development projects exposed to greater than 70 dB L_{dn} (as identified in Appendix NO-1) at the property line shall be designed and constructed to achieve an interior noise level of 45 dB L_{dn} or less. Potential options for achieving compliance with noise standards include, but are not limited to, noise barriers, increased setbacks, strategic placement of structures and/or enhanced building construction techniques. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant, shall be submitted to and verified by the Environmental Coordinator prior to the issuance of any building permits for the site.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Refer to Appendix NO-1 of the November 2012 FEIR prepared for the Cordova Hills SPA project (Control Number 2008-00142), which has also been included as an Appendix of the SPA, and if applicable, submit an acoustical analysis to the Environmental Coordinator for review and approval. The analysis may use updated noise data or calculation methodologies, subject to the approval of the Environmental Coordinator.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans and other documentation that is determined to be in compliance with all required mitigation.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE NO-3: NOISE AFFECTING NON-RESIDENTIAL

Non-residential development projects such as churches, libraries, meeting halls, and schools exposed to greater than 60 dB L_{dn} , and all non-residential development projects such as transient lodging, hospitals and nursing homes, and office buildings exposed to greater than 65 dB L_{dn} (as identified in Appendix NO-1) at the property line shall demonstrate that interior noise volumes will not exceed General Plan Noise Element standards for non-residential uses exposed to traffic noise. This may be accomplished by providing documentation that the type of use is within acceptable limits based on the location of the identified noise contours and assuming standard exterior-to-interior attenuation of 25 dB. If this cannot be demonstrated, an acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant, shall be submitted to and verified by the Environmental Coordinator prior to the issuance of any building permits for affected sites. Potential options for achieving compliance with noise standards include, but are not limited to, noise barriers, increased setbacks, strategic placement of structures and/or enhanced building construction techniques. The measure does not apply to commercial uses.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Refer to Appendix NO-1 of the November 2012 FEIR prepared for the Cordova Hills SPA project (Control Number 2008-00142), which has also been included as an Appendix of the SPA, and if applicable, submit an acoustical analysis or other documentation to the Environmental Coordinator for review and approval. The analysis may use updated noise data or calculation methodologies, subject to the approval of the Environmental Coordinator.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans and other documentation that is determined to be in compliance with all required mitigation.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE NO-4: NOISE AFFECTING PARKS

All parks exposed to noise volumes in excess of 70 dB (as identified in Appendix NO-1) at the property line shall be designed and constructed to reduce noise levels within park activity areas (benches, play structures, etc) to within General Plan Noise Element standards for parks. Potential options for achieving compliance with noise standards include, but are not limited to, noise barriers, increased setbacks, and/or strategic placement of structures. For barrier and other structural options, an acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant shall be submitted to and verified by the Environmental Coordinator prior to the issuance of any building permits for affected sites.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Refer to Appendix NO-1 of the November 2012 FEIR prepared for the Cordova Hills SPA project (Control Number 2008-00142), which has also been included as an Appendix of the SPA, and if applicable, submit an acoustical analysis or other documentation to the Environmental Coordinator for review and approval. The analysis may use updated noise data or calculation methodologies, subject to the approval of the Environmental Coordinator.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans and other documentation that is determined to be in compliance with all required mitigation.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE NO-5: NOISE ANALYSIS FOR NON-RESIDENTIAL

All non-residential development projects located adjacent to residentially designated properties shall be designed and constructed to ensure that noise levels generated by the uses do not result in General Plan Noise Element standards being exceeded on adjacent properties. An acoustical analysis substantiating the required noise level reduction, prepared by a qualified acoustical consultant shall be submitted to and verified by the Environmental Coordinator prior to the issuance of any building permits for the non-residential projects with the potential to generate substantial noise (e.g. car wash, auto repair, or buildings with heavy-duty truck loading docks) if those uses are adjacent to residentially designated properties. The acoustical analysis shall include, but not be limited to, consideration of potential noise conflicts due to operation of the following items:

- Outdoor playing fields;
- Mechanical building equipment, including HVAC systems;
- Loading docks and associated truck routes;
- Refuse pick up locations; and
- Refuse or recycling compactor units.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure.
2. Submit an acoustical analysis or other documentation to the Environmental Coordinator for review and approval. The analysis may use updated noise data or calculation methodologies, subject to the approval of the Environmental Coordinator.

