

2 COMMENTS AND RESPONSES TO COMMENTS

This section of the Final EIR contains comment letters received during the public review period for the Draft EIR and a summary of verbal comments from a public workshop held during the public review period.

The Final EIR contains comment letters and verbal comments received during the 45-day public review period for the Draft EIR, which concluded on August 14, 2018. In conformance with CEQA Guidelines Section 15088(a), Sacramento LAFCo and the City has prepared written responses to all comments that addressed environmental issues related to the Draft EIR. In addition, this chapter provides responses to verbal comments received at the public workshop. The responses to comments focus on the disposition of significant environmental issues, as specified by Section 15088(c) of the CEQA Guidelines.

2.1 LIST OF COMMENTERS

Table 2-1 identifies a number for each comment letter received, the author of the comment letter, and the date received. Each comment letter is included in its entirety for decision maker consideration before each response.

Table 2-1 Comments Received on the Draft EIR		
Letter #	Commenter	Date Received
Agencies/Tribes		
A1	California Department of Conservation, Division of Oil, Gas, and Geothermal Resources	July 18, 2018
A2	Sacramento County	August 3, 2018
A3	California Department of Transportation (Caltrans) Letter 1	August 6, 2018
A4	Central Valley Regional Water Quality Control Board	August 6, 2018
A5	Cosumnes Community Services District (CCSD)	August 9, 2018
A6	California Department of Transportation (Caltrans) Letter 2	August 10, 2018
A7	Sacramento Metropolitan Air Quality Management District (SMAQMD)	August 13, 2018
A8	United Auburn Indian Community of the Auburn Rancheria	August 13, 2018
A9	Pacific Gas and Electric Company	August 14, 2018
A10	Sacramento Municipal Utility District (SMUD)	August 14, 2018
A-11	California Office of Planning and Research, State Clearinghouse and Planning Unit	August 15, 2018
Organizations		
O1	Sacramento County Farm Bureau	August 14, 2018
Individuals		
I1	LAFCo Workshop Verbal Comments	August 1, 2018
I2	Lynn Wheat	August 7, 2018
I3	Suzanne Pecci	August 12, 2018
I4	Phillips Land Law for Dale and Pat Mahon and Kautz Family	August 14, 2018
I5	Phillips Land Law for Melba Mosher	August 14, 2018
I6	Florence Pierce	July 27, 2018
I7	Mayette Acierto	July 23, 2018

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2.2 COMMENTS AND RESPONSES ON THE DRAFT EIR

The written and verbal comments received on the Draft EIR and the responses to those comments are provided in this section. Each comment letter is reproduced in its entirety. Responses to comments follow the comment letters. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter.

The Final EIR considers comment letters shown in Table 2-1 and provides text changes, where appropriate, shown in strikethrough for deleted text and underlined for corrected and/or clarified text in Chapter 3, “Errata.”

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2.2.1 LETTER A1 – CALIFORNIA DEPARTMENT OF OIL, GAS, AND GEOTHERMAL RESOURCES

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Letter A1



State of California • Natural Resources Agency
Department of Conservation
Division of Oil, Gas, and Geothermal Resources
Northern District – Sacramento
801 K Street • MS 18-05
Sacramento, CA 95814
(916) 322-1110 • FAX (916) 445-3319 • Dogdist6@conservation.ca.gov

Edmund G. Brown Jr., Governor

July 18, 2018

State Clearinghouse
PO Box 3044
Sacramento, CA 95812-3044



CEQA Project: **SCH# 2015102067**
Lead Agency: Sacramento Local Agency Formation Commission
Project Title: Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Environmental Impact Report

The Division of Oil, Gas, and Geothermal Resources (Division) possesses records regarding oil and gas wells drilled and operated in the State of California. (Cal. Public Res. Code, §§ 3215, 3126.) Based on the Division's records and expertise, the Division has undertaken review of the proposed Environmental Assessment for the Proposed Construction and Operation of an Expansion to a Multi-sport park complex southwest of the existing City of Elk Grove boundary, to determine if oil or gas well(s) are in the vicinity of the proposed Project. The Division is a responsible agency. The Division provides the information below to facilitate the Lead agency's exercise of local land use authority regarding use of land where oil and gas wells are situated. In contrast, the Division does not possess local land use decision authority, but alternatively has authority for permitting any necessary work on any well in the State. (Cal. Public Res. Code, §§ 3106 and 3203.)

The Division has conducted a records review but not on-site evaluations of any known gas wells located within the above referenced project boundary. The records review process consists of determining the possible location, last known operator, and abandonment status of any known well on the property by examining records previously submitted to the Division, and then comparing the abandonment status with current abandonment standards.

In general, a well may be considered adequately abandoned when both the record review process and the on-site evaluation process reflect that steps have been taken to isolate all oil-bearing or gas-bearing strata encountered in the well, and to protect underground or surface water suitable for irrigation or farm or domestic purposes from the infiltration or addition of any detrimental substance, and to prevent damage to life, health, property, and other resources. (Cal. Public Res. Code, § 3208.)

Division staff have reviewed the proposed project boundary and no known oil, gas, or geothermal wells were found. If during the course of development of this proposed project any unknown well(s) is discovered, the Division should be notified immediately so that the newly discovered well(s) can be incorporated into the records and investigated. The Division recommends that any wells found in the course of this project and any pertinent information obtained after the issuance of this letter, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) the wells located on the property, and (2) potentially significant issues associated with any improvements near oil, gas, or geothermal wells.

The local permitting agency and property owner should be aware of, and fully understand, that significant and potentially dangerous issues may be associated with development near oil and gas wells. These issues

A1-1

A1-2

CEQA Project SCH #2015102067
 July 18 2018
 Page 2

are non-exhaustively identified in the following comments, and are provided by the Division for consideration by the local permitting agency, in conjunction with the property owner and/or developer, on a parcel-by-parcel or well-by-well basis. As stated above, the Division provides the above well review information solely to facilitate decisions made by the local permitting agency regarding potential development near a gas well.

1. It is recommended that access to a well located on the property be maintained in the event re-abandonment of the well becomes necessary in the future. Impeding access to a well could result in the need to remove any structure or obstacle that prevents or impedes access. This includes, but is not limited to, buildings, housing, fencing, landscaping, trees, pools, patios, sidewalks, and decking.
2. Nothing guarantees that a well abandoned to current standards will not start leaking oil, gas, and/or water in the future. It always remains a possibility that any well may start to leak oil, gas, and/or water after abandonment, no matter how thoroughly the well was plugged and abandoned. The Division acknowledges that wells abandoned to current standards have a lower probability of leaking oil, gas, and/or water in the future, but makes no guarantees as to the adequacy of this well's abandonment or the potential need for future re-abandonment.
3. Based on comments 1 and 2 above, the Division makes the following general recommendations:
 - a. Maintain physical access to this gas well.
 - b. Ensure that the abandonment of gas wells is to current standards.

If the local permitting agency, property owner, and/or developer chooses not to follow recommendation "b" for a well located on the development site property, the Division believes that the importance of following recommendation "a" for the well located on the subject property increases. If recommendation "a" cannot be followed for the well located on the subject property, then the Division advises the local permitting agency, property owner, and/or developer to consider any and all alternatives to proposed construction or development on the site (see comment 4 below).

4. Sections 3208 and 3255(a)(3) of the Public Resources Code give the Division the authority to order the re-abandonment of any well that is hazardous, or that poses a danger to life, health, or natural resources. Responsibility for re-abandonment costs for any well may be affected by the choices made by the local permitting agency, property owner, and/or developer in considering the general recommendations set forth in this letter. (Cal. Public Res. Code, § 3208.1.)
5. Maintaining sufficient access to a gas well may be generally described as maintaining "rig access" to the well. Rig access allows a well servicing rig and associated necessary equipment to reach the well from a public street or access way, solely over the parcel on which the well is located. A well servicing rig, and any necessary equipment, should be able to pass unimpeded along and over the route, and should be able to access the well without disturbing the integrity of surrounding infrastructure.
6. The Division recommends that a local permitting agency consider the use of surface mitigation measures as a condition for project approval, if and when appropriate. Examples of surface mitigation measures include venting systems for wells, venting systems for parking lots, patios, and other hardscape, methane barriers for building foundations, methane detection systems, and collection cellars for well fluids. The Division does not regulate the design, installation, operation, or adequacy of such measures. The Division recommends that such surface mitigation measures

A1-2
 cont.

CEQA Project SCH #2015102067
July 18 2018
Page 3

are designed, installed, and operated by qualified engineers. The permitting of surface mitigation measures falls under the jurisdiction of the local permitting agency.

7. If during the course of development of a parcel any unknown well(s) is discovered, the Division should be notified immediately so that the newly discovered well(s) can be incorporated into the Well Review processes.
8. The Division recommends that any soil containing significant amounts of hydrocarbons to be disposed of in accordance with local, state, and federal laws. Please notify the appropriate authorities if soil containing significant amounts of hydrocarbons is discovered during development.
9. The Division recommends that the information contained in this Well Review Report, and any pertinent information obtained after the issuance of this report, be communicated to the appropriate county recorder for inclusion in the title information of the subject real property. This is to ensure that present and future property owners are aware of (1) any well located on the property, and (2) potentially significant issues associated with any improvements near a gas well.

A1-2
cont.

No well work may be performed on any oil or gas well without written approval from the Division in the form of an appropriate permit. This includes, but is not limited to, mitigating leaking fluids or gas from abandoned wells, modifications to well casings, and/or any other re-abandonment work. (NOTE: the Division regulates the depth of any well below final grade (depth below the surface of the ground). Title 14, Section 1723.5 of the California Code of Regulations states that all well casings shall be cut off at least 5 feet but no more than 10 feet below grade. If any well needs to be lowered or raised (i.e. casing cut down or casing riser added) to meet this grade regulation, a permit from the Division is required before work can start.)

A1-3

To reiterate, the local permitting agency, property owner, and/or developer should be aware of, and fully understand, that the above comments are made by the Division with the intent to encourage full consideration of significant and potentially dangerous issues associated with development near oil or gas wells.

A1-4

Sincerely,

Charlene L Wardlow
Northern District Deputy

CC: Don Lockhart, AICP
Don.Lockhart@SacLAFCo.org

2.2.1.1 RESPONSE TO COMMENT LETTER A1 – CALIFORNIA DEPARTMENT OF OIL, GAS, AND GEOTHERMAL RESOURCES

Comment A1-1: *The commenter states that the Division, as a responsible agency, has conducted a records review of the known gas wells within the SOIA Area and states that no known oil, gas, or geothermal wells were identified. The commenter further states that the Division should be notified immediately if unknown wells are discovered during development.*

LAFCo and the City appreciate the Division conducting a records review for the SOIA Area.

The City will notify the Division if any unknown oil and gas wells are discovered on the SOIA Area during development.

Comment A1-2: *The commenter provides recommendations for potential development near oil and gas wells.*

LAFCo and the City appreciate the Division recommendation regarding potential development near oil and gas wells. The City and/or project applicants for future development phases will implement applicable recommendations provided by the Division should any potential development occur near oil and gas wells that are discovered in the SOIA Area.

Comment A1-3: *The commenter states that no well work may be performed on any oil or gas well without written approval from the Division in the form of an appropriate permit.*

The City and/or project applicants for future development phases will obtain the appropriate permits from the Division should any unknown oil or gas wells be discovered on the SOIA Area.

Comment A1-4: *The commenter emphasizes that the local permitting agency, property owner, and/or developer should be aware of, and fully understands, that the above comments are made by the Division with the intent to encourage full consideration of significant and potentially dangerous issues associated with development near oil or gas wells.*

LAFCo and the City understand the comments provided in the Division's comment letter.

2.2.2 LETTER A2 – SACRAMENTO COUNTY

County Executive
Navdeep S. Gill



County of Sacramento

Letter A2

Board of Supervisors
Phillip R. Serna, District 1
Patrick Kennedy, District 2
Susan Peters, District 3
Sue Frost, District 4
Don Nottoli, District 5

August 3, 2018



Mr. Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

SUBJECT: LAFCo SCH#2015102067 NOTICE OF AVAILABILITY OF DRAFT ENVIRONMENTAL IMPACT REPORT FOR ELK GROVE SPHERE OF INFLUENCE AMENDMENT AND MULTI-SPORT COMPLEX

Mr. Lockhart:

We have received the LAFCo SCH#2015102067 Notice of Availability of Draft Environmental Impact Report Request for Comment – City of Elk Grove Sphere of Influence Amendment and Multi-Sport Complex. Please see the attached comments from the Sacramento County Departments of Transportation, Water Resources and Office of Planning and Environmental Review.

A2-1

Sincerely,

A handwritten signature in blue ink, appearing to read "Jeff King".

Jeff King
CEO Management Analyst

Attachments:

Sacramento County Department of Transportation dated July 5, 2018
Sacramento County Department of Water Resources dated July 27, 2018
Sacramento County Office of Planning and Environmental Review dated August 2, 2018

700 H Street, Suite 7650, Sacramento, California 95814

4145 Branch Center Road, Sacramento, California 95827
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Date: July 24, 2018

To: Jeff King – CEO Management Analyst
Sacramento County

From: Mike Grinstead – Senior Civil Engineer
Sacramento County Water Agency

Subject: SCWA Comments on the Draft EIR for the Elk Grove Sphere of
Influence Amendment and Multi-Sport Park Complex
(SCH#2015102067)



The Sacramento County Water Agency (SCWA) has reviewed the subject document and has the following comments:

1. The Zone 40 Water System Infrastructure Plan (2016) does not address how water supplies are allocated among users. Water supplies are allocated on a first come, first serve basis. A2-2
2. The SOI area is located within SCWA's Zone 40 in the overlap area with the Omochumne-Hartnell Water District. The SOI area is outside of the 2030 study area and is not contemplated for service in the Zone 40 Water Supply Master Plan (2005) or in the Zone 40 Water System Infrastructure Plan Update (2016.) Water demands for the area are not included in the latest Zone 41 Urban Water Management Plan. A2-3
3. SCWA intends to rely upon the water supply portions of the approved Final EIR for the SOI Area as the environmental basis to approve and amend the existing Zone 40 Water Supply Master Plan (2005) so that service can be provided to the area. A2-4
 - a. Section 4.2.14 Utilities of the DEIR states that Table 3.15-3 estimates the water supply demand. Table 3.15-3 is the City of Elk Grove Primay Landfils. Table 3.10-2 is the correct table to reference. A2-5
 - b. Please include an in depth discussion of how the multi-sport complex water supply demand was estimated. A2-6
 - c. Other references to tables in section 4.2.14 should be checked for accuracy. A2-7

"Managing Tomorrow's Water Today"

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- | | | |
|---|--|-------|
| <ul style="list-style-type: none"> d. Table 3.15-4, the calculation of the water demand seems to be in error. "Total demand" should be equal to "Subtotal" + "Water System Losses." | } | A2-8 |
| <ul style="list-style-type: none"> 4. Should SCWA serve the area with water, SCWA will be both the wholesale and retail water agency for the area. A list of potential requirements are listed below, more requirements may be added in the future: <ul style="list-style-type: none"> a. Update or amend the existing Zone 40 Water Supply Master Plan (2005) to include the SOI area. SCWA has been working with the City of Elk Grove on a funding agreement and scope of work for an Amendment to the Zone 40 Water Supply Master Plan (2005.) <ul style="list-style-type: none"> i. This update will likely include: <ul style="list-style-type: none"> 1. Refined water demands for the area. 2. Selection of water supply for the area. 3. Groundwater, surface water, and recycled water supplies will be analyzed. 4. Regional infrastructure requirements and associated costs. b. Update or amend the existing Water System Infrastructure Plan (2016.) <ul style="list-style-type: none"> i. Including details on all calculations and requirements of the amendment to the existing Zone 40 Water Supply Master Plan. c. Addition of demand to the next update of the Zone 41 Urban Water Management Plan. | } | A2-9 |
| <ul style="list-style-type: none"> 5. Should SCWA serve the area, additional infrastructure will be required. This could include a ground water treatment plant and storage facilities, water wells, transmission mains, and distribution mains. Size and numbers of the facilities will be determined by the water demand and listed in the updated Amendment to the existing Zone 40 Water Supply Master Plan (2005.) The new water system will be required to connect to the existing Zone 40 system. | } | A2-10 |
| <ul style="list-style-type: none"> 6. Per Figure 6-4 in the Zone 40 Water System Infrastructure Plan Update (2016) the closest planned infrastructure to the SOI area is a 16 inch transmission main along Grant Line Road. | } | A2-11 |
| <ul style="list-style-type: none"> 7. Should non-potable water be used at the project site, coordination will be required with SCWA to ensure that there are no cross connection or contamination issues between the non-potable and potable water services. | } | A2-12 |
| <ul style="list-style-type: none"> 7. Should non-potable water be used at the project site, coordination will be required with SCWA to ensure that there are no cross connection or contamination issues between the non-potable and potable water services. | } | A2-13 |
| <ul style="list-style-type: none"> 7. Should non-potable water be used at the project site, coordination will be required with SCWA to ensure that there are no cross connection or contamination issues between the non-potable and potable water services. | } | A2-14 |

Cc: electronic file: P:\Shared Folders\Wsplandev\Zone 40\City of Elk Grove\SOI\NOP LAFCO Project 04-15 Elk Grove SOI Ammendment Multi-Sport Complex



County of Sacramento

July 5, 2018



Mr. Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

**SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
(DEIR) FOR THE CITY OF ELK GROVE SPHERE OF INFLUENCE (SOI)
AMENDMENT AND MULTI-SPORT PARK COMPLEX PROJECT (SCH# 2015102067)**

Mr. Lockhart:

We have received a copy of the DEIR listed above, dated June 2018, and we appreciate the opportunity to review. We have the following comments at this time.

General Comments:

I want to reiterate the general comments we initially submitted last time we were asked to review this project.

Future urbanization of the proposed area will affect the many rural roadways adjacent to this urban growth. These roadways have narrow travel lanes with no shoulders and will not support the increases in travel demand and the existing roadway pavement will not support the additional traffic. Sacramento County is in the process of developing a roadway functionality standard for rural roadways such as these that are affected by urbanization. The result is lane widening and shoulder construction on roads that meet certain ADT criteria. We would ask that the City of Elk Grove participate in bringing any affected rural roadways in the vicinity up to this standard when future annexation of this SOI occurs.

A2-15

We would ask the City of Elk Grove to enter into maintenance and operations agreement for the responsibility of the public roadway infrastructure as well as for the shared public roadway facilities adjoining this SOI at the time future annexation occurs.

A2-16

Frontage improvement responsibility for adjoining roadway facilities in this SOI should be 100% the responsibility of the future development projects at the time future annexation occurs. Sacramento County Department of Transportation does not anticipate making any financial contributions towards the widening of shared roadways that will be on the border of the City of Elk Grove limits and the County jurisdiction.

A2-17

We would ask the City of Elk Grove to enter into a cross jurisdictional reciprocal funding agreement with the County of Sacramento to address each other's impacts and mitigation

A2-18

COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE CITY OF ELK GROVE SPHERE OF INFLUENCE (SOI) AMENDMENT AND MULTI-SPORT PARK COMPLEX PROJECT (SCH# 2015102067)

Page 2

measures for development projects when future annexation of the SOI occurs. The County's impacted roadways should be mitigated to acceptable level of service standards and improvements shall be installed according to the County's latest Improvement Standards.

A2-18
(Cont)

DEIR Specific:

The traffic study in Appendix G of the DEIR identifies traffic impacts and approximately 16 mitigation measures in both existing plus project and cumulative plus project scenarios. However, only 5 mitigation measures are listed in the Executive Summary Table ES-1. Those listed were identified in the existing plus project scenario. Why not list all of them? They are all impacts even though the ones not listed are cumulative. Please explain.

A2-19

Should you have any questions, please feel free to contact me at (916) 874-6291.

Sincerely,

Matthew G. Darrow, PE, TE, PTOE.
Senior Transportation Engineer
Department of Transportation

MGD

Cc: Ron Vicari, DOT
Dan Shoeman, DOT
Reza Moghissi, DOT
Dean Blank, DOT
Leighann Moffitt, PER
Susan Goetz, Special Districts
Derek Minnema, Capital Southeast Connector JPA

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Office of Planning and
Environmental Review
Leighann Moffitt, Director



County Executive
Navdeep S. Gill

August 2, 2018

Don Lockhart, AICP
Executive Officer
Sacramento LAFCo
1112 I Street, Suite 100
Sacramento, CA 95814-2836



SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) FOR THE PROPOSED ELK GROVE SPHERE OF INFLUENCE AMENDMENT AND MULTI-SPORT PARK COMPLEX (SCH#2015102067)

Dear Mr. Don Lockhart:

Thank you for the opportunity to review the DEIR for the proposed Elk Grove Sphere of Influence Amendment (SOIA) and Multi-Sport Park Complex (Project). The proposed Project would facilitate future urbanization on the approximately 561-acre project area that is in the unincorporated area of Sacramento County just south of the City of Elk Grove and inside the County's Urban Services Boundary (USB) and Urban Development Area (UDA). Future development within the proposed SOIA Area includes: 171-acre multi-sports complex, 271 acres commercial and industrial uses, and 118 acres mixed uses.

A2-20

The County submitted comments on the Notice of Preparation (NOP) on November 23, 2015. Sacramento County's current interests in the proposed Project relate to the ongoing South Sacramento Habitat Conservation Plan (SSHCP). These comments are not intended to convey opposition to the proposed annexation or the proposed uses.

A2-21

The County Office of Planning and Environmental Review (PER) has reviewed the DEIR for the Project. According to the DEIR, development in the SOIA Area and associated off-site improvement areas are not likely to conflict with the provisions of the SSHCP. PER has the following comments related to this conclusion and would like to see additional discussion in the Final DEIR to address our concerns.

A2-22

As stated in the DEIR (page 3.5-50):

The SOIA Area is located within the Urban Development Area (UDA) and therefore habitat loss within the SOIA Area has been included in the SSHCP planned impact calculation. To offset the planned impacts that would occur within the UDA, the SSHCP Conservation Strategy calls for creation of an integrated preserve system that conserves the natural land covers, certain cropland, and irrigated pasture-grassland in the SSHCP plan area. The preserve system will preserve at least 34,495 acres of existing habitat and reestablish or establish at least 1,787 acres of habitat for a total preserve system of 36,282 acres.

A2-23

While the above statement is true on its face, it is silent on how the integrated preserve system will be created, who is responsible for mitigating for the impacts that would occur within the UDA, and commitments within the SSHCP regarding long-term management and monitoring of the preserve. The primary means of mitigating within the pending SSHCP is through the payment of land cover based mitigation fees, which are detailed in the SSHCP Chapter 12, Economics Analysis and Funding Program. Land can also be offered in-lieu of

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payment of the land cover portion of the fees, along with the payment of other fee components covering management and monitoring, endowment, and other cost factors that are required to be paid to ensure the long-term success of the preserve system.

A2-23
(Cont)

The DEIR goes on to state the following:

*Mitigation Measures 3.5-1 through 3.5-5 are consistent with the avoidance, minimization and mitigation measures for covered species described in the draft SSHCP. Therefore, development in the SOIA Area and associated off-site improvement areas in the future is not likely to conflict with the provisions of the SSHCP, if it is adopted before annexation and development of the SOIA Area. The impact is considered **less than significant**.*

The SSHCP assumes that areas within the UDA will mitigate through participation in the SSHCP. If this does not occur, the interconnected landscape-level preserve system envisioned by the SSHCP could be compromised, as there may not be adequate mitigation funds to purchase easements for the SSHCP preserve system or to fund commitments made in the plan to long-term management and monitoring. Projects within the SSHCP area are required to comply with the Avoidance and Minimization Measures (AMMS) and Biological Goals and Objectives (BGOs) of the SSHCP. The mitigation measures in the DEIR appear to be generally consistent with the AMMs; however, the BGOs of the SSHCP may be compromised if impacts to land covers types/species habitat are not mitigated through participation in the SSHCP. The SSHCP is divided into Preserve Planning Units (PPUs) in order to equate mitigation to the area of impacts in compliance with the BGOs.

A2-24

County staff would like to explore with the City ways to address these concerns. For example, although the City of Elk Grove has chosen to not participate as a Permittee in the SSHCP, and has the option of mitigating separately, the City of Elk Grove and other applicants can also obtain Endangered Species Incidental Take coverage under the SSHCP as a Participating Special Entity if their project is otherwise consistent with the requirements set forth in the SSHCP, as described in Section 10.4 and Section 9.3.1 of the Final SSHCP. Alternatively, the SSHCP could be made whole through mechanisms to ensure equivalent mitigation and long-term management and monitoring activities.

A2-25

In order to support the DEIR conclusion that the project will have a less than significant impact on the environment, the mitigation measures in the DEIR should be revised to address this issue.

A2-26

Thank you for the opportunity to submit these comments. City of Elk Grove staff have expressed their willingness to meet with the County on the SSHCP and we will be scheduling a meeting with them on this matter in the near future.

Sincerely,


Leighann Moffitt, AICP
Planning Director

C:
Jeff King
Marianne Biner

2.2.2.1

RESPONSE TO COMMENT LETTER A2 – SACRAMENTO COUNTY

Comment A2-1: *The commenter states that the County has received the Draft EIR for the proposed SOIA. The commenter states that letters from the County Departments of Transportation and Water Resources, as well as the Office of Planning and Environmental Review have been attached.*

LAFCo and the City appreciate the commenters' review of the Draft EIR. The specific comments provided in the attachments are addressed herein.

Comment A2-2: *The commenter states that the Zone 40 Water System Infrastructure Plan (2016) does not address how water supplies are allocated among users and states water supplies are allocated on a first come, first serve basis.*

LAFCo and the City understand and acknowledge that SCWA's water supply is provided on a first come, first serve basis.

Comment A2-3: *The commenter states that the SOIA Area is located within SCWA's Zone 40 in the overlap area with the Omochumne-Hartnell Water District. The commenter also states that the SOIA Area is outside of the 2030 Study Area and is not contemplated for service in the Zone 40 Water Supply Master Plan (2005) or in the Zone 40 Water System Infrastructure Plan Update (2016) and the commenter further states that water demands for the area are not included in the latest Zone 41 Urban Water Management Plan.*

Section 3.15, "Utilities and Service Systems," of the Draft EIR recognizes the SOIA Area is outside of the 2030 Study Area, is not contemplated for service in the Zone 40 Supply Master Plan (WSMP) or in the Zone 40 Water System Infrastructure Plan (WSIP) Update, and that water demands for the SOIA Area are not included in the latest Zone 41 Urban Water Management Plan. Impact 3.15-1 of Draft EIR states that SCWA's existing and proposed facilities were not planned or designed to serve beyond the existing Elk Grove city limits; but that SCWA would assess service demands and the available capacity in these water system facilities to ensure adequate services if there is proposed annexation and proposed development within the SOIA Area in the future. SCWA intends to amend the existing Zone 40 WSMP based on the analysis provided in the Draft EIR to include new infrastructure required to serve the SOIA Area. SCWA would update or amend the existing Zone 40 WSIP to include details on calculations and infrastructure requirements added to the amended Zone 40 WSMP (see page 3.15-16 of the Draft EIR).

Mitigation Measure 3.15-1 ensures adequate SCWA water supplies and on-site and off-site water systems would be available for the amount of development identified in areas proposed for annexation in the future. Mitigation Measure 3.15-1 states that any annexation would require a Plan for Services to demonstrate that SCWA water supplies are adequate to serve the amount of future development identified in areas proposed for annexation in the future, in addition to existing and planned development under normal, single-dry, and multiple-dry years. The Plan for Services is required to depict the locations and appropriate sizes of all on-site water system facilities to accommodate the amount of development identified for the annexation territory, demonstrate SCWA has annexed the territory into its service area, and

demonstrate adequate SCWA off-site water facilities are available to accommodate the amount of development identified in the annexation territory or that fair-share funding will be provided for the construction of new or expansion and/or improvement of existing off-site water system facilities (pages 3.15-17 and 3.15-18 of the Draft EIR).

Comment A2-4: *The commenter states that SCWA intends to rely on the water supply portions of the approved Final EIR for the SOIA Area as the environmental basis to approve and amend the existing Zone 40 Water Supply Master Plan (2005) so that service can be provided to the area.*

This reliance is consistent with the understanding by LAFCo and the City about how SCWA will use the EIR. Impact 3.15-1 of the Draft EIR acknowledges that SCWA intends to amend the existing Zone 40 WSMP based on the analysis provided in the Draft EIR to include new infrastructure required to serve the SOIA Area.

Comment A2-5: *The commenter states that the reference to Table 3.15-3 in Chapter 4, “Other CEQA,” of the Draft EIR references landfill capacity and not water supply demand. The commenter states that the correct table number is 3.10-2.*

The correct reference to water supply demand is shown in Table 3.15-4 of Section 3.15. The reference to Table 3.15-3 on page 4-25 of the Draft EIR has been corrected. Please see Chapter 3 of this Final EIR, “Errata.” This revision corrects the typographical error in referencing the table number. These edits do not change the analysis or conclusions of the Draft EIR.

As shown on Table 3.15-~~34~~ in Section 3.15, “Utilities and Service Systems,” the estimated water supply demand for future commercial, industrial, and mixed-use development has been conservatively estimated as ~~4,024~~ 861 afy. The total water supply demand for future development within the SOIA Area would be ~~4,199~~ 1,039 afy, with the multi-sport park complex accounting for 178 afy of the total water supply demand.

Comment A2-6: *The commenter request an in depth discussion of how the multi-sport complex water supply demand was estimated.*

The City developed an estimate of water demand for the multi-sport complex by creating detailed assumptions about each of the project components and then assigning water demand factors to each of these components. Assumptions were prepared by the project landscape architect based upon the project description and site plan (Jordan, pers. comm., 2018).

Comment A2-7: *The commenter states that other references to tables in section 4.2.14 should be checked for accuracy.*

Other references to tables in Section 4.2.14 of the Draft EIR have been reviewed for accuracy. There is only one more reference to a table in this subsection, coming in the paragraph after the first table citation. This one should be cited as Table 3.15-2. The reference to Table 3.15-1 on page 4-25 of the Draft EIR has been corrected. Please see Chapter 3 of this

Final EIR, “Errata.” This revision corrects the typographical error in referencing the table number. These edits do not change the analysis or conclusions of the Draft EIR.

As shown in Table 3.15-4~~2~~ in Section 3.15, “Utilities and Service Systems,” SCWA would have surface water and groundwater supplies that exceed demands within Zone 40 from 2020 to 2040 in all water years. SCWA anticipates that at buildout of its service area, and assuming that appropriate water and CVP contract water continue to be available, surface water will account for approximately 70 percent of water supplies during average and wet years and account for approximately 30 percent of water supplies in the driest years, thereby resulting in a long-term average of approximately 60 percent of water demands being met by surface water supplies (SCWA 2017). Therefore, water supply would be available to meet the water supply demands of the SOIA Area, including water supply demand associated with the multi-sport park complex and future development within the SCWA service area. A **significant cumulative impact would not occur**, and the proposed Project **would not result in a cumulatively significant incremental contribution** to impacts related to water supply demand.

Comment A2-8: *The commenter states that in Table 3.15-4, the calculation of the water demand seems to be in error and states that “Total demand” should be equal to “Subtotal”+ “Water System Losses.”*

The following revision has been made to Impact 3.15-1 in Section 3.15 of the Draft EIR. Please see also Chapter 3 of this Final EIR, “Errata.” These revisions clarify the water supply demand of future development in the SOIA Area. There is no substantial increase in the environmental impact compared to that disclosed in the Draft EIR. These revisions do not change the conclusion in Impact 3.15-1 that SCWA has the ability to meet the water supply demands of the SOIA Area. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

SCWA’s Zone 40 water-demand factors were applied to the acreage for each future land use designation that generates water use within the SOIA Area. As shown on Table 3.15-4, the estimated water supply demand for future commercial, industrial, and mixed-use development has been conservatively estimated as ~~741~~ 861 afy. The total water supply demand for future development within the SOIA Area would be ~~1,199~~ 1,039 afy, with the multi-sport park complex accounting for 178 afy of the total water supply demand and the commercial, industrial, and mixed use development within the SOIA Area accounting for ~~741~~ 861 afy of the total water supply demand. As shown in Table 3.15-1, total water usage for agricultural crops on the SOIA Area as a whole is approximately ~~919~~ 1,982 afy. Therefore, water demands under the SOIA would be approximately ~~1,240~~ 943 afy less than the current water demand required for agricultural irrigation.

Table 3.15-4 Projected Water Demands for Future Commercial, Industrial, and Mixed Use Development within the SOIA Area			
Land Use Category	Unit Water Demand Factors (af/ac/yr)	Land Use (acres)	Water Demand (afy)
Commercial	2.02	93	187.86
Industrial	2.02	178	359.56
Mixed Use	2.15	118	253.70
Subtotal	--	389	801.12
Water System Losses (7.5%)	--	--	60.08
Total Demand	--	--	741.04 861.2
Notes: af/ac/yr = acre-feet per acre per year; afy = acre-feet per year. Source: SCWA 2016, adapted by AECOM in 2018			

The SOIA Area is within the Zone 40 service area. As discussed above, the Zone 41 UWMP indicates that water supplies and demands within SCWA Zone 40 would be the same during normal, single-dry, and multiple-dry years; however, the year-to-year mix of surface and groundwater would be adjusted, as necessary, to meet the demands as part of its conjunctive use water supply program. As shown in Table 3.15-42, SCWA would have surface water and groundwater supplies that exceed demands within Zone 40 from 2020 to 2040 in all water years. SCWA anticipates that at buildout of its service area, and assuming that appropriative water and CVP contract water continue to be available, surface water will account for approximately 70 percent of water supplies during average and wet years and account for approximately 30 percent of water supplies in the driest years, thereby resulting in a long-term average of approximately 60 percent of water demands being met by surface water supplies (SCWA 2017). Therefore, water supply would be available to meet the water supply demands of the SOIA Area, including water supply demand associated with the multi-sport park complex.

Comment A2-9: *The commenter provides additional potential requirements for providing the SOIA Area with water, including information required for updating or amending the existing Zone 40 Water Supply Master Plan, and indicates that more requirements may be added in the future.*

Please refer to the Responses to Comments A2-3 and A2-4. In addition, Impact 3.15-1 in Section 3.15 of the Draft EIR states SCWA intends to amend the existing Zone 40 WSMP based on the analysis provided in the EIR to include new infrastructure required to service the SOIA Area.

Comment A2-10: *The commenter states that SCWA will be required to update or amend its existing Water System Infrastructure Plan.*

As stated in Impact 3.15-1 of the Draft EIR, SCWA would update or amend the existing Zone 40 WSIP to include details on calculations and infrastructure requirements added to the amended Zone 40 WSMP.

Comment A2-11: *The commenter states that additional water demand for the SOIA Area will be added to the next update of the Zone 41 Urban Water Management Plan.*

Please see the Response to Comment A2-3.

Comment A2-12: *The commenter states that additional infrastructure would be needed if SCWA were to serve the SOIA Area and indicates that the size and number of facilities would be determined by the water demand and listed in the updated amendment to the existing Zone 40 Water Supply Master Plan.*

The Draft EIR describes SCWA's closest existing water supply infrastructure (pages 3.15-16 and 3.15-17 of the Draft EIR). As stated in Impact 3.15-1, SCWA's existing and proposed facilities were not planned or designed to serve beyond the existing Elk Grove city limits (SCWA 2016). Impact 3.15-1 identifies other planned SCWA water system improvements that may also serve future development, including the Bond Road Water Treatment Plant and storage tanks and additional water conveyance pipelines are proposed along Grant Line Road and Waterman Road (SCWA 2005). These water system improvements were identified in the 2005 Zone 40 WSMP EIR, and the environmental impacts of the construction and operation were analyzed at a programmatic level. SCWA would update or amend the existing Zone 40 WSIP to include details on calculations and infrastructure requirements added to the amended Zone 40 WSMP based on the Project's water demands (SCWA 2017) (page 3.15-17 of the Draft EIR).

As further stated under Impact 3.15-1, SCWA would assess service demands and the available capacity in these water system facilities to ensure adequate services if there is proposed annexation and proposed development within the SOIA Area in the future. SCWA's water supply planning and off-site improvements to their facilities are the responsibility of SCWA. SCWA would conduct project-level CEQA or NEPA analysis, if necessary, to analyze specific impacts and identify any required mitigation measures for construction and operation of new off-site facilities to serve the SOIA Area. Impact 3.15-1 concluded that it is speculative to gauge the extent to which this would create any impact that is distinct from the analysis of direct Project impacts (page 3.15-18 of the Draft EIR).

Please also see the Response to Comment A2-3.

Comment A2-13: *The commenter states that Figure 6-4 in the Zone 40 Water System Infrastructure Plan Update (2016) shows that the closest planned infrastructure to the SOI Area is a 16-inch transmission main along Grant Line Road.*

The following revisions on Page 3.15-4 of the Draft EIR has been provided to clarify that the nearest transmission the main is located along Grant Line Road. Please see Chapter 3 of this Final EIR, "Errata." This change is a clarification to table numbering. These edits do not change the analysis or conclusions of the Draft EIR.

There are several major points of connection to major SCWA infrastructure near the SOIA Area boundaries. SCWA's nearest water transmission mains ~~are~~ is

located along Grant Line Road. Addition transmission mains in the vicinity of the SOIA Area are located along Waterman Road, at the Grant Line Road/SR 99 interchange. The Elk Grove Water Treatment Plant (WTP) and storage tanks are located east of Waterman Road and north of Grant Line Road (SCWA 2016). Other planned SCWA water system improvements shown in the Zone 40 WSIP include the future the Bond Road WTP and storage tanks, planned as Phase 2 facilities, and additional water conveyance pipelines along Grant Line Road and Waterman Road (SCWA 2016).

Comment A2-14: *The commenter states that if non-potable water will be used at the project site, coordination will be required with SCWA to ensure that there are no cross connection or contamination issues between the non-potable and potable water services.*

The City will coordinate with SCWA if any non-potable water demand is proposed for future use within the SOIA Area. The following revisions have been incorporated on pages 3.15-17 and 3.15-18 of the Draft EIR. Mitigation Measure 3.15-1 has been renumbered to account for adding an additional mitigation measure under Impact 3.15-1. Mitigation Measure 3.15-1b has been incorporated into to Section 3.15 of the Draft EIR to indicate that the City would coordinate with SCWA should non-potable water be used at the project site. Please see Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

Mitigation Measure 3.15-1a: Prepare a Plan for Service that Demonstrates Adequate Water Supplies and On-Site and Off-Site Water System Facilities are Available (LAFCo and the City of Elk Grove)

Mitigation Measure 3.15-1b: Coordinate with SCWA for the Use of Non-Potable Water Supplies (City of Elk Grove)

The City of Elk Grove shall coordinate with SCWA should non-potable water supplies be proposed for use at the project site to ensure there are no cross connection or contamination issues between the non-potable and potable water services.

Significance after Mitigation

Implementation of Mitigation Measures 3.15-1a and 3.15-1b would reduce potentially significant impacts associated with increased for water supplies and demand for on-site and off-site water facilities required for future development within the SOIA Area, including the multi-sports park, to a **less-than-significant** level because the City of Elk Grove would demonstrate adequate SCWA water supplies and on-site and off-site water systems would be available for the amount of development identified in the annexation territory. LAFCo would condition future annexation of the SOIA Area on compliance with Mitigation Measure 3.15-1. Mitigation Measure 3.15-1b would ensure the City of Elk Grove

would coordinate with SCWA should non-potable water supplies be proposed for use at the project site.

Comment A2-15: *The commenter discusses future traffic generated by development in the SOIA Area and requests that the City assist in bringing affected rural roadways in the vicinity of the SOIA Area to the County's updated standard, once that standard is defined.*

See the Response to Comment A3-1.

As presented in Section 3.14 of the Draft EIR, "Transportation," the trip distribution of the multi-sports park complex is based on the general population distribution for practice activities and tournaments. Consequently, the use of rural roadways by patrons of the multi-sports park complex is forecast to be negligible, consistent with the development intensity outside of the Urban Service Boundary established in the Sacramento County 2030 General Plan. Since most patrons of the project will live in suburban and urban areas, the most direct routes (i.e., relative to time and distance) to the proposed project will be by non-rural roadways that have been improved to the applicable design standards of the jurisdiction or agency the facility is located in.

General Plan Policy supports implementing roadway improvements to transportation facilities shared with the City of Sacramento, Sacramento County, Capital SouthEast Connector Joint Powers Authority, and Caltrans:

CI-2 – The City shall coordinate and participate with the City of Sacramento, Sacramento County, and Caltrans on roadway improvements that are shared by the jurisdictions in order to improve operations. This may include joint transportation planning efforts, roadway construction and funding.

The City's current draft updated General Plan has the same policy, relabeled as Policy MOB-7-2.¹ This policy demonstrates the City's commitment to contribute to addressing improvement needs in Sacramento County, including improvements to rural roadways. The City will work with the County in development of an annexation agreement for improvements to rural roadways affected by the project, as necessary.

Comment A2-16: *The commenter has asked the City to enter into a maintenance and operations agreement for roadways in the SOIA Area at the time future annexation occurs.*

The City will work with the County in development of an annexation agreement that addresses maintenance and operations for roadways within the Project area.

Comment A2-17: *The commenter suggests that frontage improvements for adjoining roadways should be 100 percent the responsibility of future development projects in the SOIA Area at the time annexation is approved.*

¹ For more detail, please see the City's website:
http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/Departments/Planning/Projects/General%20Plan/GPU/DraftMaterials_201807/GP/06_Mobility.pdf.

Pursuant to City standards and practice, frontage improvements are the responsibility of adjacent future development.

Comment A2-18: *The commenter asks the City to enter into a cross-jurisdictional reciprocal funding agreement with the County of Sacramento to address interjurisdictional traffic impacts and mitigation for future development projects within the SOIA Area when annexation is approved.*

The comment does not relate to the adequacy of the Draft EIR for addressing potentially significant effects associated with the Project. Rather, the commenter has requested funding for improvements in Sacramento County through a reciprocal agreement. The commenter has also requested that improvements in the County be implemented consistent with the County's improvement standards. The following City General Plan Policies address funding of roadway and intersection improvements to implement the City's Transportation Network Diagram, implementing improvements on the state highway system, and development of the Capital SouthEast Connector.²

Policy PF-20 – The City shall require secure financing for all components of the transportation system through the use of special taxes, assessment districts, developer dedications, or other appropriate mechanisms in order to provide for the completion of required major public facilities at their full planned widths or capacities in one phase. For the purposes of the policy, “major” facilities shall include the following:

- Any roadway or a collector size or above, including any roadway shown on the Circulation Plan in this General Plan.
- All wells, water transmission lines, treatment facilities, and storage tanks needed to serve the project.
- All sewer trunk and interceptor lines and treatment plants or treatment plant capacity.

The City shall use its financial capacity to facilitate implementation of this policy if necessary, including, but not limited to:

- Issuing bonds,
- Using City funds directly, with repayment from future development fees
- Fee programs
- Developer financing

² For more detail, please refer to the City's website:
http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/Departments/Planning/Projects/General%20Plan/COEG_GP_Full_2015.pdf.

Policy PF-21 – New development shall fund its fair share portion of its impacts to all public facilities and infrastructure as provided for in state law.

Policy PF-24 – Fee programs and/or other finance mechanism for roadway and related infrastructure shall include sufficient funding for all of the following items:

- Design, engineering, environmental compliance, and construction of roadway lanes, traffic signals, and bridges.
- Right of way acquisition, design, engineering, environmental compliance, and construction costs sufficient to ensure that “zipper street” are not created by non-participating owners.
- Drainage and other facilities related to new roadway construction.
- Installation of landscaped medians and streetscaping where appropriate.
- Installation of sidewalks or other facilities where needed to provide safe passage for pedestrians.

Policy CI-10 – The City shall implement the roadway master plan shown in Figure CI-2. The following policies apply to selected roadways:

- The City shall use the latest version of Caltrans’ “Transportation Concept Report” for I-5 and Hwy 99 to determine the planned width of these freeways.
- “Expanded right-of-way” indicated roadways on which sufficient width is provided for a middle two-way turn lane and/or expanded turn pockets at roadway intersections.
- The City may make improvements to roadways in the Rural Area, when warranted, consistent with the provisions of the Rural Roads Improvement Policy.
- Improvement to Grant Line Road shall consider regional planning activities and projects (e.g., the Capital SouthEast Connector) and should be considered after effects to the Rural Area have been identified. To the extent feasible, these effects shall be addressed as part of facility design.

Policy CI-12 – The City supports efforts to develop the Capital SouthEast Connector, providing a regional connection from Interstate 5 and State Route 99 in Elk Grove to Highway 50.

The City recognizes the adopted conceptual route alignment for the Capital SouthEast Connector, utilizing Kammerer Road and Grant Line Road through the City.

CI-12-Action 1 – The City will work with the Capital SouthEast Connector Joint Powers Authority (JPA) in the delivery of the planned roadway improvements pursuant to the JPA’s Project Design Guidelines provided that the Project Design Guidelines will not be applied to diminish or alter the rights of City-approved project and provided that the Project Design Guidelines are not amended to diminish the City’s land use authority to approve future projects proximate to or its authority to determine access to Capital SouthEast Connector.

CI-15 – Development project shall be required to provide funding or o construct roadway/intersection improvements to implement the City’s Circulation Master Plan. The payment of established traffic impact or similar fees shall be considered to provide compliance with the requirements of this policy with regard to those facilities included in the fee program, provided that the City finds that the fee adequately funds all required roadway and intersection improvements. If payment of established fees is used to provide compliance with this policy, the City may also require the payment of additional fees if necessary to cover the fair share cost of facilities not included in the fee program.

These policies demonstrate the City’s commitment to contribute to the funding of future transportation improvements. Similar to the City’s adoption of the voluntary I-5 Subregional Corridor Fee Program, which offers a mechanism to mitigated impacts to the State Highway System, the City would consider participation reciprocal funding agreement with Sacramento County. The City’s Draft General Plan update has policies addressing the same topics.

Comment A2-19: *The commenter states that the five mitigation measures listed in the Executive Summary Table ES-1 were identified in the existing plus project scenario but the 16 mitigation measures in both existing plus project and cumulative plus project scenarios were not included in Table ES-1.*

The mitigation measures shown in Section 4.13, “Transportation and Traffic,” in Chapter 4, “Other CEQA,” of the Draft EIR were inadvertently omitted in Table ES-1 in the “Executive Summary” of the Draft EIR. Table ES-1 has been revised to include the mitigation measures shown in Section 4.13 in Chapter 4, of the Draft EIR. Please see Chapter 3 of this Final EIR, “Errata.” These revisions update Table ES-1 to include the existing mitigation measures presented in Section 4.13. These edits do not change the analysis or conclusions of the Draft EIR.

Comment A2-20: *The commenter thanks LAFCo for the opportunity to review the Draft EIR and the commenter summarizes the project’s proposed land uses.*

LAFCo and the City appreciate the commenter’s review of the Draft EIR.

Comment A2-21: *The commenter notes that the County’s interest in the proposed SOIA Area is related to the ongoing (now adopted) South Sacramento Habitat Conservation Plan (SSHCP) and that the County is not opposed to annexation in the area or proposed uses.*

LAFCo and the City appreciate that clarification.

Comment A2-22: *The commenter notes that development in the SOIA Area and off-site improvement areas is not likely to conflict with the SSHCP.*

LAFCo and the City appreciate the County's review through this lens and sharing this finding.

Comment A2-23: *The commenter notes that page 3.5-50 of the DEIR describes how the SSCHP calls for an integrated preserve system, but is silent on how the integrated preserve system will be created, who is responsible for mitigating impacts in the Urban Development Area (UDA) and commitments for preserve management and monitoring in the preserve. The commenter also notes that mitigation in the SSHCP can be achieved by payment of land cover based mitigation fees described in the SSHCP, and land can also be offered in lieu of payment of the land cover portion of the fees, along with other required payments.*

LAFCo and the City of Elk Grove agree that additional detail should be added to the Draft EIR to provide the reader with a better understanding of how the SSCHP's preserve system will be created and managed. Information from the SSHCP has been added to page 3.5-29 of the Draft EIR to describe how the integrated preserve system will be created, who is responsible for mitigating impacts, and commitments for preserve management and monitoring in the preserve. This additional language is provided as background information and does not change the analysis or conclusions of the Draft EIR.

The SSHCP Conservation Strategy will result in an interconnected Preserve System totaling 36,282 acres. All SSHCP Preserves will be preserved in perpetuity and would be acquired either as fee title or as conservation easements, although most of the Preserve System will be acquired using conservation easements. Plan Permittees are responsible for ensuring compliance with all elements of the Plan and with completion of a SSHCP permit application package.

The emphasis of the ~~draft~~ SSHCP is to secure large, interconnected blocks of habitat that focus on protecting intact subwatersheds, while minimizing edge effects and maximizing heterogeneity. Habitat losses within the USB would be offset primarily through the establishment of large preserves outside the USB, but core and satellite preserves may be established within the USB. As currently conceived, land developers that convert habitat within the USB would pay a defined per-acre fee to mitigate impacts. These fees would be used to protect, restore, maintain, and monitor habitat.

A new Joint Powers Authority called the South Sacramento Conservation Agency (SSCA) will be created to implement the SSHCP. The SSCA is responsible for ensuring compliance with the terms of the Plan, the Implementing Agreement, and the Permits. The SSCA will be governed by a Governing Board of elected officials from the County, Rancho Cordova, and Galt. An Implementing Commission consisting of a single representative from each of the Land Use Authority Permittees

and Plan Partner Permittees will be formed to implement duties that the SSCA Board sees fit to assign to it. The Implementing Entity will be advised by representatives of USFWS and CDFW and a technical advisory committee. Plan Permittees are responsible for ensuring compliance with all elements of the Plan and with completion of a SSHCP permit application package.

The SSHCP Preserve System Monitoring and Management Program will integrate monitoring and adaptive management into one cohesive program where monitoring will inform and change management actions to continually improve outcomes for Covered Species and natural land cover types. The SSHCP describes two frameworks for monitoring and management: the SSHCP Compliance and Avoidance and Minimization Measure Monitoring Program Framework, which will monitor compliance with Plan requirements, the Implementing Agreement, and the permits, and the SSHCP Preserve System Monitoring and Management Program, which will monitor the effectiveness of the Plan in protecting Covered Species, natural communities, and ecosystem processes and to evaluate the effects of preserve management actions.

The process for developing the ~~draft~~ SSHCP was initiated in 1992, predating the 2000 incorporation of the City of Elk Grove. A public review draft of the SSHCP and Implementing Agreement, accompanying joint draft Environmental Impact Statement/draft EIR, and draft Aquatic Resources Program, was released on June 2, 2017, opening a 90-day public comment period that ended September 5, 2017. Public hearings will be held on proposed adoption of the final SSHCP, final EIS/EIR, final Aquatic Resources Program, and final Implementing Agreement in fall and winter of 2017–2018. On September 11, 2018, the Sacramento County Board of Supervisors voted to adopt the SSCHP and related Aquatic Resources Program, and to certify the EIS/EIR. ~~and an Incidental Take Permit is expected to be issued in Spring 2018 (County of Sacramento et al. 2017a).~~

In addition, please note that page 3.5-29 of the Draft EIR also provides information on how habitat losses are mitigated and that land developers that convert habitat would pay a defined per-acre fee to mitigate impacts and protect, restore, maintain, and monitor habitat in the mitigation lands.

Comment A2-24: *The commenter reiterates the statement on page 3.5-50 of the DEIR that Mitigation Measures 3.5-1 through 3.5-5 are consistent with the avoidance, minimization, and mitigation measures for covered species described in the SSHCP, and therefore development in the SOIA Area is not likely to conflict with the SSHCP. The commenter notes that the SSHCP assumes that mitigation will occur through participation in the SSHCP, and that if this does not occur the interconnected landscape-level preserve system envisioned by the SSHCP could be compromised, as there may not be adequate mitigation funds to purchase easements for the SSHCP preserve system or to fund commitments made in the plan to long-term management and monitoring. The commenter also states that the Biological Goals and Objectives of the SSHCP may be compromised if impacts to land cover types/species habitat are not mitigated*

through participation in the SSHCP. The SSHCP is divided into Preserve Planning Units (PPUs) in order to equate mitigation to the area of impacts in compliance with the BGOs.

LAFCo and the City of Elk Grove agree that the SSCHP assumes that mitigation for impacts in the UDA will be mitigated through participation in the SSHCP. However, mitigation for impacts resulting from development in the Project area would still be required to mitigate for those impacts. As discussed in the response to Comment A2-25, language has been added to the Draft EIR to encourage the City of Elk Grove to work the County of Sacramento to develop an approach to mitigation that integrates with interconnected landscape-level preserve system envisioned in the SSCHP. Future project applicants who propose development in the SOIA would be required to provide funding on a fee per-acre basis to mitigate impacts. These fees would be used to protect, restore, maintain, and monitor habitat.

Regarding the need to place mitigation lands in the same PPU that the impact occurs, the SSCHP recognizes the uncertainty and challenges of securing mitigation lands within the PPUs, as specified in the Biological Goals and Measurable Objectives. To address those challenges and to facilitate successful development of the Preserve System, the SSHCP allows some flexibility in acquiring mitigation lands, while still maintaining appropriate limits on the amount of acreage that could be shifted between PPUs (see page 7-88 of the SSHCP). Some shifting of Preserve acreages across PPUs that are located outside of the UDA and shifting of Preserve acres outside of the UDA to areas within the UDA are allowable. Ideally, impacts associated with development in the SOIA Area would be mitigated in PPU6, consistent with the Preserve System approach described in the SSCHP, but mitigation in another PPU is allowed under the SSCHP.

Comment A2-25: *The commenter notes that they would like to explore ways for the County of Sacramento and City staff to work together to address the concerns described in Comment A2-24. The commenter provides suggestions that the City of Elk Grove and other applicants could also obtain Endangered Species Incidental Take coverage under the SSHCP as a Participating Special Entity if their project is otherwise consistent with the requirements set forth in the SSHCP, as described in Section 10.4 and Section 9.3.1 of the Final SSHCP. The commenter also suggests that the SSHCP could be made whole through mechanisms to ensure equivalent mitigation and long-term management and monitoring activities. The commenter states that in order to support the DEIR conclusion that the project will have a less than significant impact on the environment, the mitigation measures in the DEIR should be revised to address this issue.*

LAFCo and the City appreciate the suggestion the County and City explore ways to work together to find solutions for mitigating impacts, and agrees with the observation that public agencies that are not currently SSHCP plan partners could use the SSHCP for take coverage as a Participating Special Entity. The City does not anticipate needing take coverage for species, such as Swainson's hawk, and instead has proposed avoidance and minimization measures to prevent the occurrence of take, and mitigation measures for the loss of foraging habitat. LAFCo and the City agree with the commenter's suggestion that additional language should be added to the Draft EIR to encourage collaborative efforts by the County of

Sacramento and City staff to address the topics described in Comment A2-24, above. The following language has been added to page 3.5-41 of the Draft EIR under “Significance after Mitigation.”