Verification (Action by the Environmental Coordinator):

1. Review the Project Plans and other documentation prior to the start of construction. Approve Project Plans and other documentation that is determined to be in compliance with all required mitigation.
2. Participate in any Final Inspection(s) as necessary.

☐ MITIGATION MEASURE NO-6: MATHER AIRPORT DISCLOSURE

The following conditions will be required to ensure adequate disclosure of Mather Airport operations:

- A. Notification in the Public Report prepared by the California Department of Real Estate shall be provided disclosing to prospective buyers that the parcel is located within the applicable Airport Planning Policy Area and that aircraft operations can be expected to overfly that area at varying altitudes less than 3,000 feet above ground level.
- B. Avigation Easements prepared by the Sacramento County Counsel's Office shall be executed and recorded with the Sacramento County Recorder on each individual residential parcel contemplated in the development in favor of the County of Sacramento. All Avigation Easements recorded pursuant to this policy shall, once recorded, be copied to the director of Airports and shall acknowledge the property location within the appropriate Airport Planning Policy Area and shall grant the right of flight and obstructed passage of all aircraft into and out of the appropriate airport.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure.
- 2. Prior to recordation of any subdivision map, submit the proposed notice to the Environmental Coordinator.
- 3. Submit documentation certifying that the appropriate notice was given.

Verification (Action by the Environmental Coordinator):

- 1. Prior to recordation of any subdivision map, review the proposed notice to ensure that it will comply with the measure.

☐ MITIGATION MEASURE TR-1: COUNTY INTERSECTIONS

The applicant shall construct or fund, as set forth in the phasing and financing plan approved by the Sacramento County Department of Transportation, the below mitigation measures. The phasing and financing plan shall ensure commencement of construction of traffic improvements prior to degradation of LOS below applicable County standards. This mitigation recognizes that should any of the measures below benefit other projects, a reimbursement agreement and/or a fee credit to the applicant may be considered.

- A. *Bradshaw Road and Jackson Road* – Provide a second westbound through lane.
- B. *Eagles Nest Road and Jackson Road* – Construct a new traffic signal. Provide a left turn lane and a through-right turn shared lane on the northbound and southbound approaches.
- C. *Grant Line Road and Sunrise Boulevard* – Provide a separate southbound right turn lane so the southbound approach has one left turn lane, one through lane and one right turn lane.
- D. *Grant Line Road and White Rock Road* – Modify the intersection and traffic signal to provide dual left turn lanes and two through lanes on the northbound approach; provide two through lanes and a separate right turn lane on the southbound approach; and provide two left turn lanes and a separate right turn lane on the eastbound approach. On the western leg of the intersection, two westbound departure lanes are required.
- E. *School Access and North Loop Road* – Provide dual eastbound left turn lanes. The applicant shall be responsible for a focused access study addressing the internal circulation of the Cordova Hills project to finalize the design of intersection geometries and length of left turn pockets. The scope of work for the analysis shall be submitted to the Sacramento County DOT staff. Upon completion, the analysis shall be submitted to the Sacramento County DOT for approval and recommendations.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

- 1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-2: RANCHO CORDOVA INTERSECTIONS

The applicant shall construct or fund, as set forth in the phasing and financing plan approved by the Sacramento County Department of Transportation, and in consultation with the City of Rancho Cordova, the below mitigation measures. The phasing and financing plan shall ensure commencement of construction of traffic improvements prior to degradation of LOS below the applicable County or City standards. This mitigation recognizes that should any of the measures below benefit other projects, a reimbursement agreement may be considered.