The City of Elk Grove can also work collaboratively with the County of Sacramento to develop an approach to mitigation for loss of Swainson’s hawk foraging habitat that integrates with the SSHCP Conservation Strategy Biological Goals and Objectives for this species and with the interconnected landscape-level preserve system envisioned in the SSCHP.

Comment A2-26: *The commenter suggests that the above described revision should be made to support the DEIR less-than-significant impact conclusion.*

Please see the Response to Comment A2-25.

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2.2.3 LETTER A3 – CALTRANS LETTER #1

Letter A3

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION
DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4286
FAX (530) 741-5346
TTY 711



Serious drought.
Help save water!

August 6, 2018

GTS# 03-SAC-2018-00278
SCH# 201502067

Mr. Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex DEIR

Dear Mr. Lockhart,

Thank you for including the California Department of Transportation (Caltrans) in the review process for the project referenced above. Caltrans' new mission, vision, and goals signal a modernization of our approach to California's transportation system. We review this local development for impacts to the State Highway System (SHS) in keeping with our mission, vision and goals for sustainability/livability/economy, and safety/health. We provide these comments consistent with the State's smart mobility goals that support a vibrant economy, and build communities, not sprawl.

The project proposes an expansion to the City of Elk Grove's Sphere of Influence (SOI) by approximately 561 acres to provide 271 acres of commercial and industrial uses with the potential for 3.5 million square feet of building space and generation of approximately 10,000 employees, 118 acres of mixed uses with the potential for 708 dwelling units, and a 171-acre multi-sport park complex.

A3-1

The proposed SOI Amendment Area is located southwest of the existing City of Elk Grove boundary that currently consist of primarily agricultural land in Sacramento County. The boundaries of the proposed SOI Amendment Area are located south of Grant Line Road (near its intersection with Waterman Road) and east of the Union Pacific Railroad (UPRR) tracks and State Route 99 (SR 99), extending east to a point just east of the intersection of Grant Line Road and Mosher Road. The following comments are based on the Draft Environmental Impact Report (DEIR) received.

Forecasting

The existing traffic counts were collected in 2015 and are considered outdated. Please cross check with recent data and make changes as appropriate as travel patterns could have changed with recent developments and sphere of influence amendments to the southern portion of the City of Elk Grove.

A3-2

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

The Traffic Study is missing Figures 1 through 17, which includes the existing traffic volumes, trip distribution and cumulative traffic volume figures. Please provide the figures so we can analyze the trip distribution percent in order determine the upstream and downstream impacts to SR 99.

A3-3

Caltrans will also require the growth rates on Grant Line Road and Kammerer Road to analyze the SR 99 interchange ramps.

A3-4

Traffic Operations

Based on the 2015 traffic counts, the cumulative conditions for the SOI Amendment Area would decrease the southbound (SB) SR 99 off-ramp to a Level of Service F (LOS F). The approach delay per vehicle for the SB off-ramp would be 429 seconds in the AM peak hour and 235 seconds in the PM peak hour. Caltrans anticipates this to increase the queuing at the off-ramp, potentially creating spillback onto the SR 99 mainline and result in traffic collisions.

A3-5

To mitigate, Caltrans recommends expanding the SB off-ramp to a four-lane configuration to include a double right-turn lane, one through/left-turn lane, and one left turn lane. This in combination with the already identified improvements to Grant Line/Kammerer Road (Improvement #8, TIS) at the SB off-ramp will help to mitigate the future impacts from the project.

Additional Available Air Emissions Avoidance

Governor's Executive Order B-48-18 states that California is the largest market in the United States for zero-emission vehicles (ZEVs). The number of ZEVs in California increased by 1,300% in six years, from 25,000 in 2012 to more than 350,000 as of January of this year. While the transportation sector still emits half of California's total greenhouse gas (GHG) emissions and 80% of nitrogen oxides, which form smog, it is the state's goal to increase the number of ZEVs in California to 1.5 million by the year 2025.

A3-6

To establish ZEV charging infrastructure at new and existing facilities, a number of incentive programs are available through the California Energy Commission, the California Air Resources Board, the California Public Utilities Commission and other organizations, following the enactment of Senate Bill 350. Caltrans requests the opportunity to review the results of quantitative analysis demonstrating what emission reductions could be achieved through the implementation of such a strategy.

Please see the web pages at the links below for more information:

California Energy Commission – Plug-In Electric Vehicles (PEVs)
<http://www.energy.ca.gov/transportation/zev/pev/>
California Air Resources Board – DriveClean PEV Resource Center
<https://www.driveclean.ca.gov/pev/Incentives.php?submit=submit&bev=1>
California Public Utilities Commission – Zero-Emission Vehicles
<http://www.cpuc.ca.gov/zev/>

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

I-5 Subregional Corridor Mitigation Program (SCMP)

The SCMP is a voluntary impact fee program for new development within the Interstate 5 (I-5), SR 99, State Route 51 (SR 51) and U.S. Route 50 (US 50) corridors between the cities of Elk Grove, Sacramento, and West Sacramento. The SCMP was developed with each city in collaboration with Caltrans for the purpose of promoting smart growth, reducing daily congested vehicle miles traveled (VMT) and delay on the SHS, and reduce daily VMT on the regional transportation system through funding an array of projects that includes all modes.

Through the I-5 SCMP, impact fee contributions can be made in lieu of conducting a detailed traffic impact study for freeway mainline impacts, including freeway mainline analysis, "merge and diverge" analysis and weaving analysis on the mainline under either existing and cumulative conditions. If the applicant chooses to contribute towards the SCMP, the applicant would still be required to analyze intersection impacts, off-ramp traffic back-up onto the freeway mainline, and any significant safety issues near the intersection.

A3-7

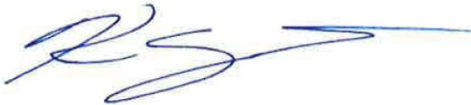
If the applicant elects not to contribute towards the SCMP, then a detailed traffic impact study may be required, along with mitigation measures, to lessen impacts to acceptable levels that are consistent with local and regional plans.

Impact fee contributions to the I-5 SCMP would go towards funding local and regional projects. Some potential projects that would benefit the project includes the Kammerer Road extension from I-5 to SR 99, transit improvements through the Elk Grove Intercity Rail Station, Hi Bus from Cosumnes River College to Elk Grove, and SR 99 auxiliary/transition lanes along the SR 99 corridor in the cities of Sacramento and Elk Grove.

Please provide our office with copies of any further actions regarding this project. We would appreciate the opportunity to review and comment on any changes related to this development.

If you have any questions regarding these comments or require additional information, please contact Alex Fong, Intergovernmental Review Coordinator at (530) 634-7616 or by email at: Alexander.Fong@dot.ca.gov.

Sincerely,



KEVIN YOUNT, Branch Chief (Acting)
Office of Transportation Planning
Regional Planning Branch – South

Cc: State Clearinghouse

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

2.2.3.1

RESPONSE TO COMMENT LETTER A3 – CALTRANS LETTER #1

Comment A3-1: *The commenter notes that they have reviewed the Draft EIR and provides a summary of the proposed Project.*

LAFCo and the City appreciate this review of the Draft EIR.

The proposed project includes two primary components: approval of the proposed 561-acre Sphere of Influence Amendment Area (SOIA Area) and annexation to the City of the multi-sport park complex site. The areas of the SOIA outside of the multi-sport park complex would expand the City of Elk Grove's SOI. Approval of the Project would not modify the existing Sacramento County land use designations or zoning for the SOIA Area outside of the multi-sport park complex and would not entitle any development.

CEQA authorizes the preparation of different types of EIRs to allow for different situations and uses. As stated in CEQA Guidelines Section 15160, lead agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances. Common types of EIRs include project EIRs and program EIRs. Program-level EIR are prepared for a program, regulation, or series of related actions that can be characterized as one large project. Typically, such a project involves actions that are closely related either geographically or temporally. Program EIRs are typically prepared for general plans, specific plans, and regulatory programs, like the proposed SOIA. Generally speaking, program EIRs analyze broad environmental effects of the program with the acknowledgment that site-specific environmental review will be required when future development projects are proposed under the approved regulatory program (CEQA Guidelines Section 15168).

In contrast, a project EIR analyzes the environmental impacts of a specific development project, like the multi-sport park complex. The CEQA Guidelines advise that "this type of EIR should focus primarily on the changes in the environment that would result from the development project" (CEQA Guidelines Section 15161). The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity that is described in the EIR. An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan "...because the effects of the construction can be predicted with greater accuracy" (CEQA Guidelines Section 15146). As discussed, the environmental impacts of the proposed Project are analyzed in the Draft EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146.

Based on the circumstances of the proposed Project, LAFCo and the City of Elk Grove conducted project-level analysis for the multi-sport park complex and a program-level analysis for the SOIA outside of the multi-sport park complex. Therefore, for the SOIA outside of the multi-sport park complex, the intent of the Draft EIR is to provide a framework for future project-level actions that occur as a result of the SOIA. At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove will demonstrate compliance with the mitigation measures outlined in the Draft EIR.

Comment A3-2: *The commenter claims that the 2015 traffic counts are outdated and recommends that more recent information is used in the Draft EIR.*

Section 15125 of the CEQA Guidelines states the following related to the requirements for establishing baseline conditions:

An EIR must include a description of the physical environmental conditions in the vicinity of the project, as they exist at the time the notice of preparation is published, or if no notice of preparation is published, at the time environmental analysis is commenced, from both a local and regional perspective. This environmental setting will normally constitute the baseline physical conditions by which a lead agency determines whether an impact is significant. The description of the environmental setting shall be no longer than is necessary to an understanding of the significant effects of the proposed project and its alternatives.

The notice of preparation for the proposed project was issued by the Sacramento Local Agency Formation Commission and the City of Elk Grove on October 23, 2015. As documented in the Draft EIR (Appendix G), the existing conditions traffic data collection were collected in April 2015 (i.e., mid-week traffic counts) and May 2015 (Saturday traffic counts), consistent with the CEQA Guidelines. Therefore, the use of the 2015/2016 traffic counts is appropriate.

However, 2018 midweek AM and PM peak-hour turning movement traffic counts collected at the Bruceville Road/Kammerer Road intersection were available for comparison to the traffic counts conducted in 2015 for the proposed Project' transportation analysis. The comparison showed that peak hour traffic on Kammerer Road increased by approximately 20 percent between 2015 and 2018. The change in background growth could potentially affect the analysis of the Project under existing conditions. However, the cumulative analysis includes the background growth inherent in the cumulative land use growth assumptions, along with mitigation needed to address cumulative conditions, so no additional evaluation is needed.

To evaluate the affect this growth in traffic would have on the analysis documented in the Draft EIR, the peak-hour roadway segment capacity under Existing Plus Phase 1 (Practice Activities) Project conditions was re-analyzed, assuming all study segments would experience approximately 20 percent growth in traffic. This scenario evaluates the Project during midweek PM peak-hour conditions, so it most closely matches the new count data. This comparison is shown in the table below. As shown, all of the study roadway segments would continue to operate acceptably – at LOS D or better.

Table 3.14-5. Peak Hour Roadway Segment Operations – Existing Plus Phase 1 Project Conditions + 20% Growth

Roadway	Segment		Direction	Lanes ¹	Hourly Capacity (Per Lane)	Weekday PM Peak Hour					
	From	To				Existing		Existing Plus Phase 1 (Practice Activities)			
								2015 Counts		2015 Counts + 20% Growth	
						Volume ¹	VC ²	Volume ¹	VC ²	Volume ¹	VC ²
Bradshaw Rd	Elk Grove Blvd	Grant Line Rd	SB	2	990	250	0.25	254	0.26	300	0.30
			NB	2	990	254	0.26	256	0.26	305	0.31
Grant Line Rd	SR 99 SB Ramps	SR 99 NB Ramps	EB	6	910	618	0.23	753	0.28	742	0.27
			WB	6	910	1,108	0.41	1,120	0.41	1,330	0.49
	SR 99 NB Ramps	E. Stockton Blvd	EB	6	910	1,022	0.37	1,176	0.43	1,226	0.45
			WB	6	910	1,234	0.45	1,309	0.48	1,481	0.54
	E. Stockton Blvd	Waterman Rd	EB	4	910	826	0.45	941	0.52	991	0.54
			WB	4	910	911	0.50	986	0.54	1,093	0.60
	Waterman Rd	Mosher Rd	EB	2	910	631	0.69	644	0.71	757	0.83
			WB	2	910	680	0.75	713	0.78	815	0.90
	Mosher Rd	Bradshaw Rd	EB	2	910	564	0.62	580	0.64	677	0.74
			WB	2	910	645	0.71	678	0.74	774	0.85
	Bradshaw Rd	Elk Grove Blvd	EB	2	910	304	0.33	317	0.35	364	0.40
			WB	2	910	402	0.44	430	0.47	482	0.53
Kammerer Rd	Lent Ranch Pkwy	Promenade Pkwy	EB	6	910	285	0.10	291	0.11	342	0.13
			WB	6	910	433	0.16	436	0.16	520	0.19
	Promenade Pkwy	SR 99 SB Ramps	EB	6	910	547	0.20	553	0.20	656	0.24
			WB	6	910	655	0.24	658	0.24	786	0.29
Mosher Rd	Waterman Rd	Grant Line Rd	SB	2	990	75	0.08	75	0.08	90	0.09
			NB	2	990	98	0.10	98	0.10	118	0.12
Waterman Rd	Mosher Rd	Grant Line Rd	SB	2	990	260	0.26	264	0.27	312	0.32
			NB	2	990	231	0.23	233	0.24	277	0.28
Notes:											
¹ Both directions excluding center turn lanes or right-turn deceleration lanes.											
² VC – Volume-to-Capacity Ratio											
Source: Fehr & Peers, 2017											

See also the Response to Comment A3-1.

Comment A3-3: *The commenter notes that the traffic study is missing figures.*

The figures summarize peak-hour turning movements for existing conditions and peak hour turning movement forecasts under existing and cumulative conditions without and with the addition of project traffic. The transportation analysis figures for the Draft EIR were inadvertently excluded from Appendix G. The figures have been uploaded to the online resources that can be accessed using the following links:

- ▶ City of Elk Grove website:
http://www.elkgrovecity.org/city_hall/departments_divisions/planning/environmental_review
- ▶ Sacramento LAFCo website: <http://www.saclafco.org>

The information documented in the omitted figures summarizes the inputs to the detailed technical calculations that were included in Appendix G. For example, the intersection turning movement volumes shown on the omitted figures are inputs to the intersection operations analysis. The detailed technical calculation sheets included in Appendix G include these volumes. Consequently, inadvertently excluding the figures does not change the findings of the transportation analysis in the Draft EIR and the information included in Appendix G is sufficient to inform reviewers on impacts and mitigation.

Comment A3-4: *The commenter requests information about growth rates related to Grant Line Road and Kammerer Road.*

Please see the Response to Comment A3-3. The figures summarize peak-hour turning movements for existing conditions and peak-hour turning movement forecasts under existing and cumulative conditions without and with the addition of Project traffic. Review and comparison of these figures will show forecasted growth on study facilities. As discussed in the Draft EIR, a modified version of SACOG's Sacramento Metropolitan Travel Demand Model (SACMET) travel demand forecasting model was used to develop traffic volume forecasts for the study facilities under cumulative no project conditions. The cumulative condition traffic volume forecasts result from the approved, planned, and reasonably foreseeable land uses and programmed transportation improvements (i.e., listed in the Final MTS/SCS 2016 project list) that were incorporated into the model and are not a result of a fixed growth rate applied to existing conditions.

Comment A3-5: *The commenter describes forecast congestion at an off-ramp and recommended mitigation.*

The commenter has recommended additional components to Improvement 8 – SR 99 SB Ramps/Grant Line Road of Mitigation Measure 4.2-1. The recommendation is to increase capacity on the southbound off-ramp to better manage vehicle queuing. Improvement 8 is identified to reduce a cumulative impact identified at the SR 99 SB Ramps/Grant Line Road intersection under cumulative conditions.

Under cumulative no project conditions, the intersection mentioned in the comment would operate at LOS F. The addition of Project buildout would exacerbate unacceptable LOS F conditions. Improvement 8 proposes to widen Grant Line Road/Kammerer Road, in the median, to provide four through lanes in each direction. This would reduce the impact by reducing delay to a level that would be less than that experienced under cumulative no project conditions. The additional components recommended in Comment A3-5 are not needed to reduce the cumulative impact. However, the recommendation would add capacity to the southbound ramp, which would have the intended effect of better managing vehicle queuing on the off-ramp.

As documented in Appendix G of the Draft EIR, the California Department of Transportation Mobility Performance Report, 2009¹, identifies several bottleneck locations on SR 99 that meter traffic northbound in the morning and southbound in the evening. Bottlenecks on southbound SR 99 in the evening meter traffic on SR 99 through Elk Grove. The analysis discussed in the Draft EIR is based on demand volumes and does not account for the metering of traffic that occurs on southbound SR 99. Consequently, SR 99 may not be able to deliver the demand that is forecast for the southbound off-ramp during the AM and PM peak hours, which may reduce the utility of adding additional capacity to the southbound off-ramp.

See also the Response to Comment A3-1.

Comment A3-6: *The commenter discusses the air quality benefits of encouraging zero emission vehicles, such as electric vehicles.*

Air pollutant emissions impacts are comprehensively addressed in Section 3.4 of the Draft EIR, “Air Quality.” Impact 3.4-2 examines operational impacts, including those related to mobile source emissions (see pages 3.4-21 through 3.4-24 of the Draft EIR). Mitigation Measure 3.4-2 requires strategies to reduce operational air pollutant emissions and establishes a quantified performance standard for the minimum effectiveness of mitigation strategies. As noted, reduction strategies can include policies and emissions reduction measures demonstrating compliance with the City of Elk Grove’s General Plan Conservation and Air Quality Element, including policies CAQ 29, CI 1, CI 3, CI 4, CI 5, and CI 7 and actions CAQ 29 Action 1 and CAQ 29 Action 2 of the City’s General Plan (or equivalent policies as they may be amended) and Elk Grove Climate Action Plan (CAP) reduction measures Transportation Alternatives and Congestion Management (TACM) 4 and TACM 5 (or equivalent measures as they may be amended), in addition to reduction measures recommended by the SMAQMD, which may include the use of offsets.

Greenhouse gas (GHG) emissions impacts are comprehensively addressed in Section 3.8 of the Draft EIR, “Greenhouse Gas Emissions.” Please refer in particular to the information presented under Impact 3.8-1 on pages 3.8-18 through 3.8-21. Mitigation Measure 3.8-1 requires GHG reduction strategies and establishes a performance standard for the effectiveness of such strategies. Mitigation Measure 3.8-1 requires the City of Elk Grove to incorporate the SOIA Area in the City’s CAP or develop a stand-alone CAP for emissions attributable to future development within the SOIA Area.

It is possible that incentives for zero-emission vehicles could be a component of the required air quality or GHG reduction strategies. The commenter states that they request “the opportunity to review the results of quantitative analysis demonstrating what emission reductions could be achieved through the implementation” of installation of electric vehicle charging infrastructure. As noted, the operational air quality mitigation and GHG mitigation both have performance standards. If electric vehicle incentives and charging infrastructure is used to reduce criteria air pollutant emissions or mobile source GHG emissions, the City will

¹ For more details, please see: <http://www.dot.ca.gov/trafficops/mpr/docs/mpr2009.pdf>.

be required to demonstrate the effectiveness of such strategies in meeting the overall performance standards. The effectiveness would depend on the details of the strategy.

Comment A3-7: *The commenter discusses the voluntary I-5 subregional corridor mitigation program.*

In September of 2017, the City of Elk Grove adopted the SCMP and offers the voluntary SCMP fee as an option to mitigate impact to the State Highway System. This comment does not relate to the adequacy of the Draft EIR.

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2.2.4 LETTER A4 – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CVRWQCB)



Central Valley Regional Water Quality Control Board

6 August 2018

Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

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COMMENTS TO REQUEST FOR REVIEW FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, ELK GROVE SPHERE OF INFLUENCE AMENDMENT AND MULTI-SPORT PARK COMPLEX PROJECT, SCH# 2015102067, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 29 June 2018 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environment Impact Report* for the Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project, located in Sacramento County.

A4-1

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.

I. Regulatory Setting

Basin Plan

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.

A4-2

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,

KARL E. LONGLEY ScD, P.E., CHAIR | PATRICK PULUPA, ESQ., EXECUTIVE OFFICER

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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.

A4-2
(Cont)

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/.

Antidegradation Considerations

All wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The Antidegradation Policy is available on page IV-15.01 at:
http://www.waterboards.ca.gov/centralvalleywater_issues/basin_plans/sacsjr.pdf

In part it states:

Any discharge of waste to high quality waters must apply best practicable treatment or control not only to prevent a condition of pollution or nuisance from occurring, but also to maintain the highest water quality possible consistent with the maximum benefit to the people of the State.

A4-3

This information must be presented as an analysis of the impacts and potential impacts of the discharge on water quality, as measured by background concentrations and applicable water quality objectives.

The antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System and land discharge Waste Discharge Requirements (WDRs) permitting processes. The environmental review document should evaluate potential impacts to both surface and groundwater quality.

II. Permitting Requirements

Construction Storm Water General Permit

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

A4-4

(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.

A4-4
(Cont)

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits¹

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process.

A4-5

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

For more information on the Phase II MS4 permit and who it applies to, visit the State Water Resources Control Board at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/phase_ii_municipal.shtml

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.

A4-6

For more information on the Industrial Storm Water General Permit, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/industrial_general_permits/index.shtml.

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure

A4-7

¹ Municipal Permits = The Phase I Municipal Separate Storm Water System (MS4) Permit covers medium sized Municipalities (serving between 100,000 and 250,000 people) and large sized municipalities (serving over 250,000 people). The Phase II MS4 provides coverage for small municipalities, including non-traditional Small MS4s, which include military bases, public campuses, prisons and hospitals.

that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements.

A4-7
(Cont)

If you have any questions regarding the Clean Water Act Section 404 permits, please contact the Regulatory Division of the Sacramento District of USACOE at (916) 557-5250.

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit (e.g., Non-Reporting Nationwide Permit, Nationwide Permit, Letter of Permission, Individual Permit, Regional General Permit, Programmatic General Permit), or any other federal permit (e.g., Section 10 of the Rivers and Harbors Act or Section 9 from the United States Coast Guard), is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications.

A4-8

Waste Discharge Requirements – Discharges to Waters of the State

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 may 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.

A4-9

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/help/business_help/permit2.shtml.

Dewatering Permit

If the proposed project includes construction or groundwater dewatering to be discharged to land, the proponent may apply for coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or the Central Valley Water Board's Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145. Small temporary construction dewatering projects are projects that discharge groundwater to land from excavation activities or dewatering of underground utility vaults. Dischargers seeking coverage under the General Order or Waiver must file a Notice of Intent with the Central Valley Water Board prior to beginning discharge.

A4-10

For more information regarding the Low Risk General Order and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/board_decisions/adopted_orders/water_quality/2003/wqo/wqo2003-0003.pdf

For more information regarding the Low Risk Waiver and the application process, visit the Central Valley Water Board website at:

http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/waivers/r5-2013-0145_res.pdf

A4-10

(Cont)

Regulatory Compliance for Commercially Irrigated Agriculture

If the property will be used for commercial irrigated agricultural, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program. There are two options to comply:

1. **Obtain Coverage Under a Coalition Group.** Join the local Coalition Group that supports land owners with the implementation of the Irrigated Lands Regulatory Program. The Coalition Group conducts water quality monitoring and reporting to the Central Valley Water Board on behalf of its growers. The Coalition Groups charge an annual membership fee, which varies by Coalition Group. To find the Coalition Group in your area, visit the Central Valley Water Board's website at: http://www.waterboards.ca.gov/centralvalley/water_issues/irrigated_lands/for_growers/apply_coalition_group/index.shtml or contact water board staff at (916) 464-4611 or via email at IrrLands@waterboards.ca.gov.
2. **Obtain Coverage Under the General Waste Discharge Requirements for Individual Growers, General Order R5-2013-0100.** Dischargers not participating in a third-party group (Coalition) are regulated individually. Depending on the specific site conditions, growers may be required to monitor runoff from their property, install monitoring wells, and submit a notice of intent, farm plan, and other action plans regarding their actions to comply with their General Order. Yearly costs would include State administrative fees (for example, annual fees for farm sizes from 10-100 acres are currently \$1,084 + \$6.70/Acre); the cost to prepare annual monitoring reports; and water quality monitoring costs. To enroll as an Individual Discharger under the Irrigated Lands Regulatory Program, call the Central Valley Water Board phone line at (916) 464-4611 or e-mail board staff at IrrLands@waterboards.ca.gov.

A4-11

Low or Limited Threat General NPDES Permit

If the proposed project includes construction dewatering and it is necessary to discharge the groundwater to waters of the United States, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. Dewatering discharges are typically considered a low or limited threat to water quality and may be covered under the General Order for *Dewatering and Other Low Threat Discharges to Surface Waters* (Low Threat General Order) or the General Order for *Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water*

A4-12

6 August 2018

(Limited Threat General Order). A complete application must be submitted to the Central Valley Water Board to obtain coverage under these General NPDES permits.

For more information regarding the Low Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0074.pdf

For more information regarding the Limited Threat General Order and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/board_decisions/adopted_orders/general_orders/r5-2013-0073.pdf

NPDES Permit

If the proposed project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the proposed project will require coverage under a National Pollutant Discharge Elimination System (NPDES) permit. A complete Report of Waste Discharge must be submitted with the Central Valley Water Board to obtain a NPDES Permit.

For more information regarding the NPDES Permit and the application process, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit3.shtml

If you have questions regarding these comments, please contact me at (916) 464-4644 or Stephanie.Tadlock@waterboards.ca.gov.



Stephanie Tadlock
Senior Environmental Scientist

cc: State Clearinghouse unit, Governor's Office of Planning and Research, Sacramento

A4-12
(Cont)

A4-13

2.2.4.1

RESPONSE TO COMMENT LETTER A4 – CENTRAL VALLEY REGIONAL WATER QUALITY CONTROL BOARD (CVRWQCB)

Comment A4-1: *The comment states that the Central Valley Regional Water Quality Control Board (CVRWQCB) is delegated with the responsibility of protecting the quality of surface and groundwaters of the state, and therefore agency comments on the DEIR will address concerns surrounding those issues.*

LAFCo and the City appreciate the CVRWQB's review of the Draft EIR. See responses to specific comments contained in Response to Comments A4-2 through A4-13.

Comment A4-2: *The comment summarizes the purpose of Basin Plans as related to water quality requirements of the Clean Water Act and the Porter-Cologne Water Quality Control Act. The comment also notes that the Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities.*

Draft EIR subsection 3.10.2 "Regulatory Framework," in Section 3.10, "Hydrology and Water Quality," (pages 3.10-4 through 3.10-15) discusses numerous federal, State, and local laws, ordinances, regulations, and policies that pertain to the control of water quality, including the Basin Plan (pages 3.10-8 and 3.10-9), Clean Water Act (pages 3.10-6 through 3.0-8), Porter-Cologne Water Quality Control Act (page 3.10-6), and the State's Antidegradation Policy (page 3.10-9).