- A. *Zinfandel Drive and White Rock Road* – The applicant shall be responsible for a fair share of this measure. Provide separate dual right turns on the westbound approach so the westbound approach has two left turn lanes, two through lanes and two right turn lanes. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation and may be up to 100% of the cost of the improvements.
- B. *Sunrise Boulevard and White Rock Road* – Provide overlap phasing on the eastbound and westbound approaches.
- C. *Sunrise Boulevard and Douglas Road* – Provide overlap phasing on the westbound approach.
- D. *Sunrise Boulevard and Jackson Road* – Provide an eastbound through lane, and eastbound through-right turn shared lane, and an eastbound left turn lane; a northbound left turn lane and a northbound through-right turn shared lane; two westbound through lanes, a westbound right turn lane, and a westbound left turn lane; a southbound through lane, a southbound left turn lane, and a southbound right turn lane.
- E. *Grant Line Road and Jackson Road* – The applicant shall be responsible for a fair share of this measure. Provide a left turn lane and a through-right shared turn lane on the eastbound and westbound approaches. Provide a separate left turn lane, a through lane and a separate right turn lane on the northbound and southbound approaches. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation and may be up to 100% of the cost of the improvements.
- F. *Grant Line Road and Kiefer Boulevard* – Construct a new traffic signal. Provide a left turn lane, a through lane and a through-right turn shared lane on the northbound and southbound approaches; provide a left turn lane and a through-right turn shared lane on the eastbound and westbound approaches.
- G. *Grant Line Road and Douglas Road* – Construct a new traffic signal. Provide dual left turn lanes and a separate through lane on the northbound, a through lane and a through-right turn shared lane on the southbound approach, and a separate left turn lane and a free-right turn lane on the eastbound approach. Also

an extra southbound departure lane is needed for the eastbound free-right movement. To be consistent with the segment mitigations a second northbound through lane is included.

- H. *Grant Line Road and North Loop Road* – Construct a new traffic signal. Provide two through lanes and a separate right turn lane on the northbound approach, dual left turn lanes and one through on the southbound approach, and one left turn lane and one free-right turn lane on the westbound approach. Also an extra northbound departure lane is needed for the westbound free-right movement. To be consistent with the segment mitigations a second southbound through lane is included.
- I. *Grant Line Road and Chrysanthy Boulevard* – Construct a new traffic signal. Provide a through lane and a separate right turn lane on the northbound approach, dual left turn lanes and a through lane on the southbound approach, and dual left turn lanes and one right turn lane on the westbound approach. To be consistent with the segment mitigations a second northbound and southbound through lane is included. Also provide two westbound through lanes for when Chrysanthy Boulevard is connected through Rancho Cordova.
- J. *Grant Line Road and University Boulevard* – Construct a new traffic signal. Provide a through lane and a separate free-right turn lane on the northbound approach, dual left turn lanes and one through lanes on the southbound approach, and dual left turn lanes and a right turn lane on the westbound approach. Also an extra eastbound departure lane is needed for the northbound free-right movement. To be consistent with the segment mitigations a second northbound and southbound through lane is included.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

- 1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-3: COUNTY ROADWAY

The applicant shall construct or fund, as set forth in the phasing and financing plan approved by the Sacramento County Department of Transportation, the below mitigation measures. The phasing and financing plan shall ensure commencement of construction of traffic improvements prior to degradation of LOS below applicable County standards. This mitigation recognizes that should any of the measures below benefit other projects, a reimbursement agreement and/or a fee credit to the applicant may be considered.

- A. *Prairie City Road from US 50 to White Rock Road* – Increase roadway capacity by upgrading the capacity class for this segment from a rural highway without shoulders to a rural highway with shoulders.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-4: ELK GROVE ROADWAY

The applicant shall construct or fund, as set forth in the phasing and financing plan approved by the Sacramento County Department of Transportation, and in consultation with the City of Elk Grove, the below mitigation measures. The phasing and financing plan shall ensure commencement of construction of traffic improvements prior to degradation of LOS below the applicable County or City standards. This mitigation recognizes that should any of the measures below benefit other projects, a reimbursement agreement may be considered.

- A. *Grant Line Road from Sheldon Road to Calvine Road* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-5: RANCHO CORDOVA ROADWAYS

The applicant shall construct or fund, as set forth in the phasing and financing plan approved by the Sacramento County Department of Transportation, and in consultation with the City of Rancho Cordova, the below mitigation measures. The phasing and financing plan shall ensure commencement of construction of traffic improvements prior to degradation of LOS below the applicable County or City standards. This mitigation recognizes that should any of the measures below benefit other projects, a reimbursement agreement may be considered.