Comment A4-3: *The comment states that all wastewater discharges must comply with the Antidegradation Policy (State Water Board Resolution 68-16) and the Antidegradation Implementation Policy contained in the Basin Plan. The comment also states that the antidegradation analysis is a mandatory element in the National Pollutant Discharge Elimination System (NPDES) and land discharge Waste Discharge Requirements (WDRs) permitting processes.*

Detailed information pertaining to existing surface water and groundwater quality is presented in Draft EIR Section 3.10, "Hydrology and Water Quality," on pages 3.10-1 through 3.10-3. The State's Antidegradation Policy is discussed on page 3.10-9 of the Draft EIR. The requirements of the Construction General Permit for development of a SWPPP and associated Best Management Practices are discussed on pages 3.10-6 and 3.10-7 of the Draft EIR.

The Project's potential temporary, short-term construction-related drainage and water quality effects are evaluated in Draft EIR Impact 3.10-1 (pages 3.10-16 and 3.10-17). As discussed in Impact 3.10-1, future development within SOIA Area, including the multi-sport park complex, would have to adhere to City of Elk Grove NDPEs permit requirements and City of Elk Grove Municipal Code requirements related to Stormwater Management and Discharge Control (Chapter 15.12, "Stormwater Management and Discharge Control"). Future development applications would be required to comply with Chapter 16.44, "Land Grading and Erosion Control," of the Elk Grove Municipal Code. According to the City of Elk Grove's Improvement Standards Section 11 Stormwater Quality Protection, "developers meeting the project area disturbance threshold of 1 acre or more of disturbed area shall obtain

coverage under the SWRCB General Permit for Storm Water Discharges Associated with Construction Activity (Construction General Permit), prior to commencing construction activities...” The SWPPP would specify and implement water quality control measures pursuant to the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (Order 2009-0009-DWQ, as amended by Order No. 2012-0006-DWQ).

The project’s potential long-term water quality effects are evaluated in Draft EIR Impact 3.10-2 (pages 3.10-18 and 3.10-19). As discussed in Impact 3.10-2, the City of Elk Grove’s Storm Drainage Master Plan would be applicable to the SOIA Area, including the multi-sport complex project site. According to the Storm Drainage Master Plan, low impact development (LID) must be incorporated into future development projects in the City, based on the requirements of the City’s NPDES stormwater permit. Operation of the multi-sports park complex would require an industrial stormwater permit (Order 97-03-DWQ), which would require the City to use operational stormwater BMPs to reduce pollutants in runoff from the fields and stadium areas and to conduct stormwater sampling and BMP inspections. Operation of the agrizone park would require WDRs from the Central Valley RWQCB for operation of dairy animal feeding facilities, pursuant to Water Quality Order No. R5-2010-118 (as revised by Order R5-2011-0091).

Comment A4-4: *The comment states that the project may be subject to the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit) Construction General Permit Order No. 2009-009-DWQ, and that the Construction General Permit requires development and implementation of a SWPPP.*

Please see the Response to Comment A4-3.

Comment A4-5: *The comment states that Phase I and II Municipal Separate Storm Sewer System (MS4) permits require the permittees to reduce pollutants and runoff flows from new development and redevelopment using BMPs to the maximum extent practicable. MS4 permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process. The commenter has provided links to additional information about Phase I and Phase II MS4 permits.*

The MS4 permit requirements are described in Draft EIR subsection 3.10.2 “Regulatory Framework,” in Section 3.10, “Hydrology and Water Quality,” (pages 3.10-7 and 3.10-8). The City of Elk Grove became a joint participant with Sacramento County’s NPDES. The permit allows the City to discharge urban runoff from MS4s in its municipal jurisdiction (Permit No. CAS082597). The permit requires that the City impose water quality and watershed protection measures for all development projects. The NPDES also requires a permit for every new construction project that eliminates or reduces non-stormwater discharges to stormwater systems and other waters of the nation, develops and implements a

SWPPP, and performs inspections of stormwater control structures and pollution prevention measures.

See also the Response to Comment A4-3.

Comment A4-6: *The comment states that stormwater discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ.*

The City acknowledges that industrial land uses within the SOIA Area will be required by law to obtain permits and comply with the regulations contained in the Industrial Storm Water General Permit Order No. 2014-0057-DWQ, as applicable.

Comment A4-7: *The comment states that if the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a CWA Section 404 permit may be needed from the U.S. Army Corps of Engineers (USACE). The comment further notes that if the project requires surface water drainage realignment, the applicant should contact the Department of Fish and Wildlife for information on Streambed Alteration Permit requirements.*

The Clean Water Act (CWA) Section 404 requirements are discussed in Draft EIR Section 3.5, “Biological Resources,” on pages 3.5-22 and 3.5-23. The CWA Section 404 requirements have been incorporated into the project’s thresholds of significance, as stated on Draft EIR page 3.4-23 (“...have a substantial adverse effect on federally protected waters of the United States, including wetlands, as defined by Section 404 of the CWA through direct removal, filling, hydrological interruption, or other means”). Draft EIR Impact 3.5-7 (page 3.5-45) evaluates the potential for loss of federally protected waters of the U.S. through removal (fill) or dredging and alteration. Implementation of Mitigation Measure 3.5-7 (Avoid, Minimize, or Compensate for Loss of Waters of the United States and Waters of the State) would reduce this impact to a less-than-significant level. Before construction of the multi-sport park complex project and off-site improvements, and at the time of submittal of any application to annex territory within the SOIA Area, the City would require a USACE Section 404 Individual Permit and CVRWQCB Section 401 water quality certification before any groundbreaking activity within 50 feet of waters or discharge of fill or dredge material into any water of the U.S. Furthermore, wetland habitat would be restored or replaced at an acreage and location and by methods agreeable to USACE and CVRWQCB, depending on agency jurisdiction, as determined during the Section 401 and Section 404 permitting processes (pages 3.5-46 and 3.5-47 of the Draft EIR).

Comment A4-8: *The comment states that if a USACE permit is required due to project-related disturbance of waters of the U.S. (such as streams and wetlands), then a CWA Section 401 Water Quality Certification must be obtained from CVRWQCB prior to initiation of project activities.*

The CWA Section 401 requirements are discussed in Draft EIR Section 3.5, “Biological Resources,” on page 3.5-23. CWA Section 401 requirements have also been incorporated into Draft EIR Mitigation Measure 3.5-7 (Avoid, Minimize, or Compensate for Loss of Waters of the United States and Waters of the State) (page 3.5-45 of the Draft EIR).

See also the Response to Comment 4A-7.

Comment A4-9: *The comment states that under the California Porter-Cologne Water Quality Control Act, discharges to 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. Therefore, if USACE determines that only non-jurisdictional waters of the State (i.e., “non-federal” waters of the State) are present in the project area, the project may require a Waste Discharge Requirement (WDR) permit issued by CVRWQCB.*

The requirements for WDRs are discussed throughout Draft EIR subsection 3.10.2, “Regulatory Framework,” in Section 3.10, “Hydrology and Water Quality,” on pages 3.10-6 and 3.10-7. Draft EIR page 3.10-7 states, “...the Central Valley RWQCB may also issue site-specific WDRs or waivers to WDRs for certain waste discharges to land or waters of the state. In particular, Central Valley RWQCB Resolution R5-2003-0008 identifies activities subject to waivers of reports of waste discharge (RWDs) and/or WDRs, including minor dredging activities and construction dewatering activities that discharge to land.” The City understands that additional site-specific WDRs may be required and would acquire all necessary permits, as required by CVRWQCB.

Comment A4-10: *The comment states that if the project includes construction or groundwater dewatering to be discharged to land, coverage under State Water Board General Water Quality Order (Low Risk General Order) 2003-0003 or CVRWQCB’s Waiver of Report of Waste Discharge and Waste Discharge Requirements (Low Risk Waiver) R5-2013-0145, which requiring filing a Notice of Intent with CVRWQCB prior to beginning discharge, will be required.*

The Project does not anticipate dewatering activities will be required. However, if dewatering activities become necessary, the City would comply with the State Water Board General Water Quality Order 2003-0003 or CVRWQCB’s Waiver of Report of Waste Discharge and Waste Discharge Requirements R5-2013-0145.

Comment A4-11: *The comment states that if the property will be operated with commercially irrigated agricultural land uses, the discharger will be required to obtain regulatory coverage under the Irrigated Lands Regulatory Program (ILRP). Further details about the ILRP are provided in the comment.*

The agrizone park would serve as a working farm and it would feature a variety of crops. These crops would not be grown for commercial purposes; therefore, the Project would be exempt from the ILRP.

Comment A4-12: *The comment states that if the project includes construction dewatering and it is necessary to discharge groundwater to waters of the U.S., the project will require coverage under an NPDES permit, which requires an application to CVRWQCB. The comment further notes that dewatering may be covered under the General Order for Dewatering and Other Low Threat Discharges to Surface Waters (Low Threat General Order) or the General Order for Limited Threat Discharges of Treated/Untreated Groundwater from Cleanup Sites, Wastewater from*

Superchlorination Projects, and Other Limited Threat Wastewaters to Surface Water (Limited Threat General Order).

Please see the Responses to Comments A4-3 and A4-9.

Comment A4-13: *The comment states that if the project discharges waste that could affect the quality of surface waters of the State, other than into a community sewer system, the project will require coverage under an NPDES permit. A complete Report of Waste Discharge must be submitted to CVRWQCB to obtain a NPDES Permit.*

Please see the Responses to Comments A4-3 and A4-9.

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2.2.5 LETTER A5 – COSUMNES COMMUNITY SERVICES DISTRICT

Letter A5



COSUMNES COMMUNITY SERVICES DISTRICT
9355 E. Stockton Blvd., Suite 185
Elk Grove, CA 95624

(916) 405-5300
(916) 405-5600



August 9, 2018

Don Lockhart, ACIP
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Subject: Draft EIR for the Elk Grove Sphere of Influence Amendment (SOIA) and Multi-Sport Complex.

Dear Mr. Lockhart,

The Cosumnes Community Services District (CCSD) has reviewed the draft EIR and is supportive of the project as proposed within the draft EIR documents.

The CCSD provides park and recreation services to the Elk Grove Community including the operation of 97 parks (including one golf course), two community centers, four recreation facilities, two aquatic complexes and 18 miles of off-street trails. The CCSD and the City of Elk Grove work collaboratively through their various agreements to plan, deliver and operate parks and park facilities (including the City of Elk Grove's new Aquatic Facility) within the Laguna Ridge Specific Plan (LRSP) and the South East Policy Areas (SEPA) which are located north of the proposed SOI area.

The Park and Recreation department strives to deliver opportunities for health and wellness, social interaction and delight to the community. The CCSD currently prioritizes recreational-level sports program use over competitive-level sports use of District resources. The District also recognizes both provide benefit to the community. During certain times of the year, the District's resources may reach capacity for specific sports field use, particularly for competitive use. Therefore the CCSD does recognize the need for additional sports field facilities within the Elk Grove Community.

The CCSD and the City of Elk Grove work collaboratively on a number of matters that provide community benefit, such as this project.

A5-1

Sincerely,

Maureen Zamarripa
General Manager

Cosumnes Community Services District

Enriching Community • Saving Lives

2.2.5.1

RESPONSE TO COMMENT LETTER A5 – COSUMNES COMMUNITY SERVICES DISTRICT

Comment A5-1: *The commenter states that the Cosumnes Community Services District reviewed the Draft EIR and is supportive of the project as proposed within the draft EIR documents. The commenter also describes the services and facilities provided by the Cosumnes Community Services District.*

LAFCo and the City appreciate the commenter's review of the Draft EIR and acknowledge the Cosumnes Community Services District's support of the project.

2.2.6 LETTER A6 – CALTRANS LETTER #2

Letter A6

STATE OF CALIFORNIA—CALIFORNIA STATE TRANSPORTATION AGENCY

EDMUND G. BROWN Jr., Governor

DEPARTMENT OF TRANSPORTATION

DISTRICT 3
703 B STREET
MARYSVILLE, CA 95901
PHONE (530) 741-4286
FAX (530) 741-5346
TTY 711



Serious drought.
Help save water!

August 10, 2018

GTS# 03-SAC-2018-00278
SCH# 201502067

Mr. Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex DEIR

Dear Mr. Lockhart,

In addition to our comment letter dated August 6, 2018, Caltrans further requests opening day and cumulative analyses of traffic distributions and forecasts to and from the I-5/Hood Franklin Road interchange. In particular, existing peak volumes making left-turning movements from the southbound I-5 off ramp exceed the Highway Design Manual threshold of 300 vehicles per hour (vph) for considering a double left turn lane. Currently documented at 349 vph, there has been negotiable range on the double left turn lane, but the loading of additional traffic will surpass negotiable volumes, particularly when initial connectivity is established as the Capital Southeast Connector Road/Kammerer Road Extension.

A6-1

Additional, traffic entering northbound I-5 and coming from southbound I-5 may introduce weave-merge conflicts.

A6-2

In all, please include determination on nexus and proportionality toward these improvements at the I-5/Hood Franklin interchange and I-5 mainline:

- Double left turn lane at the southbound off ramp
- Double receiving left turn lane at the southbound off ramp
- Auxiliary lanes in both directions between the I-5/Hood Franklin Road and I-5/Elk Grove Boulevard interchanges
- I-5 HOV lane extension one mile south of Elk Grove Boulevard to Hood Franklin Road

A6-3

While this project is not solely accountable for these improvements, we expect additional increments as this project is not included in the land use assumption behind the analysis for the Kammerer Road portion of the Capital Southeast Connector Road project.

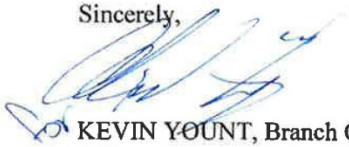
A6-4

"Provide a safe, sustainable, integrated, and efficient, transportation system to enhance California's economy and livability"

Sacramento Local Agency Formation Commission
August 6, 2018
Page 2

If you have any questions regarding these comments or require additional information, please contact Alex Fong, Intergovernmental Review Coordinator at (530) 634-7616 or by email: Alexander.Fong@dot.ca.gov.

Sincerely,



KEVIN YOUNT, Branch Chief (Acting)
Office of Transportation Planning
Regional Planning Branch – South

Cc: State Clearinghouse

*"Provide a safe, sustainable, integrated, and efficient, transportation
system to enhance California's economy and livability"*

2.2.6.1

RESPONSE TO COMMENT LETTER A6 – CALTRANS LETTER #2

Comment A6-1: *The commenter requests opening day and cumulative analysis of traffic distributions and forecasts to and from the I-5/Hood Franklin Road interchange.*

As outlined in Section 3.14 and Appendix G of the Draft EIR, the Project was analyzed under existing and cumulative conditions. The following analyses were selected for study based on the Project’s expected operations and input from the City of Elk Grove and comments received on the Notice of Preparation (NOP) from Caltrans, the County of Sacramento, and the Capital Southeast Connector JPA.

Table 3.14-6. Analysis Scenarios											
Analysis Facility	Peak Hour	Existing Conditions	Existing Plus Project Conditions		Cumulative Conditions						
			Phase 1	Buildout	No Project	Plus Phase 1	Plus Project Buildout				
							Practice	Tournament	Stage Events	League Events	County Fair
Intersection	AM	X		X	X		X				
	PM	X	X	X	X	X	X		X		
	Saturday	X	X		X	X					
Roadway	PM	X	X	X	X	X	X		X	X	X
	Saturday	X	X		X	X		X			
Freeway	AM	X		X	X		X				
	PM	X	X	X	X	X	X				

As discussed in the Response to Comment A3-3, the transportation analysis figures for the Draft EIR were inadvertently excluded from Appendix G. The figures have been uploaded to the online resources that can be accessed using the following links:

- City of Elk Grove website: http://www.elkgrovecity.org/city_hall/departments_divisions/planning/environmental_review
- Sacramento LAFCo website: <http://www.saclafco.org>

The analysis of “opening day” conditions is typically conducted for transportation programming studies for infrastructure projects where the project provides new, phased connections that alter travel patterns. Since this is analysis of a proposed SOIA and multi-sport facility and not an infrastructure project, “opening day forecasts” were not developed. Rather, the analysis of the Project was conducted under existing and cumulative conditions.

As mentioned in the comment, the Highway Design Manual (HDM) provides guidance for when double left-turn lanes should be considered at signalized intersections on multi-lane conventional highways and on multi-lane ramp-terminals. The HDM identifies that double left-turn lanes should be considered if the left-turn demand is 300 vehicles per hour or more. The guidance for providing double left-turn lanes in the HDM is not an absolute threshold, since signal operations are a function of many factors that include traffic volumes on individual turn movements, conflicting vehicle volumes, and intersection geometry.

Under the existing conditions scenarios, the existing interchange configuration and traffic control (side-street stop control) was assumed, which includes one left-turn lane on the southbound off-ramp. Under cumulative conditions, the existing interchange configuration was assumed, with the addition of traffic signal control at the ramp-terminal intersections. For all of the cumulative analysis scenarios, the travel demand forecasts for the left-turn movement on the southbound off-ramp would exceed 300 vehicles during the AM and PM peak hours. However, pursuant to the HDM, this only means that double left-turn lanes should be considered. The southbound off-ramp is over 900 feet long, which is larger than typical off-ramps. Therefore, there is substantial capacity on the ramp today. As documented in the Draft EIR analysis, the I-5 SB Ramps/Hood Franklin Road intersection would operate acceptably at level of service (LOS) B or better under all analysis scenarios without two left-turn lanes on the southbound off-ramp. Two-phase signal operation and low volume on the eastbound and westbound through movements, which conflict with the southbound left-turn, contribute to low delay for the intersection.

The City is working with the Capital SouthEast Connector JPA and Caltrans to develop the Kammerer Road Extension Project, which will identify phased improvements to the interchange based upon agreed upon traffic thresholds. For example, conversion of the existing stop controls at the top of the off ramps is being considered as a way to address capacity needs. The Kammerer Road project will address the requested improvements and the Project will provide fair-share funding for the improvements, as determined by the City.

See also the Response to Comment A3-1.

Comment A6-2: *The commenter suggests that traffic entering northbound I-5 and coming from southbound I-5 may introduce weave-merge conflicts.*

As outlined in Section 3.14, Chapter 6, and Appendix G of the Draft EIR, the Project was analyzed under existing and cumulative conditions. The following analyses were selected for study based on the Project's expected operations and input from the City of Elk Grove and comments received on the Notice of Preparation from Caltrans, the County of Sacramento, and the Capital Southeast Connector JPA.

Please see the Response to Comment A6-1, which includes a table showing analysis scenarios.

The transportation analysis of the Project was conducted under existing and cumulative conditions. Under the existing conditions scenarios, the existing interchange configuration and traffic control (side-street stop control) was assumed, which includes one left-turn lane on the southbound off-ramp. Under cumulative conditions, the existing interchange configuration was assumed, with the addition of traffic signal control at the ramp-terminal intersections. For all of the cumulative analysis scenarios, the travel demand forecasts for the left-turn movement on the southbound off-ramp would exceed 300 vehicles during the AM and PM peak hours.

As documented in Appendix G to the Draft EIR, the I-5 SB Ramps/Hood Franklin Road intersection would operate acceptably at LOS B or better under all analysis scenarios without two left-turn lanes on the southbound off-ramp. Two-phase signal operation and low volume on the eastbound and westbound through movements, which conflict with the southbound left-turn, contribute to low delay for the intersection.

Caltrans requested the following analysis in their November 23, 2015 comment letter on the Notice of Preparation for the proposed project:

- ▶ Vehicle Miles Traveled (VMT)
- ▶ SR 99 mainline, ramps, and ramp intersections (Grant Line Road and SR 99)

The analysis requested by Caltrans was included in the Draft EIR (page 3.14-24 and page 3.14-27, respectively). Analysis of I-5 freeway facilities (mainline, merge, and diverge operations), which is the subject of this comment, was not analyzed in the Draft EIR since it was not requested. However, based on this request, the analysis of the northbound merge and southbound diverge at the I-5/Hood Franklin Road interchange was analyzed under existing and cumulative conditions, with the addition of the proposed Project. The analysis results are presented in Table 3.14-7.

As shown above, the northbound merge and southbound diverge would operate at or better than the ultimate concept LOS for this segment of I-5 (LOS E). Therefore, the proposed project would not result in an impact related to merge/diverge operations on I-5.

As documented in the Draft EIR, the transportation analysis assumes only programmed roadway improvements identified in the MTP/SCS. Consequently, absent significant capacity increasing projects on I-5 near Hood Franklin Road, the cumulative scenario forecasts are constrained. If additional capacity is added to I-5, the induced travel on I-5 would likely increase traffic through the interchange and may result in unacceptable LOS F conditions at the interchange. However, it would be speculate to assume this level of capacity for the purposes of the Draft EIR, since funding for the improvements has not been identified. If funding is secured and the improvements were constructed, the Project would be responsible for its proportional share of the improvement cost, since the impact would occur under cumulative conditions.

Comment A3-7 provides a summary of the voluntary I-5 Subregional Corridor Mitigation Fee Program (SCMP). In September 2017, the City of Elk Grove adopted the SCMP as an option to mitigate impacts to the State Highway System. The SCMP is a voluntary program for new development within the I-5, SR 99, SR 51, and US 50 corridors between the cities of Elk Grove, Sacramento, and West Sacramento that was developed with each city in collaboration with Caltrans. SCMP impact fee contributions can be made in lieu of conducting a detailed traffic impact study for freeway mainline impacts, include freeway mainline analysis, “merge and diverge” analysis and weaving analysis on the mainline under both existing and cumulative conditions. However, improvements to the I-5/Hood Franklin Road interchange,

Table 3.14-7. Northbound Merge and Southbound Diverge – I-5/Hood Franklin Road Interchange						
Direction	Peak Hour			Direction	Peak Hour	
	AM	PM			AM	PM
Existing Plus Project						
I-5 North of Hood Franklin Road Peak-Hour Traffic Volumes			I-5/Hood Franklin Interchange Ramp Volumes Existing Plus Project Conditions			
NB	1,909	1,887	NB On-Ramp	400	111	
SB	1,465	2,099	SB Off-Ramp	200	306	
Notes: Caltrans Performance Measurement (PeMs) March 2018, AM 6:00-10:00, PM 3:00 to 7:00 Tuesday, Wednesday, and Thursday 100% Observed Data			Notes: Fehr & Peers, 2018 Draft Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Environmental Impact Report, June 2018			
I-5 South of NB Hood Franklin Road Peak-Hour Traffic Volumes			I-5/Hood Franklin Road Interchange Merge/Diverge LOS Existing Plus Project Conditions			
NB	1,509	1,776	NB On-Ramp	C / 24.5	C / 22.6	
SB	1,265	1,793	SB Off-Ramp	B / 19.5	C / 24.5	
Notes: Caltrans Performance Measurement (PeMs) March 2018, AM 6:00-10:00, PM 3:00 to 7:00 Tuesday, Wednesday, and Thursday 100% Observed Data			Notes: Fehr & Peers, 2018 I-5 Heavy Vehicle Percentage – 24% http://www.dot.ca.gov/trafficops/census/docs/2016_aadt_volumes.pdf			
Cumulative Plus Project						
I-5 North of Hood Franklin Road Cumulative Plus Project Peak-Hour Traffic Volumes			I-5/Hood Franklin Interchange Ramp Volumes Cumulative Plus Project Conditions			
NB	2,740	2,930	NB On-Ramp	880	1,070	
SB	2,700	3,120	SB Off-Ramp	1,000	890	
Notes: Caltrans Performance Measurement (PeMs) March 2018, AM 6:00-10:00, PM 3:00 to 7:00 Tuesday, Wednesday, and Thursday 100% Observed Data			Notes: Fehr & Peers, 2018 Draft Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Environmental Impact Report, June 2018			
I-5 South of NB Hood Franklin Road Ramps Cumulative Plus Peak-Hour Traffic Volumes			Merge / Diverge LOS Cumulative Plus Project Conditions			
NB	1,860	1,860	NB On-Ramp	D / 32.5	D / 30.9	
SB	1,700	2,230	SB Off-Ramp	D / 33.7	E / 35.0	
Notes: Caltrans Performance Measurement (PeMs) March 2018, AM 6:00-10:00, PM 3:00 to 7:00 Tuesday, Wednesday, and Thursday 100% Observed Data			Notes: Fehr & Peers, 2018 I-5 Heavy Vehicle Percentage – 24% http://www.dot.ca.gov/trafficops/census/docs/2016_aadt_volumes.pdf			
Notes: LOS = Levels of Service PeMs = Performance Measurement						

which would include improvements to the merge/diverge operations at I-5, are not included in the SCMP at this time. Consequently, payment of the SCMP for the Project would not provide sufficient nexus and proportional cost share towards the improvements identified in the comment.

Alternatively, the project could provide proportional fee payment for the identified improvements, if and when sufficient details are known about the scope of needed improvements to provide acceptable operation. The proportional fee payment should be based on the Project's share of traffic using the interchange under cumulative conditions. The Project's proportional share of the total volume entering the interchange is about 2.3 percent, based on AM and PM peak-hour volumes. The City is working with Caltrans as part of the Kammerer Road project to address timing and extent of improvements and that the Project will be subject to any fair-share payment towards those improvements, if necessary.

See also the Response to Comment A3-1.

Comment A6-3: *The commenter asks about nexus and proportional contribution toward a range of improvements.*

See the Response to Comment A6-2.

Comment A6-4: *The commenter discusses other projects, such as the Kammerer Road/Highway 99 SOIA and the Capital Southeast Connector Road Project.*

See the Response to Comment A6-2.

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2.2.7 LETTER A7 – SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT (SMAQMD)



Letter A7

August 13, 2018

SENT VIA EMAIL

Mr. Don Lockhart, AICP, Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

RE: City of Elk Grove Multi-Sport Park Complex Sphere of Influence Amendment (LAFC #04-15; State Clearinghouse No. 2015102067) Draft Environmental Impact Report

Dear Mr. Lockhart:

Thank you for providing an opportunity for the Sacramento Metropolitan Air Quality Management District (Sac Metro Air District) to review and comment on the City of Elk Grove (City) Multi-Sport Park Complex Sphere of Influence Amendment (SOIA) Draft Environmental Impact Report (DEIR). We review and provide comments through the lead agency planning, environmental and entitlement processes with the goal of reducing adverse air quality impacts and ensuring compliance with the California Environmental Quality Act. We offer the following comments to ensure air quality impacts are adequately analyzed, disclosed and mitigated.

A7-1

Short-term Construction Emissions of Criteria Air Pollutants and Precursors

Enhanced Exhaust Control Practices

Several timeframes listed in Mitigation Measure 3.4-1a shown on pages ES-9 and ES-10 of the Executive Summary, as well as page 3.4-20, are more stringent than the Sac Metro Air District's current Enhanced Exhaust Control Practices¹. To maintain consistency with the referenced Enhanced Exhaust Control Practices, Sac Metro Air District recommends:

- replacing
"At least 48 hours prior to the use of heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman."

A7-2

with

At least 4 business days prior to the use of heavy-duty off-road equipment, the project representative shall provide SMAQMD with the anticipated construction timeline including start date, and name and phone number of the project manager and on-site foreman.

- replacing
"...and SMAQMD shall be notified within 48 hours of identification of non-compliant equipment."

A7-3

with

¹ Sacramento Metropolitan Air Quality Management District. CEQA Guide. *Enhanced Exhaust Control Practices* (October 2013). <http://www.airquality.org/LandUseTransportation/Documents/Ch3EnhancedExhaustControlFINAL10-2013.pdf>

Non-compliant equipment will be documented and a summary provided to the lead agency and SMAQMD monthly.