- A. *Grant Line Road from Jackson Road to Kiefer Boulevard* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.
- B. *Grant Line Road from Kiefer Boulevard to University Boulevard* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.
- C. *Grant Line Road from University Boulevard to Chrysanthy Boulevard* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.
- D. *Grant Line Road from Chrysanthy Boulevard to North Loop* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.
- E. *Grant Line Road from North Loop to Douglas Road* – Increase roadway capacity by widening this segment to 6 lanes and upgrading the capacity class to an arterial with moderate access control.
- F. *Grant Line Road from Douglas Road to White Rock Road* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.
- G. *Jackson Road from Sunrise Boulevard to Grant Line Road* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control.
- H. *Douglas Road from Rancho Cordova Parkway to Grant Line Road* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with moderate access control between Americanos Boulevard and Grant Line Road, and by adding two westbound travel lanes to Douglas between Rancho Cordova Parkway to Americanos Boulevard. Construct interim sidewalk improvements (typically a detached asphaltic concrete path) and bicycle lanes.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-6: CALTRANS MAINLINE FACILITIES

The applicant shall be responsible for funding a fair share of the construction costs of the below mitigation measures. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation, in consultation with Caltrans.

- A. *Westbound US 50 from Hazel Avenue to Sunrise Boulevard* – Add an auxiliary lane.
- B. *Eastbound US 50 from Sunrise Boulevard to Hazel Avenue* – Add an auxiliary lane.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

- 1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-7: PEDESTRIAN/BICYCLE FACILITIES

The applicant shall be responsible for a fair share of the below mitigation measures. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation and may be up to 100% of the cost of the improvements.

- A. Construct interim sidewalk improvements (typically a detached asphaltic concrete path) and bicycle lanes along Grant Line Road from Douglas Road to White Rock Road and on Douglas Road from Rancho Cordova Parkway to Grant Line Road, to the satisfaction of the Sacramento County Department of Transportation.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-8: COUNTY INTERSECTIONS (CUMULATIVE)

The applicant shall be responsible for a fair share of the below mitigation measures. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation and may be up to 100% of the cost of the improvements.

- A. *School Access and North Loop Road* – Provide dual eastbound left turn lanes.

Implementation and Notification (Action by Project Applicant):

1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-9: RANCHO CORDOVA INTERSECTIONS
(CUMULATIVE)

The applicant shall be responsible for a fair share of the below mitigation measures. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation, in consultation with the City of Rancho Cordova, and may be up to 100% of the cost of the improvements.

- A. *Sunrise Boulevard and Douglas Road* – Provide overlap phasing on the eastbound and westbound right turns.
- B. *Grant Line Road and Douglas Road* – Provide a third southbound through lane and overlap phasing on the eastbound right turn lane. To be consistent with the segment mitigations a third northbound through lane is included.
- C. *Grant Line Road and North Loop Road* – Provide a westbound free-right turn lane. Also an extra northbound departure lane is needed for the westbound free-right movement.
- D. *Grant Line Road and University Boulevard* – Provide a northbound free-right turn lane. Also an extra eastbound departure lane is needed for the northbound free-right movement.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

- 1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-10: COUNTY ROADWAY (CUMULATIVE)

The applicant shall be responsible for a fair share of the below mitigation measures. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation and may be up to 100% of the cost of the improvements.

- A. *North Loop Road from Street D to Street F* – Increase roadway capacity by widening this segment to 4 lanes and upgrading the capacity class to an arterial with low access control.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

- 1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

☐ MITIGATION MEASURE TR-11: RANCHO CORDOVA ROADWAYS
(CUMULATIVE)

The applicant shall be responsible for a fair share of the below mitigation measures. The fair share shall be calculated to the satisfaction of Sacramento County Department of Transportation, in consultation with the City of Rancho Cordova, and may be up to 100% of the cost of the improvements.

- A. *Grant Line Road from Rancho Cordova Parkway to Kiefer Boulevard* – Increase roadway capacity by widening this segment to a 6 lane arterial with moderate access control.
- B. *Grant Line Road from Kiefer Boulevard to University Boulevard* – Increase roadway capacity by widening this segment to a 6 lane arterial with moderate access control.
- C. *Grant Line Road from North Loop to Douglas Road* – Increase roadway capacity by widening this segment to a 6 lane arterial with moderate access control.
- D. *Grant Line Road from Douglas Road to White Rock Road* – Increase roadway capacity by widening this segment to a 6 lane arterial with moderate access control.

Implementation and Notification (Action by Project Applicant):

- 1. Comply fully with the above measure and the implementing Conditions of Approval which stipulate the timing of the improvements, in coordination with the Sacramento County Department of Transportation.

Verification (Action by the Environmental Coordinator):

- 1. Prior to approval of any Project Plans, coordinate with the Sacramento County Department of Transportation to determine compliance.

ACKNOWLEDGEMENTS

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