↑ A7-3
(Cont)

Long-term Operational Emissions of Criteria Air Pollutants and Precursors

This SOIA including the Multi-Sport Park Complex was not considered when forecasting the impacts for the Metropolitan Transportation Plan/Sustainable Communities Strategy and the State Implementation Plan. In order to provide consistency among SOIA's and to ensure that the appropriate level of operational mitigation for this SOIA, the Sac Metro Air District recommends adding the underlined phrases to Mitigation Measure 3.4-2 on page ES-11 and page 3.4-23 of the DEIR, as shown below:

"The City of Elk Grove shall require, as a part of the multi-sports park project and plans for development within the balance of the SOIA Area, the implementation of strategies to reduce operational ozone precursors. This can be in the form of an Air Quality Management Mitigation Plan or another enforceable mechanism. The performance standard is to achieve a reduction in, or offset of operational ozone precursor emissions by at least 35 percent for the multi-sports park project and for development within the balance of the SOIA Area. The performance standard would be 15 percent for areas that have Land Use Designations under a future City General Plan update or amendment that are consistent with the current Metropolitan Transportation Plan/Sustainable Communities Strategy and the State Implementation Plan. Reduction strategies can include policies and emissions reduction measures demonstrating compliance... If the performance standard cannot be fulfilled with an Air Quality Mitigation Plan, the City of Elk Grove will consult with the SMAQMD regarding the use of an off-site mitigation fee. Any fee will be subject to consultation between SMAQMD and the City of Elk Grove when rezoning the property."

A7-4

The last sentence in Mitigation Measure 3.4-2 alludes to the timing of an Air Quality Mitigation Plan (AQMP) and potential off-site mitigation fees if performance standards cannot be fulfilled with the AQMP. Since this project includes the rezoning and annexation of at least the Multi-Sport Park Complex site, we recommend that the DEIR specify the timing of the City's submittal of an AQMP to the Sac Metro Air District for verification.

A7-5

Exposure of sensitive receptors to toxic air contaminant emissions during operations.

Mitigation Measure 3.4-5 on page ES-13 and page 3.4-30 references consultation with Sac Metro Air District on health risk thresholds of significance. We appreciate the detailed discussion of the exposure reduction measures that are listed; however, Sac Metro Air District would like to clarify that we currently have toxic air contaminant (TAC) thresholds for stationary sources² (an incremental increase in cancer risk greater than 10 in one million at any off-site receptor and ground-level concentration of project-generated TACs that would result in a Hazard Index greater than 1 at any off-site receptor) but we do not have TAC thresholds for siting sensitive receptors near high volume roadways and railways. That being said, the Sac Metro Air District has updated our guidance, the Mobile Sources Air Toxics (MSAT) Protocol³, for locating sensitive receptors near high volume roadways and railways. The MSAT Protocol with its interactive online tool is intended to assist land use jurisdictions within Sacramento County in:

A7-6

² Sacramento Metropolitan Air Quality Management District. CEQA Guide. *SMAQMD Thresholds of Significance Table* (May 2015). <http://www.airquality.org/LandUseTransportation/Documents/CH2ThresholdsTable5-2015.pdf>

³ Sacramento Metropolitan Air Quality Management District. Mobile Sources Air Toxics Protocol (July 2018). <http://www.airquality.org/businesses/ceqa-land-use-planning/mobile-sources-air-toxics-protocol>

- (1) assessing the potential increased cancer risk of siting projects with sensitive receptors near high volume roadways and railways; and
- (2) determining whether exposure reduction measures should be incorporated into the project to protect future populations at a project site.

↑ A7-6
(Cont)

Greenhouse Gas Reduction Program

Mitigation Measure 3.8-1 mentions that the City of Elk Grove will require implementation of strategies to reduce greenhouse gas (GHG) emissions for the entire SOIA area, either through a stand-alone Greenhouse Gas Reduction Program (GHGRP) or through an update to the City's Climate Action Plan (CAP). That being said, the City's July 2018 draft update of their CAP only included the 2013 GHG inventory for this project site as part of their East Study Area. Since this project includes the rezoning and annexation of at least the Multi-Sport Park Complex site, we recommend that the DEIR specify the timing of the City's submittal of a GHGRP to the Sac Metro Air District for review.

A7-7

CalEEMod Analysis

- Sac Metro Air District cannot reconcile the Multi-Sport Park Complex (phase 1+2) maximum daily construction-related PM_{2.5} pounds per day figures in Table 3.4-4 with the CalEEMod reports in Appendix B.
- The footnote in Table 3.4-5 indicates that SMAQMD Guidance was used to assume 25 percent of the total land uses in the future SOIA development area would be constructed in a single year; however, the CalEEMod report in Appendix B is not consistent with this methodology because it shows the complete future SOIA development acreage of 395.99 acres would be constructed in a single year. The maximum daily construction-related emissions in Table 3.4-5 shows 25 percent of the CalEEMod winter report output for the complete buildout of the future SOIA development area.
- Sac Metro Air District cannot reconcile the Multi-Sport Park Complex (phase 1+2) daily operational emissions of PM₁₀ and PM_{2.5} pounds per day figures in Table 3.4-6 with the CalEEMod reports in Appendix B. The PM₁₀ and PM_{2.5} pounds per day figures in Table 3.4-7 for the daily operational emissions of the total SOIA area at full buildout appear to carry forward the discrepancy from Table 3.4-6.

A7-8

A7-9

A7-10

Typographical Errors & Updated Information

- Table 3.4-1 lists inconsistent micrograms per cubic meter concentrations for the National and California Ambient Air Quality Standards (AAQS) for 8-hour Ozone.
- Table 3.4-3 lists the incorrect attainment designation for the California AAQS for annual Particulate Matter 2.5 microns.
- The following information in Table 3.4-3 has been recently updated.
 - The United States Environmental Protection Agency has recognized Sac Metro Air District's 2009 attainment of the Federal 1-hour Ozone AAQS. Sac Metro Air District appreciates the discussion in the footnote.
 - Sac Metro Air District attained the Federal 1-hour Sulfur Dioxide AAQS in December 2017.

A7-11

A7-12

A7-13

A7-14

Mr. Don Lockhart
City of Elk Grove Multi-Sport Park Complex SOIA (LAFC #04-15) DEIR
August 13, 2018
Page 4 of 4

Thank you for your consideration of these comments. If you have any questions, please contact me at 916-874-6267 or JChan@airquality.org.

Regards,



Joanne Chan
Air Quality Planner/Analyst

c: Paul Philley, Program Supervisor – CEQA & Land Use Section, Sac Metro Air District
Karen Huss, Air Quality Planner/Analyst – CEQA & Land Use Section, Sac Metro Air District

777 12th Street, 3rd Floor ■ Sacramento, CA 95814-1908
916/874-4800 ■ 916/874-4899 fax
www.airquality.org

2.2.7.1 RESPONSE TO COMMENT LETTER A7 – SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT (SMAQMD)

Comment A7-1: *The commenter provides thanks for the opportunity to review and comment on the Draft EIR.*

LAFCo and the City appreciate the commenter's review of the Draft EIR and have provided responses to each specific comment.

Comment A7-2: *The commenter notes that one of the timeframes required by Draft EIR mitigation are more stringent than what the Air District typically recommends.*

The requested revision has been made. Please see Chapter 3 of this Final EIR for details. This is a minor change in the timing of a mitigation measure that does not pertain to the conclusions of the Draft EIR or the effectiveness of the mitigation.

Comment A7-3: *The commenter notes that one of the timeframes required by Draft EIR mitigation are more stringent than what the Air District typically recommends.*

The requested revision has been made. Please see Chapter 3 of this Final EIR for details. This is a minor change in the timing of a mitigation measure that does not pertain to the conclusions of the Draft EIR or the effectiveness of the mitigation.

Comment A7-4: *The commenter points out that the last SACOG Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) did not assume development within the SOIA Area and recommends clarifications to Mitigation Measure 3.4-2 in recognition of this fact.*

The requested revision has been made. Please see Chapter 3 of this Final EIR for details. This is a clarification to mitigation measure that does not pertain to the conclusions of the Draft EIR or the effectiveness of the mitigation.

Comment A7-5: *The commenter recommends that Mitigation Measure 3.4-2 should specify the timing of submittal of an Air Quality Mitigation Plan.*

The requested revision has been made. Please see Chapter 3 of this Final EIR for details. This is a minor clarification in the timing of a mitigation measure that does not pertain to the conclusions of the Draft EIR or the effectiveness of the mitigation.

Comment A7-6: *The commenter points out that the SMAQMD does not have recommended thresholds for toxic air contaminants (TACs) for siting sensitive receptors. Rather, it has TAC thresholds for stationary sources. The commenter also noted that the SMAQMD does have the Mobile Sources Air Toxics Protocol tool for locating sensitive receptors near high volume roadways and railways.*

Mitigation Measure 3.4-5 has been revised to clarify that SMAQMD would be consulted in the case of any proposed stationary source. Please see Chapter 3 of this Final EIR for details.

This is a minor clarification in the execution of a mitigation measure that does not pertain to the conclusions of the Draft EIR or the effectiveness of the mitigation.

Comment A7-7: *The commenter recommends that Mitigation Measure 3.8-1 should specify the timing of submittal of a Greenhouse Gas Reduction Program.*

Mitigation Measure 3.8-1 has been revised to specify timing of mitigation implementation. Please see Chapter 3 of this Final EIR for details. This is a minor clarification in the timing of a mitigation measure that does not pertain to the conclusions of the Draft EIR or the effectiveness of the mitigation.

Comment A7-8: *The commenter requests clarification on the maximum daily construction-related PM_{2.5} pounds per day figures in Table 3.4-4, as they do not appear to correspond to the CalEEMod reports in Appendix B.*

The maximum daily construction-related emissions of PM_{2.5} identified in Table 3.4-4 are a result of off-site roadway improvements, which were modeled using the Road Construction Emissions Model Version 8.1.0, not CalEEMod. This data is provided in Appendix B of the Draft EIR. No change has been made to the Final EIR.

Comment A7-9: *The commenter points out that the methodology to estimate construction-related emissions of the future SOIA development did not follow the manner in which it was described within the text.*

The construction-related emissions of the future SOIA development have been re-modeled using the appropriate methodology, in which 25 percent of the total land uses in the future SOIA development are modeled as being developed in a single year. Table 3.4-5 has been revised to reflect the revised emissions estimates and the revised modeling results are provided in Appendix B of this Final EIR. Please see Chapter 3 of this Final EIR for details. The emissions are greater than estimated in the Draft EIR due to updating the methodology, but Mitigation Measure 3.4-1a and 3.4-1b are still applicable and the revision does not alter the conclusions of the Draft EIR or the effectiveness of the mitigation.

Comment A7-10: *The commenter points out an error in Table 3.4-6 and Table 3.4-7 resulting in a discrepancy in the data presented in the tables from data shown in the CalEEMod reports.*

The PM₁₀ and PM_{2.5} emissions estimates listed in Table 3.4-6 and Table 3.4-7 have been revised to accurately reflect the CalEEMod outputs and the revised modeling results are provided in Appendix B of this Final EIR. Please see Chapter 3 of this Final EIR for details. These changes are minor and do not result in a change in impact significance or conclusions of the Draft EIR.

Comment A7-11: *The commenter points out an error in Table 3.4-1 regarding National and California Ambient Air Quality Standards.*

The micrograms per cubic meter concentration for the National Ambient Air Quality Standards has been corrected in Table 3.4-1. Please see Chapter 3 of this Final EIR for details. These changes are minor and do not pertain to the accuracy and completeness of the analysis or conclusions of the Draft EIR.

Comment A7-12: *The commenter points out an error in Table 3.4-3 regarding Sacramento County Attainment Status for annual $PM_{2.5}$.*

The attainment status for annual $PM_{2.5}$ has been corrected in Table 3.4-3. Please see Chapter 3 of this Final EIR for details. This does not affect the analysis or conclusions of the Draft EIR.

Comment A7-13: *The commenter points out recent changes in attainment status for 1-hour ozone relative to what is listed in Table 3.4-3.*

The attainment status has been corrected in Table 3.4-3. Please see Chapter 3 of this Final EIR for details. This does not affect the analysis or conclusions of the Draft EIR.

Comment A7-14: *The commenter points out recent changes in attainment status for sulfur dioxide relative to what is listed in Table 3.4-3.*

The attainment status has been corrected in Table 3.4-3. Please see Chapter 3 of this Final EIR for details. This does not affect the analysis or conclusions of the Draft EIR.

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2.2.8 LETTER A8 – UNITED AUBURN INDIAN COMMUNITY



CONFIDENTIAL

Pursuant to state and Federal Law: contains site locations and tribal ceremonial and religious use information

August 13, 2018

Don Lockhart, AICP
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

Re: United Auburn Indian Community Comments on the Notice of Availability for the Draft Environmental Impact Report for the Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project

Dear Mr. Lockhart:

This comment letter on the Notice of Availability for the Draft Environmental Impact Report for the Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project is sent on behalf of the United Auburn Indian Community ("Tribe"). It is based upon information in the project record, consultation between the Tribe and the Sacramento Local Agency Formation Commission (if any), as well as data gathered by the UAIC Tribal Historic Preservation Office, which has been formally designated by the National Park Service. This comment letter focuses on the appropriate scope of analysis in the DEIR as well as alternatives to the project. This letter also underscores the Tribe's interest in the identification and preservation of sanctified tribal cemeteries, cultural landscapes, sacred sites, historic properties, and other Tribal Cultural Resources that may be adversely impacted by the proposed project.

A8-1

Cultural Affiliation

The United Auburn Indian Community is comprised of Miwok and Southern Maidu (Nisenan) people who are traditionally and culturally affiliated with all or part of your agency's geographic area of jurisdiction. The Tribe's area of geographic traditional and cultural affiliation encompasses all of Amador, El Dorado, Nevada, Placer, Sacramento, Sutter and Yuba counties, as well as portions of Butte, Plumas, San Joaquin, Sierra, Solano and Yolo counties; which includes the project area.

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

Cultural Resources in the proposed Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project

The proposed Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project may include cultural landscapes, cultural sites, and places that are sacred to the Tribe. At this stage, it is difficult to know for sure because the boundaries of many of these places have never been clearly defined. For that reason, surveys by tribal representatives, interviews with landowners, and additional geotechnical or geo-archaeological testing may be necessary to confirm the boundaries of Tribal Cultural Resources within the project area. Unless it is confirmed through these methods that no such sites exist, it is the Tribe's view that the project may have significant environmental and cultural impacts that would cause substantial adverse effects on the Tribe as a community, as well as its religious and traditional practices.

A8-2

We request consultation on the issue of identifying and locating Tribal Cultural Resources within your project area, so that sufficient information is available to analyze potential impacts in the Draft Environmental Impact Report. It is important for us to understand and support your methodology for identifying and locating Tribal Cultural Resources.

AB 52

The Tribe has requested that it be notified of any proposed projects within the Tribe's Geographic Area of Traditional and Cultural Affiliation for which your agency is the lead agency under CEQA. Following on that request, the Tribe hereby specifically requests consultation on the project pursuant to AB 52. As mentioned in the previous section, there may be Tribal Cultural Resources within the project area. The Tribe would like to discuss the topics identified in Cal. Public Resources Code section 21080.3.2, specifically, alternatives to the project, mitigation measures that Sacramento LAFCO is considering to protect tribal cultural resources, and possible effects that will occur to those resources if the project proceeds as planned.

A8-3

DEIR Contents

Because the project area may Tribal Cultural Resources, the Tribe has a keen interest that the EIR be complete and adequately investigate all the issues related to the Tribe's concerns. Accordingly, below are items the Tribe respectfully requests be studied in an EIR should the applicants choose to move forward with their project.

Native American Consultation

The EIR should reflect that your agency is consulting with the UAIC for this project, and that there may be tribal cemeteries, cultural landscapes, sacred sites, historic properties, and other Tribal Cultural Resources within the project area. The Tribe will be consulting independently as a sovereign nation.

A8-4

Tribal Views on Human Remains, Grave Goods and Tribal Cemeteries

The Tribe's views on human remains, grave goods and tribal cemeteries should be included in the Draft EIR. Those views are that human remains, grave goods and tribal cemeteries should be preserved in place with no disturbance, invasive testing or destructive analysis and testing.

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This view extends to ex situ, disarticulated or disturbed human remains (including cremations) as well as sacred objects, objects of cultural patrimony, grave goods and burial soils. Public Resources Code section 5097.98 (b)(2)(d) (1) and (2) supports that view in defining Native American human remains to include inhumation or cremation, and remains in any state of decomposition or skeletal completeness. Intact burials of interest to archaeologists therefore are only one kind of legally covered burial. A reference to Public Resources Code section 5097.98 (b)(2)(d) (1) and (2) should be included in the section on human remains, grave goods, and tribal cemeteries.

More generally, the Draft EIR should acknowledge that cemeteries, regardless of whether they are disturbed, should be avoided and preserved in place whenever possible.

Second, the Draft EIR should acknowledge the Most Likely Descendant's role in identifying appropriate treatment for burials and cemeteries. This view is supported by caselaw. See, *People v. Van Horn* (1990) 218 Cal.App.4d 1378 (in disagreement about whether burial related objects were to be treated as grave goods by Indians or scientific artifacts by archaeologists, court held the statute clearly gives the choice of preservation or reburial to Native Americans and the Legislature did not intend to give archaeologists any statutory powers with respect to Native American burials). Mitigation measures in the EIR should be clear that the MLD has the authority to identify appropriate treatment for the entire cemetery site, rather than just the burials. Such treatment could be archaeological evaluation, but that decision should be at the MLD's discretion.

The Tribe's views on the culturally-appropriate treatment of ancestral human remains and grave goods, as well as, AB 52 authority and guidance, also should be included in the EIR and any technical studies that support that document. Some of these views may need to be placed into a confidential section of the EIR and confidential part of the project administrative record pursuant to Government Code sections 6254.10, 625(r), CEQA Guidelines section 15120(d) and *Clover Valley Foundation v. City of Rocklin* (2011) 197 Cal.App.4th 200. Should there be any questions about this, my staff are happy to discuss this with you.

Prior Investigation

Please provide copies of all cultural resources reports and environmental sections. The Tribe requests to be invited to participate in the inventory, evaluation, assessment, finding of effect and treatment implementation process.

History of the Project Area and Cumulative Impacts

The EIR should explore the history of the project area, including its significance to the Native American community. The EIR must also examine the cumulative impacts of this project, including prior impacts that occurred because of other development within the project area.

Visual Impacts

Visual and aesthetic resources are a component of tribal values and can contribute to a site's significance. Visual simulations from and towards the project area from key viewpoints selected through consultation with the Tribe should be performed and included in the EIR. Impacts to setting and context for the area and tribal practices must also be considered.

A8-4
cont.

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Finally, we request consultation regarding any art or designs that will be incorporated into the project so that they may reflect the area's traditional tribal art design elements.

Biological and Natural Resources

The project APE may contain biological and natural resources that are a component of traditional ecological knowledge and are important to the Tribe. These resources may contribute to Cultural Landscapes pursuant to NPS guidance and can contribute to a site's significance. The Biological section of the EIR should specify substantial impacts (if any) to Native plants and important species such as salmon and treat them as impacts to Tribal Cultural Resources. These aspects of the cultural property must be considered in the EIR and in the eligibility determinations.

Noise, Light and Privacy

If tribal cemeteries, cultural landscapes, sacred sites, historic properties, and other Tribal Cultural Resources are identified, the EIR must analyze the project's noise and light impacts relative to sites as well as whether the proposed use would adversely impact the intangible, physical or metaphysical cultural use of the sites or affect the privacy of tribal members who use them for cultural, religious, or ceremonial purposes.

Vibration and Compression

The construction of roads, structures, and utilities can affect subsurface cultural materials in more ways than excavation. Vibration and compression must also be studied in the Draft EIR for the potential of construction, maintenance or residential equipment to damage tribal cemeteries, cultural landscapes, sacred sites, historic properties, and other Tribal Cultural Resources that remain in the ground. What measures can be taken to reduce the potential for such impacts? Frequently vibration and compression cause damage to buried tribal cemeteries.

Export, Fill, Borrow and Disposal Locations Must be Considered

Any fill must be certified clean, meaning not coming from a historic site or containing archaeological materials or human remains.

Land Use Restrictions

When tribal cemeteries are identified, land use restrictions should be put in place to prevent activities that would now or later in time adversely impact the resources. These restrictions on property use must be enforceable.

Public Land

Please provide a map showing any public land in or near the project property, including public easements. Please clearly show and mark any fee acquisition, permanent or temporary rights of way and permanent or temporary easements and indicate whether all these areas have been surveyed with qualified Native American Monitor participation. Such acquisitions would trigger public lands analysis under Public Resources Code sections 5097.9, 5097.97. Please note that the NAHC is the state trustee agency for resources of tribal concern and as such must receive copies of any environmental documents prepared.

A8-4
cont.

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Alternatives to the Project

Onsite alternatives that would minimize impacts to tribal cemeteries, areas of high or moderate cultural sensitivity, and with appropriate buffers should be studied in the Draft EIR. This could be termed a Tribal Cemetery Avoidance Alternative. Additional alternative locations or designs for limiting site impacts and micro siting any development must be considered in the Draft EIR given CEQA's preference for avoidance. See *Madera Oversight Coalition v. County of Madera* (2011) 199 Cal.App.4th 48 (CEQA documents must explain why preservation in place was rejected in favor of other forms of mitigation).

A8-4
cont.

If a conservation easement or other protective conveyance is considered, tribal views on appropriate management must be solicited, as well as considerations of endowment for long term management. In general, the Tribe would want tribal cemetery areas to be secured from public access. Tribal concerns could be addressed in a Memorandum of Agreement between Sacramento LAFCO and the Tribe. The Tribe is available to consult about this. The Tribe has found that tribal cultural resources are often encountered during geotechnical or soils work and therefore requests that paid tribal monitors be required any time ground disturbing studies or surveys are being conducted - even before project approval.

Tribal Monitors for Investigations

The Tribe has found that tribal cultural resources are often encountered during geotechnical or soils work and therefore requests that paid tribal monitors be required any time ground disturbing studies or surveys are being conducted - even before project approval.

Mitigation Measure Development

The Tribe requests that the Sacramento Local Agency Formation Commission consult with the Tribe on mitigation measures prior to the finalization of the EIR. The Tribe particularly notes its concerns with aspects of archaeological monitoring and data recovery protocols, which it considers to be an adverse effect that cannot be mitigated: the Tribe does not consider data recovery, curation and testing/analysis to be appropriate for tribal cemeteries or sacred sites. We have included these mitigation measures as well as other mitigation measures the Tribe considers extremely important to your project in the attachments. The Tribe asks that the Sacramento Local Agency Formation Commission include these mitigation measures in all subsequent documents, to include the draft and final EIR.

A8-5

Alternative mitigation should be considered consistent with the ACHP's letter dated March 31, 2015, a copy of which is attached. If cultural resources will be impacted, any such measures would need to include at minimum: a burial recovery plan, cultural and tribal resources management and treatment plan, operations and maintenance plan, sensitivity training, monitoring plan and agreement, and memorandum of agreement - each developed through consultation with the Tribe. However, such plans would not reduce the project's impacts to less than significant because when a burial or grave good is removed or relocated, it causes a significant and unmitigable impact to that resource and the Tribe.

Finally, post-approval technical studies often result in otherwise avoidable impacts and improperly deferred mitigation. The Tribe requests that all such studies be completed prior to the EIR being released. Additionally, the Tribe requests to review and comment on the

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

Mitigation Monitoring and Reporting Program for the Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project.

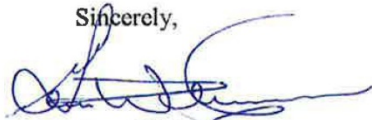
↑ A8-5
cont.

Conclusion

The United Auburn Indian Community looks forward to consulting with Sacramento LAFCO on the proposed Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project and potential options for preservation that would not adversely impact any sanctified cemeteries, cultural landscapes, sacred sites, historic properties, and other Tribal Cultural Resources located within the project area. Please contact our Cultural Resources Manager, Marcos Guerrero, at (530) 883-2364 or by email at mguerrero@auburnrancheria.com if you have any questions or to schedule those consultations. Please also place my office on the list of persons to receive any environmental documents and notices of public hearings for the project.

↑ A8-6

Sincerely,



Gene Whitehouse
Chairman

Attachment: Propsoed CEQA Mitigation Measures
ACHP January 25, 2002, memo
ACHP March 31, 2015 letter
Confidential sensitivity map from UAIC
UAIC October 30, 2015 letter to the Sacramento Local Agency Formation
Commission Requesting AB 52 Notification

cc: Matthew Moore, UAIC Tribal Historic Preservation Officer
Marcos Guerrero, UAIC Cultural Resource Manager

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380



MIWOK
MAIDU United Auburn Indian Community
of the Auburn Rancheria

Gene Whitehouse
Chairman

John L. Williams
Vice Chairman

Danny Rey
Secretary

Brenda Adams
Treasurer

Calvin Moman
Council Member



November 23, 2015

Sacramento County Local Agency Formation Commission (LAFCO) Representative
1112 I Street #100
Sacramento, CA 95814

RE: AB 52 Notification Request, California Environmental Quality Act Public Resources
Code section 21080.3, subd. (b) Request for Formal Notification of Proposed Projects
within the United Auburn Indian Community (UAIC) of the Auburn Rancheria's
Geographic Area of Traditional and Cultural Affiliation

Dear Sacramento County Local Agency Formation Commission (LAFCO) Representative:

In accordance with Public Resources Code Section 21080.3.1, subd. (b), The United Auburn Indian Community (UAIC) of the Auburn Rancheria, which is traditionally and culturally affiliated with a geographic area within your agency's geographic area of jurisdiction, requests formal notice of and information on proposed projects for which your agency will serve as a lead agency under the California Environmental Quality Act (CEQA), Public Resources Code Section 21000 et seq.

Enclosed with this letter is a copy of a map that depicts the ancestral territory that the UAIC is traditionally and culturally affiliated with. UAIC's traditionally and culturally affiliated geographic area is supported by, and has been developed through, multiple lines of evidence including oral tradition, history, ethnography, geography, linguistic, kinship, biology, archaeology, anthropology, folklore, other relevant information and expert opinion, and Congressional action through the Auburn Indian Restoration Act of 1994 (H.R. 4228 [103rd]).

Pursuant to Public Resources Code section 21080.3.1, subd. (b), and until further notice, we hereby designate the following person as the tribe's lead contact person for purposes of receiving notices of proposed projects from your agency:

Lead Contact:
Gene Whitehouse,
Chairman
10720 Indian Hill Road
Auburn, CA 95603
916-883-2320

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

Copies to:
Jason Camp
Tribal Historic Preservation Officer
10720 Indian Hill Road
Auburn, CA 95603
(530) 883-2320
jcamp@auburnrancheria.com

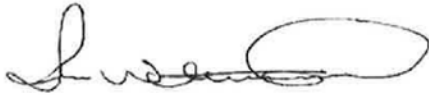
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(530) 883-2364
mguerrero@auburnrancheria.com

We request that all notices be sent via certified U.S. Mail with return receipt and that your notices specify a lead contact person for your agency. Following receipt and review of the information your agency provides, within the 30-day period outlined in Public Resources Code section 21080.3.1, subd. (d), the UAIC may request consultation, as defined by Public Resources Code section 21080.3.1, subd. (b), pursuant to Public Resources Code section 21080.3.2 to discuss issues including the type of environmental review to be conducted, project alternatives, significant effects of the project and mitigation measures for any project impacts (direct, indirect and cumulative) a specific project may cause to tribal cultural resources.

For your information, UAIC's policy is to be present during project cultural resource surveys, including initial pedestrian surveys, to identify tribal cultural resources. UAIC's policy is also to be provided all existing cultural resource assessments, including the request for and results of any records search that may have been conducted prior to the initial survey or consultation meeting. Finally, UAIC's general policy is preservation in place and avoidance of tribal cultural resources, and any subsurface testing or data recovery must not occur without first consulting with UAIC and receiving UAIC's written consent.

We recommend that your agency retain this correspondence in your permanent files. If you have any questions or need additional information, please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or by email at mguerrero@auburnrancheria.com.

Sincerely,



Gene Whitehouse,
Chairman

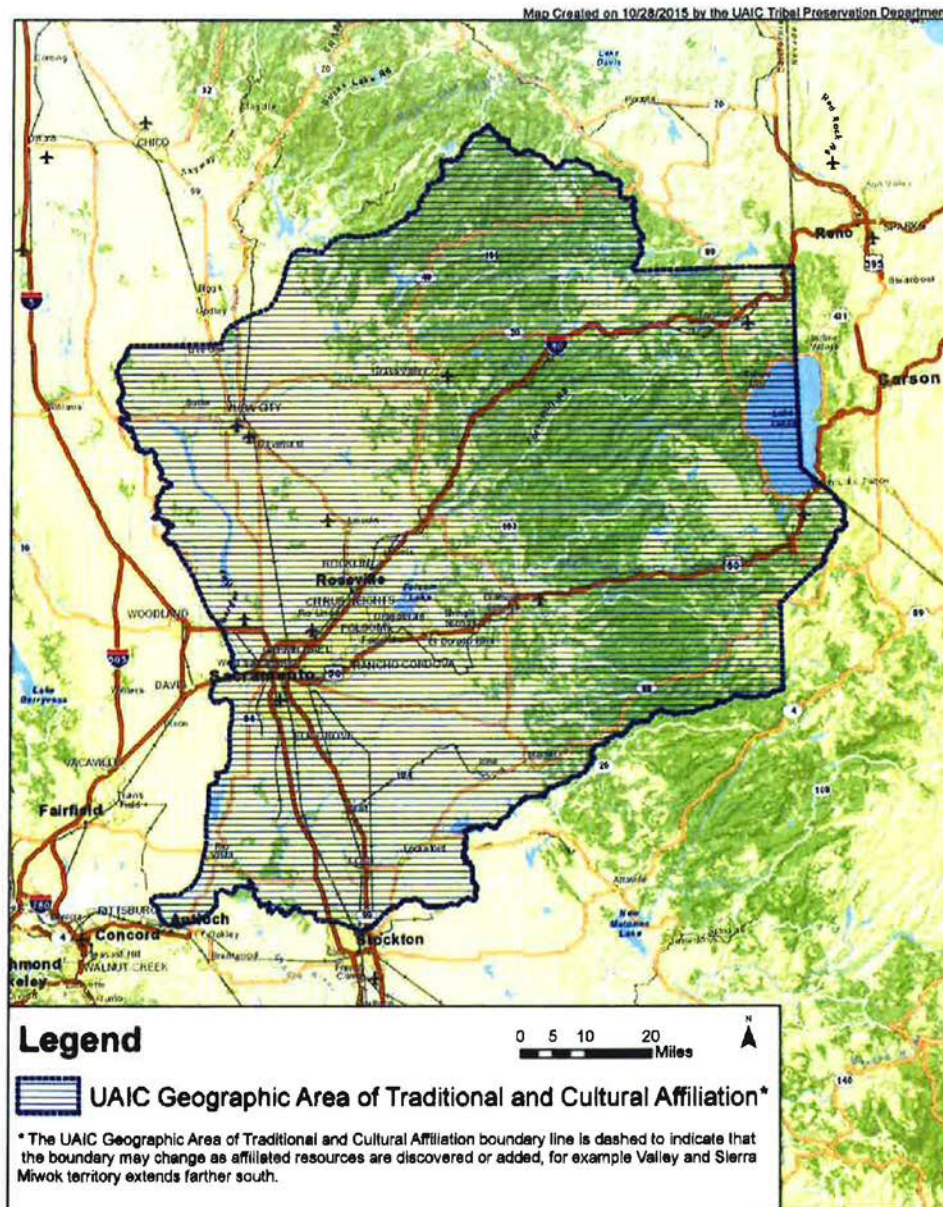
CC: Jason Camp, THPO
Marcos Guerrero, CRM
Cynthia Gomez, NAHC

Tribal Office 10720 Indian Hill Road Auburn, CA 95603 (530) 883-2390 FAX (530) 883-2380

UAIC Geographic Area of Traditional and Cultural Affiliation

(for the purposes of California AB 52)

This area includes all of Amador, El Dorado, Nevada, Placer, Sacramento, Sutter and Yuba counties as well as portions of Butte, Plumas, San Joaquin, Sierra, Solano, and Yolo counties.



This map is not a substitute for direct consultation with UAIC prior to considering any proposed project or commencing any archaeological activities in or around sensitive areas.

Note: While we make every effort to identify Tribal Cultural Resources that exist within the UAIC Geographic Area of Traditional and Cultural Affiliation, it is highly probable that there are additional, older sites that we have not yet identified due to restricted access or other reasons or that agricultural or construction activities have distributed burials and cultural materials beyond the previously known boundaries of these sites. Even if these materials are in a disturbed condition, they still retain cultural value to UAIC and should be respected and protected. Because of this, thorough survey with a qualified Native American Monitor to confirm site boundaries and search for unknown sites is critical. This survey should be conducted after consultation with the Tribe and prior to the final determination of the type of environmental document to be used.



Preserving America's Heritage

March 31, 2015

Ms. Alicia E. Kirchner
Chief, Planning Division
U.S. Army Corps of Engineers
Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Ref.: Resolution of Adverse Effects for Eight Prehistoric Archaeological Sites
Feather River West Levee Project, Contract C
Sutter and Butte Counties, California

Dear Ms. Kirchner:

The Advisory Council on Historic Preservation (ACHP) has been contacted by the United Auburn Indian Community (UAIC) regarding the resolution of adverse effects from the Feather River West Levee Project (FRWLP) to a number of archaeological sites encountered as post-review discoveries during a phase of the undertaking implemented in 2014. UAIC has objected to the archaeological data recovery being carried out and has proposed that the entire archaeological assemblage recovered from the sites be considered human remains and associated grave goods. The tribe has requested that the archaeological assemblage not be subject to further analysis of any kind and should be turned over to the tribe for appropriate reburial. In response, the Corps has indicated that it is obliged, in order to comply with Section 106 of the National Historic Preservation Act (NHPA) and its implementing regulations, "Protection of Historic Properties" (36 CFR 800), to accomplish some aspects of the analysis associated with the data recovery agreed to for resolution of adverse effects to these archaeological sites. In considering this disagreement, the ACHP would like to offer a number of observations regarding the requirements of Section 106 as they relate to this undertaking, the importance of tribal concerns regarding the presence, significance, and treatment of human remains in archaeological sites, and the potential to use alternative mitigation to resolve adverse effects in cases like this.

A central issue in the dispute is the Corps' belief that it is obligated to carry out data recovery in order to resolve the adverse effect of the undertaking because the archaeological sites have been determined eligible under Criterion D for inclusion in the National Register of Historic Places (National Register). As part of the Section 106 review, it is important that federal agencies consider carefully the criteria of eligibility that are applicable for each of the historic properties identified in the Area of Potential Effects (APE) of the undertaking. The significance and characteristics that make a historic property eligible under each criterion of eligibility should inform the federal agency's assessment of effects and the consultation to develop appropriate resolution of adverse effects. A federal agency, however, is not required to ensure that the resolution of adverse effects specifically addresses each criterion of eligibility applicable for an historic property that is adversely affected; nor that it even specifically addresses each historic property adversely affected.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

401 F Street NW, Suite 308 • Washington, DC 20001-2637

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Rather, the appropriate resolution of adverse effects is that set of measures which consulting parties agree upon. Further, the ACHP's Section 106 Archaeology Guidance (available online at www.achp.gov/archguide) clarifies that human remains, associated funerary objects, and the sites where they are found possess values beyond their importance as sources of information about the past. Thus, federal agencies should be aware that even when a property has been determined eligible for the National Register only under Criterion D, the special nature of burials, which are widely recognized in law and practice as having special qualities, may also possess a value to living groups that extends beyond the interests of archaeological research. Burial sites may be considered properties of traditional religious and cultural significance to Indian tribes or Native Hawaiian Organizations, which could make such sites eligible for the National Register under other criteria of eligibility in addition to Criterion D. Further, data recovery is not the only option to resolve adverse effects to an archaeological site found eligible under Criterion D. The ACHP is supportive of the use of reasonable alternative mitigation strategies that may not include archaeological data recovery and may not even focus directly on the historic properties that are affected or the locations or time periods represented by historic properties affected by an undertaking. This is particularly the case when alternative mitigation strategies are found to be appropriate by the consulting parties.

The UAIC, determined to be "Most Likely Descendent" (MLD) associated with the human remains by the California Native American Heritage Commission (NAHC), has concluded, based on oral history and ethno-historical information, that the burial practices of their ancestors often included cremation of the deceased with items of material culture that resulted in dispersal of fragmentary human remains and associated funerary objects throughout middens associated with their ancestral village sites. From the UAIC's perspective, the entire archaeological assemblage from each archaeological site and the soil matrix should be considered burial related and the archaeological sites should be considered cemeteries. Accordingly, the UAIC have requested that the Corps return all human remains and the entire archaeological assemblage to the tribes without any analysis or further disturbance. The Corps has turned over approximately one-half of the archaeological assemblage, prior to analysis, from the excavated sites, consisting of the portion not found in excavation unit levels in which human remains have been identified as well as excavation unit levels above and below such levels. The Corps, however, believes that it is obligated to follow through on some level of analysis for the remaining portion of the archaeological assemblages from the data recovery excavations in order to resolve the adverse effects of the undertaking to those sites because they were determined eligible under Criterion D.

The ACHP's "Policy Statement Regarding Treatment of Burial Sites, Human Remains, and Funerary Objects," states that human remains should not be knowingly disturbed unless absolutely necessary. If circumstances require that they must be disturbed, the remains should be removed carefully, respectfully, and in a manner developed in consultation with the consulting parties, including those who ascribe significance to the remains. In a case such as this, when human remains and associated funerary objects are dispersed throughout midden remains, the recovery can become extremely difficult. In reaching decisions about appropriate treatment measures, federal agencies should weigh a variety of factors, including the significance of the historic property, its value and to whom, and associated costs and project schedules. Since mitigation decisions are reached through consultation and represent the broader public interest, they should be considered appropriate so long as they are legal, feasible, and practical. By considering alternatives to data recovery, the federal agencies can address how the community or the general public will benefit from the expenditure of public funds for preservation treatments.

At the request of UAIC, and as provided for by state law, following the issuance of an investigative report on March 19, 2015, and a public hearing on March 20, 2015, the NAHC has determined that a geographical area identified as the "Wollock Prehistoric Archaeological District and Cultural Landscape," which includes the archaeological sites identified as post-review discoveries adversely affected by the FRWLP, constitutes a sanctified cemetery and associated resources as defined in Public Resources Code

(PRC) Sections 5097.97, 5097.94(g), 5097.9. The NAHC has also determined that if an agreement regarding appropriate treatment and disposition of the human remains and associated funerary material pursuant to state law is not reached between the Corps, the project proponent, and the UAIC by April 6, 2015, the NAHC will proceed with seeking injunctive relief pursuant to PRC 5097.94(g) and applicable statutes. It is apparent that the project proponent, the Sutter Butte Flood Control Agency (SBFCA), is a public agency carrying out a project on public land and thus subject to state law regarding treatment of human remains and the decisions of NAHC. The ACHP would like to remind the Corps that when human remains are encountered on non-federal or non-tribal land during review or implementation of projects subject to Section 106 review, the federal agencies involved should consider the obligations of project proponents under state law as well as their own obligations to comply with state law regarding the treatment and disposition of human remains.

It is clear that the FRWLP is a very important project intended to address public safety concerns, and its implementation should not be delayed unreasonably. We understand that the project proponent and the Corps do not believe that there are alternatives to the proposed methods for repairing and enhancing the levees that would enable avoidance of archaeological sites like the ones adversely affected in Contract C of the FRWLP. However, considering the significance of the sites to the UAIC and other tribes in the region, the Corps should reevaluate the alternatives for future phases of the project. Based on the information provided to us, a number of proposals for alternative mitigation in addition to or in place of data recovery have been considered including: (1) analysis of other archaeological site assemblages already in curation from nearby locations; (2) ethnohistoric / ethnographic study of these types of sites and their importance, to further clarify eligibility under other criteria; (3) development of future methods of identification and treatment for these types of sites that involve the tribes earlier and more directly in the review process. These are all reasonable proposals for resolving the adverse effect of the undertaking, which the Corps and consulting parties should give serious consideration to.

Finally, as the NAHC has suggested that all the archaeological sites determined to be adversely affected in Contract C of the FRWLP are part of a sanctified cemetery that extends throughout a proposed "Wollock Prehistoric Archaeological District and Cultural Landscape," the ACHP encourages the Corps to consider focusing on a resolution of adverse effects that further explores the relationship of the archaeological sites in the APE for the undertaking to such a property, and the tribal beliefs and burial practices that are the foundation of such an extensive property. The Corps should consider the criteria of eligibility that may be applicable, and protocols that may be appropriate for treatment of archaeological sites containing human remains when they cannot be avoided during implementation of future phases of the undertaking.

Should you have any questions or wish to discuss this matter further, please contact John T. Eddins, PhD at 202-517-0211, or by e-mail at jeddings@achp.gov.

Sincerely



Charlene Dwin Vaughn, AICP
Assistant Director
Federal Permitting, Licensing, and Assistance Section
Office of Federal Agency Programs

**Advisory
Council On
Historic
Preservation**



The Old Post Office Building
1100 Pennsylvania Avenue, NW, #809
Washington, DC 20004

January 25, 2002

Ms. Emily Wadhams
State Historic Preservation Officer
Vermont Division for Historic Preservation
National Life Building, Drawer 20
Montpelier, VT 05620-0501

Dear Ms. ^{Emily}Wadhams:


I would like to reply to your question about the applicability of the Section 106 process to off-site borrow and disposal areas.

It is our opinion that, if the location of the specific source of fill or disposal site is reasonably foreseeable, the Federal agency must include such location in the Area of Potential Effects (APE). If such location is not reasonably foreseeable prior to the approval of the undertaking or the release of undertaking funds, the Federal agency must still consider the effects to historic properties on such sites either through a previously agreed process or through the other post-review discovery provisions of the Section 106 regulations.

When the Location of the Borrow or Disposal Sites is Reasonably Foreseeable Prior to Approval of the Undertaking or Release of Funds

The reasoning behind our position, that those reasonably foreseeable borrow and disposal sources must be included in an undertaking's area of potential effects, is grounded in law and regulation. Section 106 of the NHPA broadly calls for Federal agencies to "take into account the effect of the undertaking on any [historic property]." 16 U.S.C. § 470f (emphasis added). This statutory language does not place any limits on either the location of the historic property affected, or its physical distance from the main project. There is nothing in the statute or the implementing regulations that exempts historic properties located at off-site areas, or at lands privately owned, from being considered.

Consistent with the cited statutory language, the Section 106 regulations require Federal agencies to make a "reasonable and good faith effort" to carry out appropriate identification efforts within the APE, which is defined as the "geographic area or areas within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties, if any such properties exist." 36 C.F.R. §§ 800.4(b) and 800.16(d) (emphasis added). A key phrase in the definition of APE is the undertaking's potential to "directly or



indirectly cause alterations” to historic properties, based on the professional’s judgment about the nature of the undertaking and the kinds of impacts it could have. We also note that this is consistent with the requirement under Section 110(a)(2)(c) of the National Historic Preservation Act (NHPA) that Federal agencies “ensure that the preservation of properties not under the jurisdiction or control of the agency, but subject to be potentially affected by agency actions are given full consideration in planning.” 16 U.S.C. § 470h-2(a)(2)(c).

When the Location of Borrow or Disposal Sites is Not Reasonably Foreseeable Prior to Approval of the Undertaking or Release of Funds

If the location of such borrow or disposal sites cannot be reasonably foreseen, we believe the Federal agency still must consider the effects to historic properties at such sites. This could most effectively be done in accordance with the post-review discovery provisions of the Section 106 regulations. 36 C.F.R. § 800.13. We note that those post-review discovery provisions allow agencies to address adverse effects to such historic properties through a previously agreed process. 36 C.F.R. § 800.13(a). The Council believes the best approach is for agencies involved in undertakings that will use a borrow or disposal site, to enter into such an agreement. Of course, such a Federal agency could also enter into a Programmatic Agreement for the entire project that may include the insertion of historic property considerations on the ultimate selection of a borrow/disposal bid.

We note that the only case of which we are aware that directly dealt with these issues, reached a similar conclusion regarding the applicability of Section 106 to borrow sites. In The Hopi Tribe v. Federal Highway Administration, et al., (Civ-98-1061), the U.S. District Court for the District of Arizona stated that “an agency’s responsibilities under Section 106 ... extend to any historic properties that an undertaking could potentially affect, regardless whether the property is located within the right-of-way.” In that case, the Hopi Tribe sought to enjoin further construction of a Federal-aid highway project because material for the project was being obtained from Woodruff Butte, a historic property of traditional cultural and religious significance to it. Damage to the Butte included the removal of a large amount of aggregate, and the destruction of a number of Hopi shrines and archaeological remains. On July 9, 1998, the Court enjoined the Federal Highway Administration from reimbursing the Arizona Department of Transportation for the \$6 million project without first complying with the requirements of Section 106, despite the fact that the Butte is privately-owned and a commercial operation. The Court found that even where the location of a material source is not reasonably foreseeable at the time the Federal agency approves a project, the agency has a continuing obligation to consider the project’s effects on historic properties under the post-review discovery provisions of the Section 106 regulations.

Other Considerations

There are various factors related to specific application of the Council’s regulations regarding borrow and disposal lands including, among others: (a) whether the borrow/disposal lands are privately or publicly owned, (b) whether the undertaking will create a new source of borrow material or a new disposal site, (c) whether the lands will be exclusively used for the



undertaking or will be accommodating various other projects, and (d) the amount of fill or disposed material connected to the undertaking. While these factors may rightfully influence effect determinations and/or how adverse effects are resolved, they still do not eliminate the basic requirements to identify historic properties on the borrow or disposal lands and consider them in the Section 106 process. As stated above, Section 106 requires Federal agencies to take into account direct or indirect effects to historic properties, and does not limit consideration according to location of the sites.

I hope you find this advice helpful in your discussions with Federal agencies about the applicability of Section 106 review to borrow and disposal sites in Vermont. We will be glad to discuss our position with you further at your convenience.

If you have any questions, do not hesitate to call either Dr. Tom McCulloch in Washington (202-606-8505), or Ms. Carol Gleichman in our Denver office (303-969-1110).

Sincerely,

John M. Fowler
Executive Director



Mitigation Measure CUL-1: Avoid Potential Effects on Previously Undiscovered Archaeological Resources.

To minimize the potential for destruction of or damage to previously undiscovered archaeological and Cultural resources and to identify any such resources at the earliest possible time during project-related earthmoving activities, THE PROJECT PROPONENT and its construction contractor(s) will implement the following measures:

1. Paid Native American Monitors from culturally affiliated Native American Tribes will be invited to monitor the vegetation grubbing, stripping, grading, or other ground-disturbing activities in the project area to determine the presence or absence of any cultural resources. Native American Representatives from cultural affiliated Native American Tribes act as a representative of their Tribal government and shall be consulted before any cultural studies or ground-disturbing activities begin.
2. Native American Representatives and Native American Monitors have the authority to identify sites or objects of significance to Native Americans and to request that work be stopped, diverted, or slowed if such sites or objects are identified within the direct impact area; however, only a Native American Representative can recommend appropriate treatment of such sites or objects.
3. A consultant and construction worker cultural resources awareness brochure and training program for all personnel involved in project implementation will be developed in coordination with interested Native American Tribes. The brochure will be distributed and the training will be conducted in coordination with qualified cultural resources specialists and Native American Representatives and Monitors from culturally affiliated Native American Tribes before any stages of project implementation and construction activities begin on the project site. The program will include relevant information regarding sensitive archaeological resources, including applicable regulations, protocols for avoidance, and consequences of violating State laws and regulations. The worker cultural resources awareness program will also describe appropriate avoidance and minimization measures for resources that have the potential to be located on the project site and will outline what to do and whom to contact if any potential archaeological resources or artifacts are encountered. The program will also underscore the requirement for confidentiality and culturally-appropriate treatment of any find of significance to Native Americans and behaviors, consistent with Native American Tribal values.
4. THE PROJECT PROPONENT will include a construction-related inadvertent discovery plan in the construction contractor's contract conditions, which must be

finalized and approved before ground-disturbing construction activities, including excavation or fill, begin. The construction-related inadvertent discovery plan will require the construction contractor to take the following actions if cultural resources such as bone, shell, artifacts, human remains, historic period structural features, architectural elements, bottles, ceramics, bricks, etc. are discovered after ground-disturbing construction activities begin:

- a. If potential archaeological resources cultural resources, articulated, or disarticulated human remains are discovered by Native American Representatives or Monitors from interested Native American Tribes, qualified cultural resources specialists, or other Project personnel during construction activities, work will cease in the immediate vicinity of the find (based on the apparent distribution of cultural resources), whether or not a Native American Monitor from an interested Native American Tribe is present. A qualified cultural resources specialist and Native American Representatives and Monitors from culturally affiliated Native American Tribes will assess the significance of the find and make recommendations for further evaluation and treatment as necessary. These recommendations will be documented in the project record. For any recommendations made by interested Native American Tribes which are not implemented, a justification for why the recommendation was not followed will be provided in the project record.
- b. No construction activities will occur within 100 feet of an area under a stop work order. THE PROJECT PROPONENT will honor all reasonable requests by a Native American Monitor from interested Native American Tribes to stop work in a specified area for 48 hours, or until Native American Representatives have provided a reasonable path for work to resume, whichever occurs first.
- c. Following a finding that the discovery represents a potential historical or cultural resource, an archaeologist who meets the Secretary of Interior's Standards for a Professional Archaeologist will delineate the resource according to industry-standard methods, taking into consideration recommendations and findings of Native American Representatives or Monitors from interested Native American Tribes. Recordation of Native American resources will be conducted in a respectful manner consistent with the behaviors identified by the Native American Monitor. The delineation will identify and map the full extent of the site. The site boundary will be recorded using GPS and the site boundary will be flagged to include a 100-foot buffer.

5. Avoidance and preservation in place is the preferred manner of mitigating impacts to a cultural resource and may be accomplished by several means, including:
 - a. Planning construction to avoid archaeological sites; incorporating sites within parks, green-space, or other open space; covering archaeological sites; deeding a site to a permanent conservation easement; or other preservation and protection methods agreeable to consulting parties and regulatory authorities with jurisdiction over the activity. Recommendations for avoidance of cultural resources will be reviewed by THE PROJECT PROPONENT, interested Native American Tribes, and the appropriate agencies, in light of factors such as costs, logistics, feasibility, design, technology, and social, cultural, and environmental considerations and the extent to which avoidance is consistent with project objectives. Avoidance and design alternatives may include realignment within the project area to avoid cultural resources, modification of the design to eliminate or reduce impacts to cultural resources, or modification or realignment to avoid highly significant features within a cultural resource. Native American Representatives from interested Native American Tribes will be allowed to review and comment on these analyses and shall have the opportunity to meet with THE PROJECT PROPONENT and its representatives who have technical expertise to identify and recommend feasible avoidance and design alternatives, so that appropriate and feasible avoidance and design alternatives can be identified.
 - b. If the resource can be avoided, the construction contractor(s), with paid Native American Monitors from culturally affiliated Native American Tribes present, will install protective fencing outside the site boundary, including a buffer area, before construction restarts. The construction contractor(s) will maintain the protective fencing throughout construction to avoid the site during all remaining phases of construction. The area will be demarcated as an “Environmentally Sensitive Area.” Native American Representatives from interested Native American Tribes and THE PROJECT PROPONENT will also consult to develop measures for long term management of the resource and routine operation and maintenance within culturally sensitive areas that retain resource integrity, including tribal cultural integrity, and including archaeological material, Traditional Cultural Properties, and cultural landscapes, in accordance with state and federal guidance including National Register Bulletin 30 (*Guidelines for Evaluating and Documenting Rural Historic Landscapes*), Bulletin 36 (*Guidelines for Evaluating and Registering Archaeological Properties*), and Bulletin 38 (*Guidelines for Evaluating and Documenting Traditional Cultural Properties*); National Park Service Preservation Brief 36 (*Protecting Cultural Landscapes*):

Planning, Treatment and Management of Historic Landscapes) and using the Advisory Council on Historic Preservation (ACHP) *Native American Traditional Cultural Landscapes Action Plan* for further guidance. Use of temporary and permanent forms of protective fencing will be determined in consultation with Native American Representatives from interested Native American Tribes.

- c. If preservation in place using appropriate covering or capping is the selected approach, the construction contractor(s) and maintenance personnel will install geotechnical fabric as a protective cover to the surface of the resource and then cap or cover the resource with a layer of local or certified clean soil. A copy of the clean soil certificate will be provided to interested Native American Tribes before a resource is capped or covered. The layer of soil will be thick enough that construction activities will not penetrate the protective cap or otherwise disturb the resource. An archaeologist who meets the Secretary of Interior's Standards for a Professional Archaeologist and a Native American Monitor must be present during installation of any protective cover and capping of a resource. Native American Representatives and Monitors from interested Native American Tribes will also be invited to attend the installation and capping. Both temporary and permanent forms of resource capping will be determined in consultation with interested Native Americans. The limits of the area to be capped will be demarcated in the field by a Native American Monitor in consultation with a THE PROJECT PROPONENT representative and cultural resources specialists.
6. If avoidance is infeasible, a Treatment Plan that identifies how identified properties that have been determined to be eligible for the CRHR or NRHP will be treated under CEQA shall be prepared and implemented in consultation with THE PROJECT PROPONENT and Native American Representatives from culturally affiliated Native American Tribes (if the resources are prehistoric or Native American in nature). In all cases, treatment will be carried out with dignity and respect. Interested Native American Tribes will be consulted on the research approach, methods and whether burial or data recovery or alternate mitigation is culturally-appropriate for the find. Alternative mitigation will be considered for cultural resources instead of burial and archaeological data recovery, curation, testing, and analysis. Work may proceed on other parts of the project site while treatment is being carried out, to the extent it does not interfere with respectful treatment. In the formulation of any Treatment Plan, the following considerations shall be made:
 - a. Concerning scientific handling, testing, or field or laboratory analysis of archaeological sites and materials, THE PROJECT PROPONENT will consult with interested Native American Tribes and USACE to identify an acceptable

procedure. THE PROJECT PROPONENT will assume for the purposes of this project that NHPA Section 106 consultation will be approached in a manner consistent with the Advisory Council on Historic Preservation letter dated March 31, 2015, regarding resolution of adverse effects in the Feather River West Levee Project matter. However, THE PROJECT PROPONENT is not the lead agency for Section 106 compliance. THE PROJECT PROPONENT, as the lead CEQA agency, will not require scientific handling, testing, or field or laboratory analysis, and will consider various types of mitigation including non-traditional approaches to treatment and will recognize the state policy in PRC Section 5097.991 that Native American remains and grave goods shall be repatriated.

- b. THE PROJECT PROPONENT and the MLD will implement the Burial Avoidance and Recovery Plan if human remains or burial objects are observed during construction. If human remains are discovered during any phase of the project, THE PROJECT PROPONENT and the contractors will coordinate with the county coroner and NAHC to make the determinations and perform the management steps prescribed in California Health and Safety Code Section 7050.5 and California PRC Section 5097.98.
 - c. For any treatment and plans, THE PROJECT PROPONENT will assume for the purposes of this project that NHPA Section 106 consultation will be approached in a manner consistent with the ACHP letter dated March 31, 2015, regarding resolution of adverse effects in the Feather River West Levee Project matter. However, THE PROJECT PROPONENT is not the lead agency for Section 106 compliance. THE PROJECT PROPONENT, as the lead CEQA agency, will not require scientific handling, testing, or field or laboratory analysis, and will consider various types of mitigation including non-traditional approaches to treatment and will recognize the state policy in PRC Section 5097.991 that Native American remains and grave goods shall be repatriated.
7. Following completion of major construction activities, THE PROJECT PROPONENT and its consultant, in consultation with Native American Representatives from culturally affiliated Native American Tribes, will prepare a report that documents what, if any, cultural resources or human remains were discovered during project implementation, how impacts to each resource (whether discovered during construction or during inventory and consultation) were avoided or what treatment was instituted, the condition of each resource after project implementation, recommendations for how additional impacts can be avoided, and recommendations for management of each resource. Interested Native American Tribes will be provided reasonable time to review and comment on the draft and draft

final confidential report. Any comments made by interested Native American Tribes will be documented in the project record, and recommended revisions will be considered for inclusion in the final reports. For any recommendations made by interested Native American Tribes which are not incorporated into the report, a justification for why the recommendation was not followed will be provided in the report.

- a. Interested Native American Tribes will be provided reasonable time to review and comment on the draft and draft final reports. Any comments made by interested Native American Tribes will be documented in the project record, and recommended revisions will be considered for inclusion in the final reports. For any recommendations made by culturally affiliated Native American Tribes which are not incorporated into the report, a justification for why the recommendation was not followed will be provided in the report. Records of all Native American consultation conducted under CEQA will be confidentially provided to the lead Federal agency responsible for compliance with NEPA and Section 106 of the NHPA.
- b. Should any Native American cultural resources be encountered, resource documentation will take into consideration recommendations and comments made by culturally affiliated Native American Tribes. These comments and recommendations will be documented in the project reports and in the resource records. For any recommendations made by culturally affiliated Native American Tribes which are not adopted by THE PROJECT PROPONENT, a justification for why the recommendation was not followed will be provided in the report.
- c. THE PROJECT PROPONENT or a THE PROJECT PROPONENT representative may request additional information, or notify the appropriate interested Native American Tribe, if they disagree with identification, recommendations or actions made by a Native American Representative or Monitor from an interested Native American Tribe. Similarly a Native American Representative or Monitor from an interested Native American Tribe may notify or request additional information from THE PROJECT PROPONENT if they disagree with identification, recommendations, or actions made by THE PROJECT PROPONENT or one of its representatives.

Timing: During all ground-disturbing construction phases.

Responsibility: THE PROJECT PROPONENT and its construction contractor(s).

Mitigation Measure CUL-2: Avoid Potential Effects on Previously Undiscovered Paleontological Resources.

To minimize the potential for destruction of or damage to potentially unique, scientifically important paleontological resources during project-related earthmoving activities, THE PROJECT PROPONENT and its construction contractor(s) will implement the following measures:

1. Before the start of any project-related earthmoving activities, THE PROJECT PROPONENT shall retain a qualified archaeologist or paleontologist to train all construction personnel involved with earthmoving activities, including the site superintendent, regarding the possibility of encountering fossils, the appearance and types of fossils likely to be seen during construction, and proper notification procedures should fossils be encountered.
2. If paleontological resources are discovered during earthmoving activities, the construction crew shall notify THE PROJECT PROPONENT and shall immediately cease work in the vicinity of the find. THE PROJECT PROPONENT shall retain a qualified paleontologist to evaluate the resource and prepare a recovery plan in accordance with Society of Vertebrate Paleontology guidelines (1996). The recovery plan may include but is not limited to a field survey, construction monitoring, sampling and data recovery procedures, museum storage coordination for any specimen recovered, and a report of findings. Recommendations in the recovery plan that are determined by THE PROJECT PROPONENT to be necessary and feasible shall be implemented before construction activities can resume at the site where the paleontological resources were discovered.

Timing: During all ground-disturbing construction phases.

Responsibility: THE PROJECT PROPONENT and its construction contractor(s).

Mitigation Measure CUL-3: Avoid Potential Effects on Undiscovered Burials.

To minimize the potential for destruction of or damage to undiscovered burials during project-related earthmoving activities, THE PROJECT PROPONENT and its construction contractor(s) will implement the following measures:

1. In accordance with the California Health and Safety Code, if human remains are uncovered during ground-disturbing activities, all ground-disturbing work potentially damaging excavation in the area of the burial and a 150-foot radius shall halt and the County Coroner shall be notified immediately. The coroner is

required to examine all discoveries of human remains within 48 hours of receiving notice of a discovery on private or state lands (Health and Safety Code Section 7050.5[b]). If the coroner determines that the remains are those of a Native American, he or she must contact the NAHC by phone within 24 hours of making that determination (Health and Safety Code Section 7050[c]). The NAHC shall designate a Most Likely Descendant for the human remains. After the coroner's findings have been made, an archaeologist meeting the *Secretary of the Interior's Professional Standards for Archaeologists* and the NAHC-designated Most Likely Descendant shall determine the ultimate treatment and disposition of the remains and take appropriate steps to ensure that additional human interments are not disturbed. The responsibilities of [insert] County for acting upon notification of a discovery of Native American human remains are identified in PRC Section 5097.9.

2. Native American human remains, associated grave goods, and items associated with Native American human remains that are subject to California PRC Section 5097.98 will not be subjected to scientific analysis, handling, testing or field or laboratory analysis without written consent from the Most Likely Descendant. If human remains are present, treatment shall conform to the requirements of state law under California Health and Safety Code Section 7050.5 and PRC Section 5097.87, unless the discovery occurs on federal land. THE PROJECT PROPONENT agrees to comply with other related state laws, including PRC Section 5097.9.

Timing: During all ground-disturbing construction phases.

Responsibility: THE PROJECT PROPONENT and its construction contractor(s).

2.2.8.1

RESPONSE TO COMMENT LETTER A8 – UNITED AUBURN INDIAN COMMUNITY

Comment A8-1: *The comment letter was provided for the Notice of Availability for the Draft EIR. This commenter states that the letter is based upon information in the project record, consultation between the United Auburn Indian Community (UAIC) and the Sacramento Local Agency Formation Commission, as well as data gathered by the UAIC Tribal Historic Preservation Office. The commenter also states that the letter underscores the UAIC's interest in the identification and preservation of sanctified tribal cemeteries, cultural landscapes, sacred sites, historic properties, and other Tribal Cultural Resources that may be adversely impacted by the proposed project. The commenter further states that the Miwok and Southern Maidu (Nisenan) people comprise the UAIC and the commenter identifies the counties that encompass the UAIC's area of geographic traditional and cultural affiliation.*

Sacramento LAFCo and the City appreciate the comments provided by the UAIC. Responses to specific comments related to the Draft EIR's analysis are addressed comprehensively herein. LAFCo and the City appreciate UAIC confirming that nothing in the comment letter is confidential.

Comment A8-2: *The commenter states that the SOIA Area may include cultural landscapes, cultural sites, and places that are sacred to the UAIC. The commenter states that surveys by tribal representatives, interviews with landowners, and additional geotechnical or geo-archaeological testing may be necessary to confirm the boundaries of Tribal Cultural Resources within the project area. The commenter states that the UAIC request consultation on the issue of identifying and locating Tribal Cultural Resources within the SOIA Area.*

A records search was conducted at the California Historical Resources Information System (CHRIS) North Central Information Center (NCIC) in Sacramento on December 10, 2015, and consisted of SOIA Area and a 0.5-mile study radius. Based on the records search results, no known cultural resources have been previously identified in the proposed multi-sport park complex site and one cultural resource, the Southern Pacific Railroad, was identified previously in the SOIA Area. In addition, on January 12 and 16, 2016, an archaeological pedestrian survey was completed for the proposed multi-sport park complex site and no archaeological resources, including Tribal Cultural Resources, were encountered during the survey.

Please also see the Response to Comment A8-3, which addresses consultation with the UAIC.

Comment A8-3: *The commenter states that the UAIC specifically requests consultation on the project pursuant to Assembly Bill 52. The commenter states that the UAIC would like to discuss the topics identified in California Public Resources Code section 21080.3.2, specifically, alternatives to the project, mitigation measures that Sacramento LAFCO is considering to protect tribal cultural resources, and possible effects that will occur to those resources if the project proceeds as planned.*

Native American consultation was initiated for SOIA Area. In compliance with Assembly Bill 52, the Native American Heritage Commission (NAHC) was contacted on October 15,

2015, to obtain a CEQA tribal consultation list and to request a search of the Sacred Lands File. In its response dated October 27, 2015, the NAHC stated that the Sacred Lands File did not indicate the presence of Native American resources in the vicinity of the SOIA Area, but listed eight Native American organizations and individuals who may have knowledge of cultural resources in the SOIA Area. LAFCo and the City sent letters to these parties on November 19, 2015, thereby initiating the comment period. A single response was received from Shingle Springs Rancheria, which indicated that the tribe was unaware of any known cultural resources at the site, but would like continued consultation as the Project continues. The record of consultation correspondence is contained in the technical report (see Appendix D of the Draft EIR).

Please also see Responses to Comments A8-4 and A8-5.

Comment A8-4: *The commenter requests that the EIR address Native American consultation; prior archeological investigations; tribal views on human remains, grave goods and tribal cemeteries; history of the project area; visual and aesthetic; biological and natural resources; light; noise; vibration and compression; land use restriction; cumulative impacts; and alternatives.*

The impacts related to the issues listed by the commenter have been analyzed in the Draft EIR. Chapter 3.2, “Aesthetics,” of the Draft EIR addresses changes in the visual environment, including increased light and glare; Chapter 3.4, “Biological Resources,” addresses biological and natural resources; and Section 3.6, “Cultural Resources,” addresses the history of the SOIA Area. Section 3.13, “Noise and Vibration,” addresses impacts associated with noise, and vibration. Chapter 4, “Cumulative Impacts,” addresses cumulative impacts, including cumulative cultural resources impacts, and Chapter 5, Alternatives,” addresses alternatives to the proposed Project, including cultural resources impacts associated with two alternatives to the proposed Project.

Native American consultation; prior archeological investigations; and tribal views on human remains, grave goods, and tribal cemeteries are addressed in the Responses to Comments A8-5 and A8-6.

Comment A8-5: *The commenter requests that paid tribal monitors be required any time ground-disturbing studies or surveys are being conducted even before project approval. The Tribe requests that the Sacramento LAFCo consult with the Tribe on mitigation measures prior to the finalization of the EIR. The commenter states the UAIC has concerns with aspects of archaeological monitoring and data recovery protocols, which it considers to be an adverse effect that cannot be mitigated. The commenter states that the UAIC does not consider data recovery and curation and testing/analysis to be appropriate for tribal cemeteries or sacred sites but that mitigation measures would need to include, at a minimum, a burial recovery plan, cultural and tribal resources management and treatment plan, operations and maintenance plan, sensitivity training, monitoring plan and agreement, and memorandum of agreement - each developed through consultation with the UAIC. The commenter requests*

that all studies be completed prior to the EIR being released. The commenter requests to review and comment on the Mitigation Monitoring and Reporting Program for the Project.

Impact 3.6-2 in Section 3.6 of the Draft EIR addresses impacts associated with the discovery of unknown cultural resources (pages 3.6-10 to 3.6-13 of the Draft EIR). As part of the environmental review process, the City's General Plan HR-6-Action 1 requires a detailed on-site study of potential archaeological resources impacts for projects in locations that have a significant potential for containing archaeological artifacts and implementing all mitigation measures. Potential mitigation measure treatment methods for significant and potentially significant resources may include, but would not be limited to, no action (i.e., for resources determined not to be significant), avoidance of the resource through changes in construction methods or project design, or implementation of a program of testing and data recovery, in accordance with applicable State requirements and/or in consultation with affiliated Native American tribes.

Mitigation Measure 3.6-2a requires that, prior to the approval of subsequent development projects in the SOIA Area, the City would require that a qualified cultural resources specialist conduct a survey and inventory for archaeological resources that would include field survey, review of updated information from the North Central Information Center and other applicable data repositories, and updated Native American consultation (page 3.6-11 of the Draft EIR). In addition, Mitigation Measure 3.6-2c states that if previously unknown cultural resources (i.e., prehistoric sites and isolated artifacts) are discovered during work, work would be halted immediately within 50 feet of the discovery, the City would be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards would be retained to determine the significance of the discovery. The project proponent would be required to implement any mitigation deemed necessary for the protection of cultural resources (page 3.6-12 of the Draft EIR).

Impact 3.6-4 in Section 3.6 of the Draft EIR addresses disturbance of human remains (page 3.6-14 of the Draft EIR). Mitigation Measure 3.6-4 requires that, if human remains are uncovered during future ground-disturbing activities, future applicants within the SOIA Area and/or their contractors would be required to halt potentially damaging excavation in the area of the burial and notify the County Coroner and a professional archaeologist to determine the nature of the remains. The discovery of Native American remains would require future applicants within the SOIA Area and/or their contractors ensure that the immediate vicinity (according to generally accepted cultural or archaeological standards and practices) is not damaged or disturbed by further development activity until consultation with the Most Likely Descendant has taken place. The treatment of Native American remains would be in compliance with Public Resources Code Section 5097.9. The Draft EIR concluded that implementation of Mitigation Measure 3.6-4 would ensure that any cultural resources, including archaeological features or potential human remains, encountered during construction would be treated in an appropriate manner under CEQA and other applicable laws and regulations. If the discovery could potentially be human remains, compliance with Health and Safety Code Section 7050 et seq. and Public Resources Code Section 5097.9 et seq. would be required (page 3.6-16 of the Draft EIR).

The Draft EIR concluded that implementation of Mitigation Measures 3.6-2a, 3.6-2c, 3.6-4 would reduce impacts on unknown cultural resources or the disturbance to human remains to a less-than-significant level (pages 3.6-13 and 3.6-15 of the Draft EIR). Compliance with California Health and Safety Code, California Public Resources Code, and the applicable City General Plan policies and actions would reduce potential impacts on previously undiscovered human remains.

A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for the Project and is provided as Appendix A of this Final EIR. The MMRP identifies the individual mitigation measures, the party responsible for monitoring implementation of the measure, the timing of implementation, and space to confirm implementation of the mitigation measures.

Comment A8-6: *The commenter states that the UAIC looks forward to consulting with Sacramento LAFCo on the proposed Project and potential options for preservation that would not adversely impact any sanctified cemeteries, cultural landscapes, sacred sites, historic properties, and other Tribal Cultural Resources located within the project area.*

Sacramento LAFCo, the City, and/or applicant(s) of future development phases will coordinate with UAIC as future development occurs within the SOIA Area.

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2.2.9 LETTER A9 – PACIFIC GAS AND ELECTRIC COMPANY (PG&E)



**Pacific Gas and
Electric Company**

Plan Review Team
Land Management

PGEPlanReview@pge.com

6111 Bollinger Canyon Road 3370A
San Ramon, CA 94583

Letter A9

August 14, 2018

Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814



Re: SCH#2015102067 Multi Sport Complex

Dear Mr. Lockhart:

Thank you for giving us the opportunity to review the subject plans. The proposed SCH#2015102067 Multi Sport Complex dated August 1, 2018 does not appear to interfere with any existing PG&E facilities or easement rights. PG&E does have underground gas distribution lines that run along Grant Line Road. We ask you contact Underground Service Alerts (USA) prior to any proposed work on the property.

A9-1

Please note that this is our preliminary review and PG&E reserves the right for future review as needed. This letter shall not in any way alter, modify, or terminate any provision of any existing easement rights. If there are subsequent modifications made to your design, we ask that you resubmit the plans to the email address listed below.

A9-2

In the event that you require PG&E's gas or electrical service in the future, please continue to work with PG&E's Service Planning department: <https://www.pge.com/cco/>.

If you have any questions regarding our response, please contact the PG&E Plan Review Team at (877) 259-8314 or pgeplanreview@pge.com.

Sincerely,

PG&E Plan Review Team
Land Management

2.2.9.1

RESPONSE TO COMMENT LETTER A9 – PACIFIC GAS AND ELECTRIC COMPANY (PG&E)

Comment A9-1: *The commenter thanks LAFCo for providing PG&E the opportunity to review the Draft EIR. The commenter states the proposed project does not appear to interfere with any existing PG&E facilities or easement rights. The commenter further states that PG&E has underground gas distribution lines that run along Grant Line Road and asks that Underground Service Alerts (USA) be contacted prior to any proposed work on the property.*

LAFCo and the City appreciate PG&E's review of the Draft EIR. LAFCo and the City acknowledge that there are underground gas distribution lines that run along Grant Line Road and that USA should be contacted prior to any proposed work on the property.

Comment A9-2: *The commenter states that this is a preliminary review and PG&E reserves the right for future review, as needed. The commenter also states that plans should be resubmitted if there are subsequent modifications to designs to the email address listed in their comment letter.*

The project applicant(s) of future development phases will submit project designs to PG&E as future development occurs within the SOIA Area.

Mitigation Measure 3.16-2 requires the following:

At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require utility service plans that identify the projected electrical and natural gas demands and that appropriate infrastructure sizing and locations to serve future development will be provided within the annexation territory. The utility service plans shall demonstrate that SMUD will have adequate electrical supplies and infrastructure and PG&E will have adequate natural gas supplies and infrastructure available for the amount of future development proposed within the annexation territory. If SMUD or PG&E must construct or expand facilities, environmental impacts associated with such construction or expansion should be avoided or reduced through the imposition of mitigation measures. Such measures should include those necessary to avoid or reduce environmental impacts associated with, but not limited to, air quality, noise, traffic, biological resources, cultural resources, GHG emissions, hydrology and water quality, and others that apply to specific construction or expansion of natural gas and electric facilities projects.

2.2.10 LETTER A10 – SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD)

Letter A10

Powering forward. Together.



Sent Via E-Mail

August 14, 2018

Don Lockhart, AICP
Sacramento Local Agency Formation Commission
1212 I Street, Suite 100
Sacramento, CA 95814
Don.lockhart@saclafco.org



Subject: Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex / DEIR / SCH: 2015102067

Dear Mr. Lockhart:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Project (Project, SCH 2015102067). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

A10-1

It is our desire that the Project DEIR will acknowledge any Project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
- <https://www.smud.org/en/Business-Solutions-and-Rebates/Design-and-Construction-Services>
- <https://www.smud.org/en/Corporate/Do-Business-with-SMUD/Land-Use/Transmission-Right-of-Way>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Climate Change
- Cumulative impacts related to the need for increased electrical delivery

A10-2

The Project will contribute to the need for two new specific substation transformers on the existing substation sites and power lines in the area. Below are specific electrical requirements for the Project:

- New Distribution substation proposed along Kammerer Rd at Big Horn Road.
- Standard 12.5-foot overhead/underground PUE along all streets.
- 25 foot PUE/PUFPE along Grant Line Road. for existing 69kV line.
- Existing 12kV overhead line along Waterman & Grant Line Road.

A10-3

SMUD CSC | 6301 S Street | P.O. Box 15830 | Sacramento, CA 95852-0830 | 1.888.742.7683 | smud.org

- Existing & proposed 12kV line along Mosher Road.
- Existing 69kV line along Waterman & Grant Line Road.
- Existing 230kV corridor East of Waterman Road.
- Existing 69 and 12kV along Eschinger Road.
- Existing 69 and 12kV along Hood-Franklin Road.
- Proposed double circuit 69kV line along the west side of the railroad tracks from SMUD's bulk substation site to the north side of the new Kammerer Road extension.
- Proposed double circuit 69kV line between Franklin Blvd and Bruceville Road along the north side of the new Kammerer Rd extension; minimum 12.5' PUE for 12kV and 20' exclusive easement for 69kV.
- Reconstruct the existing single circuit 69kV line between Bruceville Road and approximately future Lotz Pkwy along the north side; minimum 12.5' PUE for 12kV and 20' exclusive easement for 69kV.
- Maintain existing single circuit 69kV line east of approximately future Lotz Pkwy and end of current improvements on the south side of Kammerer Road.
- Proposed 2nd 69kV circuit along Grant Line Road on existing pole line.
- Proposed 12kV underground lines along Grant Line Road and Waterman Road.
- Proposed 69kV circuit extension along Kammerer Rd to Franklin Road.
- Proposed 69kV extension along Eschinger Road.
- Underbuild 12kV may need to be maintained along all routes if joint trench is installed at a later date.

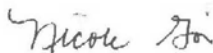
A10-3
(Cont)

SMUD would like to be involved with discussing the above areas of interest as well as discussing any other potential issues. We aim to be partners in the efficient and sustainable delivery of the proposed Project. Please ensure that the information included in this response is conveyed to the Project planners and the appropriate Project proponents.

A10-4

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this DEIR. If you have any questions regarding this letter, please contact SMUD's Environmental Management Specialist, Ashlen McGinnis, at ashlen.mcginis@smud.org or 916.732.6775.

Sincerely,



Nicole Goi
Regional & Local Government Affairs
Sacramento Municipal Utility District
6301 S Street, Mail Stop A313
Sacramento, CA 95817
nicole.goi@smud.org

Cc: Ashlen McGinnis

2.2.10.1

RESPONSE TO COMMENT LETTER A10 – SACRAMENTO MUNICIPAL UTILITY DISTRICT (SMUD)

Comment A10-1: *The commenter thanks LAFCo for providing SMUD the opportunity to review the Draft EIR. The commenter states that SMUD is the primary energy provider for Sacramento County and the proposed Project area. The commenter further states that as a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.*

LAFCo and the City appreciate SMUD’s review of the Draft EIR.

Impacts on SMUD’s facilities are considered in Section 3.16, “Energy,” of the Draft EIR. Section 3.16 provides an analysis of potential impacts on SMUD facilities, including those associated with the Project’s demands for electricity and electrical infrastructure. In addition, Section 3.16 includes Mitigation Measure 3.16-2 to ensure a less-than-significant impact.

Please also see the Responses to Comments A10-2 and A10-3.

Comment A10-2: *The commenter asks that the Draft EIR acknowledge impacts related to the following issues: overhead and or underground transmission and distribution line easements, utility line routing, electrical load needs/requirements, energy efficiency, climate change, and cumulative impacts related to the need for increased electrical delivery.*

The impacts related to the issues listed by the commenter have been analyzed in the Draft EIR. Chapter 3.16 of the Draft EIR addresses electrical infrastructure, provides the electrical demand for the Project, and analyzes energy efficiency. Section 3.8 “Greenhouse Gas Emissions,” provides an analysis of potential GHG emissions impacts of the Project. Chapter 4.0, “Other CEQA,” addresses cumulative impacts related to the increased for electricity and infrastructure.

See also the Response to Comment A10-1.

Comment A10-3: *The commenter lists specific electrical requirements for the Project.*

Impact 3.16-2 in the Draft EIR discusses on-site and off-site infrastructure required to serve the SOIA Area. As stated in Mitigation Measure 3.16-2 in Section 3.16 of the Draft EIR, at the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require utility service plans that identify the projected electrical demands and that appropriate infrastructure sizing and locations to serve future development will be provided within the annexation territory (page 3.16-9 of the Draft EIR). Section 3.16 of the Draft EIR further states that extension of off-site infrastructure could be required to fully serve the entire SOIA Area (page 3.16-9 of the Draft EIR).

Page 3.16-18 of the Draft EIR under Impact 3.16-2 has been revised to indicate that the City and/or project applicants for future development will consult with SMUD and that SMUD has indicated future upgrades and new off-site infrastructure would be required to service the

SOIA Area. Please see Chapter 3 of this Final EIR, “Errata.” These edits do not change the analysis or conclusions of the Draft EIR.

The city of Elk Grove is served by SMUD’s aboveground and underground electric transmission and distribution lines. As is described in Chapter 2.0, “Project Description”, the proposed multi-sport park complex project would include extension of electricity services by SMUD and natural gas by PG&E. Electricity for the multi-sport park complex could be served from the 69-kV line on Grant Line Road. SMUD’s power line would be connected to a utility transformer and metering/distribution equipment in the site’s service yard and the City would connect service feeders that would extend throughout the site. The location of on-site infrastructure would be planned in consultation with SMUD and the location of infrastructure would be identified in the final project design. As part of the Project approval process, the City and/or project applicants for future development would be required to consult with SMUD regarding the extension and locations of on-site infrastructure. SMUD has indicated that additional substations and off-site electrical infrastructure along Kammerer Road, Grant Line Road, Mosher Road, Waterman Road, and Eschinger Avenue could be required (Goi, pers. comm., 2018).

Comment A10-4: *The commenter states that SMUD would like to be involved with discussing the above areas of interest, as well as discussing any other potential issues and that SMUD aims to be partners in the efficient and sustainable delivery of the proposed Project. The commenter also states that the information included in this response be conveyed to the Project planners and the appropriate Project proponents.*

The City and/or applicant(s) of future development phases will coordinate with SMUD as future development occurs within the SOIA Area. Please also see Response to Comment A10-3.

2.2.11 LETTER A11 – CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH



KEN ALEX
DIRECTOR

August 14, 2018



Don Lockhart
Sacramento County Local Agency Formation Commission (LAFCO)
1112 I Street #100
Sacramento, CA 95814

Subject: Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Environmental Impact Report
SCH#: 2015102067

Dear Don Lockhart:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on August 13, 2018, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

Please note that Section 21104(c) of the California Public Resources Code states that:

"A responsible or other public agency shall only make substantive comments regarding those activities involved in a project which are within an area of expertise of the agency or which are required to be carried out or approved by the agency. Those comments shall be supported by specific documentation."

These comments are forwarded for use in preparing your final environmental document. Should you need more information or clarification of the enclosed comments, we recommend that you contact the commenting agency directly.

This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act. Please contact the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

1400 10th Street P.O. Box 3044 Sacramento, California 95812-3044
1-916-322-2318 FAX 1-916-558-3184 www.opr.ca.gov

A11-1

Document Details Report State Clearinghouse Data Base

SCH# 2015102067
Project Title Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex Environmental Impact
Lead Agency Report
 Sacramento County Local Agency Formation Commission

Type EIR Draft EIR
Description Proposed expansion of the city's SOI by approx 561 acres to provide for 271 acres of commercial and industrial uses with the potential for 6.5 M sf of building space and generation of ~10,000 employees, 118 acres and mixed uses with the potential for 708 dwelling units, and a 171 acre multi-sport park complex. The proposed multi-sport park complex would provide a multi-use community support facility, tournament and practice fields, an indoor sports facility, a stadium/amphitheater, and fairgrounds/agrizona park. The complex will include new landscaping, lighting, access roads, parking lots, and supportive infrastructure.

Lead Agency Contact

Name Don Lockhart
Agency Sacramento County Local Agency Formation Commission (LAFCO)
Phone 919-874-6458 **Fax**
email
Address 1112 I Street #100
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento
City Elk Grove
Region
Lat / Long 38° 22' 49.4" N / 121° 20' 40" W
Cross Streets Grant Line Road and Mosher Rd on E; W, Grant Line Rd and near Waterman
Parcel No. 134-0190-002, 003, 009, 010, 013, etc.
Township 6 **Range** 6 **Section** **Base**

Proximity to:

Highways Hwy 99
Airports
Railways UPRR
Waterways Deer Creek, Cosumnes River
Schools
Land Use ag and res/ag, 80 are min, heavy industrial, and ag res, 2 ac

Project Issues Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Geologic/Seismic; Minerals; Noise; Population/Housing Balance; Public Services; Recreation/Parks; Sewer Capacity; Soil Erosion/Compaction/Grading; Solid Waste; Toxic/Hazardous; Traffic/Circulation; Vegetation; Water Quality; Water Supply; Wetland/Riparian; Growth Inducing; Landuse; Cumulative Effects; Aesthetic/Visual; Schools/Universities; Tribal Cultural Resources; Other Issues

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3 N; Office of Emergency Services, California; Regional Water Quality Control Bd., Region 5 (Sacramento); Delta Stewardship Council; Native American Heritage Commission; Public Utilities Commission

Date Received 06/29/2018 **Start of Review** 06/29/2018 **End of Review** 08/13/2018

Note: Blanks in data fields result from insufficient information provided by lead agency.

2.2.11.1

RESPONSE TO COMMENT LETTER A11 – CALIFORNIA OFFICE OF PLANNING AND RESEARCH, STATE CLEARINGHOUSE AND PLANNING UNIT

Comment A11-1: *The commenter states that the State Clearinghouse has submitted the Draft EIR to selected state agencies for review and attaches the comments received.*

Sacramento LAFCo and the City appreciate the circulation of the Draft EIR among State agencies.

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2.2.12 LETTER O1 – SACRAMENTO COUNTY FARM BUREAU

Letter O1



SACRAMENTO COUNTY FARM BUREAU

PUTTING THE FOOD ON YOUR FORK SINCE 1917

August 14, 2018

Don Lockhart, AICP
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814



RE: Elk Grove Sphere of Influence Amendment and Multi-Sport Complex Environmental Impact Report

Dear Mr. Lockhart and Members of the Commission,

The Sacramento County Farm Bureau is a non-governmental, non-profit, grassroots organization. Our purpose is to protect and promote agricultural interests throughout Sacramento County and to find solutions to the problems of the farm, the farm home, and rural communities. Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.

O1-1

As you are aware, farmers and ranchers have testified before you in both supporting and opposing the proposed sphere of influence amendments by the City of Elk Grove. Some welcome the change and wish to be a part of future development, while others desire to remain under the County jurisdiction. We respect all positions and emphasize that we champion private property rights and individual decisions farmers and ranchers make regarding their land

O1-2

Farm Bureau supports local planning to accommodate orderly, logical contiguous patterns of urban development. A sphere of influence process is an appropriate tool to plan for future needs of local jurisdictions. However, Farm Bureau *cannot* support urban development of agricultural land when the need for expansion is not substantiated by credible and current projections for future urban growth.

O1-3

To determine that the direct and indirect loss of agricultural land, including Farmland of Statewide Importance, is considered *potentially significant* is a direct avoidance of the truth of the situation. By converting existing agricultural lands, including Farmland of Statewide Importance to nonagricultural urban uses the Commission must acknowledge that this is a significant and unavoidable impact regardless of mitigation measures.

O1-4

The SOIA includes active Williamson Act contracts. It was recognized that California was losing, at a fast rate, some of the most productive farmland and diverse natural resources in the world. As a result, The California Land Conservation Act of 1965, commonly known as the Williamson Act, was enacted. This voluntary program is a contract between private landowners and the County to restrict development activities on agricultural land in return for a lower assessed property tax. LAFCo should not ignore the 179 acres of farmland enrolled in the Williamson Act and the commitment landowners and the County have made to the protection of these resources.

O1-5

8970 Elk Grove Boulevard, Elk Grove, California 95624
Phone 916-685-6958 • www.sacfarmbureau.org



SACRAMENTO COUNTY FARM BUREAU

PUTTING THE FOOD ON YOUR FORK SINCE 1917

Water resources should be of the utmost importance when considering the feasibility of this proposed project. A project of this size and scope and planned usage, will have a significant impact on the groundwater supply of that area and potentially an impact on the surrounding agricultural properties. In a time where groundwater resources are being scrutinized, monitored and measured, the potential impact on this resource is not something to be determined as a *less than significant* measure, regardless of planned mitigation.

O1-6

Increased traffic flow in the immediate and surrounding areas will affect neighboring farming operations at various times throughout the growing season. The movement of agricultural vehicles, tractors and implements will be impacted with increased traffic flow to this facility, regardless of the phase of its construction or future use.

O1-7

Urban development is ever encroaching on agricultural and open space lands. There needs to be consideration of a buffer zone between the urban and rural interface of this expansion. Developing a facility such as this, will increase the population in this area and without an acknowledgement of the practices on the surrounding agricultural lands, the lack of a buffer may lead to future challenges or complaints about farming practices so close to a development.

O1-8

It must be stressed that this project, will directly result in the loss of prime farmland within Sacramento County. Additionally, to mitigate for this loss through simple wildlife or conservation programs does not adequately address the loss of farmland. Farm Bureau would like the Commission to acknowledge the fact that precious farmland acres will be lost if this development is approved, regardless of mitigation measures.

O1-9

To protect the viability of agriculture and our incredibly productive and important family farms and ranches, LAFCo must encourage efficient development regionally and require cities to make efficient use of lands already within their jurisdiction before expanding further into agricultural areas. Every jurisdiction, including the City of Elk Grove, must carefully consider any request to expand, annex or make land use changes. Changes to agricultural land have long-term adverse effects on wildlife, habitat, environmental sustainability and economic growth. They value agriculture not only as an economic engine but also as a protector of the environment and open space.

O1-10

Thank you for the opportunity to share our concerns.

Sincerely,

Lindsey Liebig
Executive Director

8970 Elk Grove Boulevard, Elk Grove, California 95624
Phone 916-685-6958 • www.sacfarmbureau.org

2.2.12.1

RESPONSE TO COMMENT LETTER O1 – SACRAMENTO COUNTY FARM BUREAU

Comment O1-1: *The commenter states that the Sacramento County Farm Bureau is a non-governmental, non-profit, grassroots organization. The commenter states that the purpose of the Farm Bureau is to protect and promote agricultural interests throughout Sacramento County and to find solutions to the problems of the farm, the farm home, and rural communities, and the commenter also states that the Farm Bureau strives to protect and improve the ability of farmers and ranchers engaged in production agriculture to provide a reliable supply of food and fiber through responsible stewardship of California's resources.*

The commenter provides information on the Sacramento County Farm Bureau's purpose in Sacramento County. LAFCo and the City appreciate the Farm Bureau's review.

Comment O1-2: *The commenter states that some farmers and ranchers welcome change and wish to be a part of future development, while others desire to remain under the County jurisdiction. The commenter states that the Farm Bureau respects all positions and emphasizes that the Farm Bureau champions private property rights and individual decisions farmers and ranchers make regarding their land.*

LAFCo and the City acknowledge the Farm Bureau's perspective related to individual decisions of farmers and ranchers regarding their land.

Comment O1-3: *The commenter states that the Farm Bureau supports local planning to accommodate orderly, logical contiguous patterns of urban development. The commenter further states that the Farm Bureau cannot support urban development of agricultural land when the need for expansion is not substantiated by credible and current projections for future urban growth.*

LAFCo and the City acknowledge that the Sacramento County Farm Bureau supports local planning to accommodate orderly and logical contiguous patterns of urban development and that the Sacramento County Farm Bureau cannot support development on agricultural land when the need for expansion is not supported by credible and current projections for future urban growth.

The City is currently in the process of determining its future long-term needs for jobs, housing, and growth in the community through a General Plan Update. For more information, please see the City's website:

http://www.elkgrovecity.org/city_hall/departments_divisions/planning/a_brighter_future.

Comment O1-4: *The commenter requests that the Commission acknowledge that converting existing agricultural lands, including Farmland of Statewide Importance, to nonagricultural urban uses is a significant and unavoidable impact regardless of mitigation measures.*

LAFCo and the City have comprehensively addressed the conversion of agricultural land, including the conversion of Farmland of Statewide Importance to nonagricultural urban uses in Section 3.3, "Agricultural Resources," of the Draft EIR. Section 3.3 describes Sacramento

County's agricultural land uses; describes the significance, quality, and extent of agricultural land on-site and within the county, including Important Farmland; and describes the factors that could potentially contribute to the conversion of irrigated agricultural land to non-irrigated uses. Please refer to pages 3.3-13 through 3.3-15 of the Draft EIR. Impact 3.3-1 addresses the conversion of active agricultural lands, including those lands identified as Farmland of Statewide Importance, within the SOIA Area to nonagricultural uses. Mitigation Measure 3.3-1 requires project applicants to protect one acre of existing farmland land of equal or higher quality for each acre of Farmland of Statewide Importance that would be developed as a result of the project. Mitigation Measure 3.3-1 states that protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation) that substantially impairs or diminishes the agricultural productivity of the land.

Although Mitigation Measure 3.3-1 requires preservation of agricultural land, the Draft EIR concludes that (page 3.3-15 of the Draft EIR):

“While conservation easements for the same area and quality of farmland placed elsewhere in the region would offset the direct conversion of agricultural land, including Farmland of Statewide Importance, attributable to future development that could occur within the SOIA Area, this approach would not create new farmland to replace farmland that would be lost. There is no additional feasible mitigation. The impact is significant and unavoidable.”

Comment O1-5: *The commenter states that the SOIA includes active Williamson Act contracts and the commenter then describes the purpose of the Williamson Act. The commenter states that LAFCo should not ignore the 179 acres of farmland enrolled in the Williamson Act and the commitment landowners and the County have made to protect agricultural land.*

The 179 acres of Williamson Act contract land within the SOIA is referenced in Section 3.3 of the Draft EIR. Subsection 3.3.1, “Environmental Setting,” of the Draft EIR describes the parcels under Williamson Act contracts within and adjacent to the SOIA Area (page 3.2-4 of the Draft EIR) and Exhibit 3.3-2 shows these parcels.

Draft EIR Subsection 3.3.2 “Regulatory Framework,” in Section 3.3 of the Draft EIR (pages 3.3-7 through 3.3-8) provides a detailed discussion of the Williamson Act, including the purpose of the act and the commitment of landowners to promote the continued use of the relevant land in agricultural or related open space use. Landowners with farmland under Williamson Act contracts are required to comply with all provisions of the Williamson Act, as described in Subsection 3.3.2.

Comment O1-6: *The commenter states that water resources should be of the utmost importance when considering the feasibility of this proposed project and the commenter also states that a project of this size and scope and planned usage will have a significant impact on the groundwater supply of the area and potentially an impact on the surrounding agricultural properties. The commenter expresses the opinion that potential impact on this resource is not to be determined as a less than significant measure, regardless of planned mitigation.*

Groundwater supplies are addressed in Section 3.10 “Hydrology and Water Quality,” of the Draft EIR. As discussed in Section 3.10, future development within the SOIA Area, including the multi-sport park complex, would not result in a substantial depletion of groundwater supplies. The Sacramento Central Groundwater Authority’s *South American Subbasin Alternative Submittal* (Sacramento Central Groundwater Authority 2016) analyzed the change in groundwater storage in the Central Basin from 2005 to 2015. Over the 10-year period, the basin continues to recover at its deepest points and management is now focused on working with outside agencies to keep water from leaving the basin, and improving basin conditions where and when possible, in accordance with the Central Sacramento County Groundwater Management Plan (page 3.10-2 of the Draft EIR).

Groundwater storage in the recharge area underlying Elk Grove and surrounding areas is continuing to increase as a result of recharge from the construction of large conjunctive use and surface water infrastructure facilities, increased use of recycled water, and water conservation. The increase in storage in this portion of the subbasin has filled the long-term cone of depression and has eroded the ridge of higher groundwater separating it from the Cosumnes Subbasin (Sacramento Central Groundwater Authority 2016) (page 3.10-3 of the Draft EIR).

Impact 3.10-3 addresses groundwater depletion resulting from future development within the SOIA Area, including the multi-sports park complex (3.10-19 to 3.10-21 of the Draft EIR). The Sacramento County Water Agency would provide water supplies to the SOIA Area. As discussed in Impact 3.10-3, SCWA anticipates that, at buildout of its service area, and assuming that appropriate water and CVP contract water continue to be available, surface water will account for approximately 70 percent of water supplies during average and wet years and account for approximately 30 percent of water supplies in the driest years, thereby resulting in a long-term average of approximately 60 percent of water demands being met by surface water supplies (SCWA 2017).

In addition, the City would require implementation of Mitigation Measure 3.10-3 (also known as Mitigation Measure 3.15-1) to reduce potentially significant impacts associated with groundwater use because prior to approval of any application to annex territory within the SOIA Area, the City of Elk Grove shall prepare a Plan for Services which shall demonstrate that SCWA is a signatory to the Water Forum Agreement, that groundwater management would occur consistent with the Central Sacramento County Groundwater Management Plan, and that groundwater will be provided in a manner that ensures no overdraft will occur. LAFCo would condition future annexation on compliance with Mitigation Measure 3.10-3.

Please also see Response to Comment A2-3.

Comment O1-7: *The commenter states that the increased traffic flow in the immediate and surrounding areas will affect neighboring farming operations at various times throughout the growing season and the commenter states that the movement of agricultural vehicles will be affected with increased traffic flow to this facility, regardless of the phase of its construction or future use.*

The comment raises concerns about the increase in traffic and that this may affect neighboring farming operations.

The purpose of the proposed Project is to provide for future annexation of the SOIA Area and subsequent development opportunities, including the multi-sport park complex. However, subsequent LAFCo applications will be required for the annexation(s). The Project includes approval of the proposed 561-acre Sphere of Influence Amendment Area (SOIA Area) and annexation to the City of the 96-acre multi-sport park complex site. The areas of the SOIA Area outside of the 96-acre multi-sport park complex would only expand the City of Elk Grove's SOI. Approval of this Project would not modify the existing Sacramento County land use designations or zoning for the SOIA Area outside of the 96-acre multi-sport park complex and would not entitle any development. The Draft EIR identifies mitigation necessary to lessen the significance of identified impacts. The specific timing of mitigation will depend on the actions identified above and the specific development proposed. However, consistent with City policy, mitigation would be implemented to off-set potential operational impacts associated with increased traffic from the project, which would include adding capacity to the roadway system. The design of future roadway projects would follow the prevailing design standards that would include improved shoulders, which would better accommodate the movement of farm equipment.

Comment O1-8: *The commenter states that there needs to be consideration of a buffer zone between the urban and rural interface. The commenter states that developing the SOIA Area will increase the population in this area, and without an acknowledgement of the practices on the surrounding agricultural lands, the lack of a buffer may lead to future challenges or complaints about farming practices so close to a development.*

LAFCo and the City have addressed potential conflicts between agricultural-urban interfaces under Impact 3.3-3 in Section 3.3 of the Draft EIR (pages 3.3-16 to 3.3-18 of the Draft EIR). As stated under Impact 3.3-3, prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities, consistent with the City's Agricultural Activities ordinance. In addition, City of Elk Grove Municipal Code Chapter 14.05 ensures buyers are notified that agricultural operations that are operated in a manner consistent with proper and accepted customs and standards are allowed to continue and requires notification of residents of property located near properties designated for agricultural use; that these agricultural uses are encouraged; that accepted agricultural practices may continue; and that efforts to prohibit, ban, restrict, or otherwise eliminate established agricultural uses will not be favorably received.

Furthermore, Mitigation Measure 3.3-3 requires the City of Elk Grove to prepare an agricultural land use compatibility plan for the SOIA Area at the time of submittal of any application to annex territory within the SOIA Area. The plan shall include establishing a buffer zone; providing additional suitable barriers, such as on-site fencing or walls, between the edge of development and the adjacent agricultural operations; or other measures, as directed by the City of Elk Grove. Implementation of Mitigation Measures 3.3-3 would reduce impacts associated with conflicts between urban land uses adjacent to existing agricultural lands by ensuring that buffer zones provide a suitable barrier between ongoing agricultural operations and urban land uses, as determined by the City of Elk Grove.

Comment O1-9: *The commenter states that mitigation for this loss of agricultural land through wildlife or conservation programs does not adequately address the loss of farmland. The commenter requests that the Commission acknowledge that farmland acres will be lost if this development is approved, regardless of mitigation measures.*

Please also see the Responses to Comments O1-4 and I2-2.

Comment O1-10: *The commenter expresses the opinion that LAFCo must encourage efficient development regionally and require cities to make efficient use of lands already within their jurisdiction before expanding further into agricultural areas. The commenter expresses the opinion that every jurisdiction must consider any request to expand, annex, or make land use changes. The commenter further states that changes to agricultural land have long-term adverse effects on wildlife, habitat, environmental sustainability, and economic growth.*

LAFCo acknowledges the commenter's opinion regarding regional development. Chapter 1, "Introduction," of the Draft EIR discusses LAFCo's authority as defined in the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. In addition, Chapter 1 details Sacramento LAFCo's Policies, Standards, and Procedures Manual policies and procedures for implementing CEQA review and lists standards for determining the significance of environmental impacts. The applicable policies for CEQA review and SOIA proposals are listed in Chapter 1 on pages 1-4 to 1-11 of the Draft EIR.

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2.2.13 LETTER II: LAFCo WORKSHOP VERBAL COMMENTS

Letter I1

Commissioner Frost

What is the timeline for Williamson Act timeline, would not wish to do this until time?

Don: we should discuss timeline of MM related to Williamson Act mitigation – follow up in detail later

I1-1

Commissioner Harrison

Title of the EIR is multi-sports, look like the SOIA is primarily being justified by the location of the sports complex in that location, and since at the southern boundary for a regional sports complex, would be interested to see how CCSD feels about the location and need for this project, is it a good general location to serve the objectives of the complex

I1-2

Questions about the 100 acre property and the City's intent for the rest of the 171 acre area, how dealing with the part of the property not owned by the City

I1-3

CJ: talking about the 71 acres being a property owner supported idea

Also, curious about the perspective of the CCSD perspective – want their input, want to understand if and how they would manage this, or whether the City would

CJ: discussion of the arrangement with the aquatic center and how the CCSD has a MOU to manage this facility and that this could happen with the multi-sport facility, as well

I1-4

CCSD: Paul Muton: speaking, will be submitting comments, run the aquatic center, could do this here, too.

Pechi (member of the public, public member of the OH Water District Board)

OH is in overlap area, untechnical term, letter from Elk Grove Water District, why is there no discussion about this in the Draft EIR

Currently designated for zone 41 for SCWA, but could purchase wholesale water from SCWA by Elk Grove Water District

I1-5

Wondering if it is going to be open ended or discussed in the Final EIR

Mr. Wackman has clarified that there is no boundary change application

The ag residential people should know the story and understand the effects

OH water district, the EIR talks about SCWA as the logical water provider, concerned about this as a technical objective term, in zone 41 now, but could the Elk Grove Water District serve this area?

2.2.13.1

RESPONSE TO COMMENT LETTER I1 – PLANNING COMMISSION WORKSHOP VERBAL COMMENTS

LAFCo hosted a workshop to discuss the Draft EIR on Wednesday, August 1st, 2018, at the County Administration Center, 700 H Street in Sacramento. The verbal comments offered at this public workshop are summarized below, along with responses.

Comment I1-1: *Commissioner Frost asks about the Williamson Act timeline and mitigation.*

The analysis associated with Williamson Act contracts is provided in Section 3.3, “Agricultural Resources,” of the Draft EIR. Impact 3.3-2 includes a summary of the required process for cancelling Williamson Act contracts (page 3.3-16 of the Draft EIR). Impact 3.3-2 states:

“Contract cancellation requests would be submitted as development applications are received and in conjunction with tentative map approval, subsequent project-specific CEQA review, or other entitlement actions. The project applicant(s) for contracted parcels would apply to the City for contract cancellation; as a result, the actual determination of consistency with the statutory consistency requirements would be made by the Elk Grove City Council, as Sacramento County would succeed to the contracts upon annexation of the relevant parcel. The City would be required by law to make findings pursuant to Section 51282 of the California Government Code by determining whether the cancellation is consistent with the California Land Conservation Act or in the public interest (see Section 3.3.2, ‘Regulatory Framework’).”

In addition, because the City is required by law to make findings pursuant to Section 51282 of the California Government Code, no mitigation measures are required.

Comment I1-2: *Commissioner Harrison expresses an interest in Cosumnes Community Services District opinions about the location and need for this project.*

Please see Letter A5 provided by the Cosumnes Community Services District. The Cosumnes Community Services District is supportive of the Project as proposed within the Draft EIR. The District recognizes the need for the sports fields and will work collaboratively with the City.

Comment I1-2: *Commissioner Harrison has questions about the 100 acre property and the City’s intent for the rest of the 171 acre area and how is the City dealing with the part of the property not owned by the City.*

The property owner of the remaining 71 acres required for the multi-sport complex is involved in the planning and is supportive of the Project.

Comment I1-3: *Commissioner Harrison asks about the Cosumnes Community Services District's perspective and wants their input and if and how the Cosumnes Community Services District would manage the multi-sport facility, or whether the City would manage it.*

Please see Response to Comment I1-2.

Comment I1-4: *The commenter asks why is there no discussion about the Omochumne-Hartnell Water District overlap area in the Draft EIR and could the Omochumne-Hartnell Water District or Elk Grove Water District serve the SOIA Area.*

All concerns and comments related to the Omochumne-Hartnell Water District and Elk Grove Water District are recorded in this Final EIR in Letter I3.

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2.2.14 LETTER I2 – LYNN WHEAT

Letter I2

August 7, 2018



Mr. Don Lockhart, Executive Officer, AICP
Chairman, commissioners, and Alternate Commissioners
Sacramento Local Agency Formation Commission
1112 I St, Suite 100
Sacramento, Ca 95814-2836
Don.Lockhart@SacLAFCo.org

Regarding: **Draft EIR for the Elk Grove Sphere of Influence Amendment and Multi-Sport Park Complex (SCH#2015102067)**

Impact 3.2-1 (Aesthetics) states that there is no feasible mitigation for the loss of existing visual character of the area. This is incorrect. Since this application will result in the ultimate development in an area that is characterized as agricultural-rural, the DEIR should include a required mitigation that rural design architectural standards shall be developed and implemented for all development in the SOIA. I2-1

Impact 3.3-1 (Loss of Ag Lands, including Farmland of Statewide Importance): Mitigation Measure 3.3-1 needs to stipulate whether fees in lieu of land preservation will be considered acceptable. If fees are permitted, cite the implementing rules governing this procedure and whether the fees will be required to be expended by collecting agency for the actual procurement of land within a certain time frame. I2-2

Impact 3.3-2 (Williamson Act Contracts): Include in the mitigation a summary of the required state process for cancelling Williamson Act contracts. I2-3

Impact 3.5-1 (Loss of nesting and foraging habitat for special-status raptors): Mitigation 3.5-3c refers to implementation of the city's Swainson Hawk mitigation ordinance as currently-written or as amended in the future. Since loss of Swainson Hawk habitat is considered an unavoidable significant impact with the SOIA, the DEIR needs to include a comparative analysis of the city's ordinance with that of the South County Habitat Conservation Plan (HCP) for which the SOIA is currently governed by. Additionally, it is a well-known fact that the city is currently drafting a revised Hawk mitigation plan and the DEIR needs to include the most updated information on the plan, even though it may still be in draft form because this will help demonstrate the direction the city is moving towards. I2-4

Impact 3.12-4 and 3.12-5 (Noise levels for sensitive receptors): This impact proposes no feasible mitigation and thereby requiring overriding considerations. The DEIR needs to add a mitigation measure that noise impacts on sensitive receptors shall be mitigated to comply with the adopted local and state interior and exterior noise exposure standards. As such, the impact should then be categorized as "LTS".

12-5

Impact 3.15-1 (Water supplies and Demand):

The DEIR states that prior to any annexation, a plan for services needs to be prepared by the city which demonstrates that SCWA supplies are adequate to serve that area being annexed.

The intent of Government Code Section 56430 is that LAFCo have access to that information prior to approving an SOIA. The SOIA application includes sufficient specificity of future land uses (Exhibit 3, Attachment A, e.g sports complex, industrial, commercial, mixed use) to enable SCWA to model approximate future water needs and determine whether they can serve the SOIA area. It is noteworthy that SCWA apparently did not respond to the Notice of Preparation, and yet lacking any water analysis, Elk Grove Water District responded with a desire to serve the area.

12-6

It is not a prudent use of public funds to proceed further with the SOIA application until a more detailed water analysis is prepared and commitment to serve the area is obtained. It is not consistent with CEQA to analyze such an impact on a piecemeal basis, one annexation at a time. The proposed land uses were apparently sufficient in detail to assess the other required CEQA impacts, why not water?

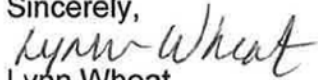
12-7

Project Alternatives: The No Project Alternative does not acknowledge that under County land use control, the City project objective would still be met (sport facility). It is the addition of all the other urban land uses that conflicts with the current County plan and for which the City never requested. The recommendation by LAFCo to amend the SOIA application with 400 additional urban acres is regionally growth-inducing and environmentally-inferior.

12-8

Thank you for the opportunity to submit comments.

Sincerely,



Lynn Wheat

Wheat91@yahoo.com

2.2.14.1

RESPONSE TO COMMENT LETTER I2 – LYNN WHEAT

Comment I2-1: *The commenter states that Impact 3.2-1 concludes that there is no feasible mitigation for the loss of existing visual character of the area and that this is incorrect. The commenter states that the SOIA Area is in an area that is characterized as agricultural-rural and the commenter requests that the Draft EIR include a required mitigation that rural design architectural standards be developed and implemented for all development in the SOIA.*

Impact 3.1-2 in Section 3.2, “Aesthetics,” addresses the change in existing visual character from future development of the SOIA Area (pages 3.2-12 to 3.12-16 of the Draft EIR). As discussed in Section 3.2, the area surrounding the SOIA Area is agricultural and rural, but, as discussed in this section, also has an urban mix of uses. Grant Line Road forms the SOIA Area’s northern boundary, with commercial and industrial developments to the northwest and residential development to the northeast between Waterman Road and Mosher Road.

Impact 3.2-1 explains that the City’s policies related to rural aesthetic character are focused on the rural areas designated on the City’s Land Use Policy Map. The proposed SOIA Area is more than two miles south/southwest from areas designated Rural Residential by the City and the Elk Grove Triangle Policy Area is located between the proposed SOIA Area and most of the areas designated for Rural Residential development by the City.

In addition, land uses along Grant Line Road are transitioning from rural and open space uses to developed urban uses. Development west of the SOIA Area within the approved Laguna Ridge Specific Plan, Lent Ranch Market Place, and Sterling Meadows project site and development east of the SOIA Area within the Triangle Special Planning Area would include commercial and residential development, similar to future development within the SOIA Area. Additional residential development is currently proposed along Grant Line Boulevard north of the SOIA Area. Future development, including future development within the SOIA Area, would be subject to applicable City General Plan policies, zoning regulations, and Design Guidelines. These guidelines are applied throughout the City based on zoning of the parcel and type of proposed development and ensure physical, visual, and functional compatibility between uses. Therefore, future development within the SOIA Area would be compatible with the visual character of its surroundings consistent with the City’s policy direction.

Notwithstanding the application of City policies, design guidelines, and Code requirements, some viewers may consider changes to the visual character an improvement, while others may consider changes to be adverse. As explained in the Draft EIR (page 3.2-16), the City has conservatively determined the changes to visual character to be significant, simply because the Project would lead to change – without the value judgement of whether that change would be positive or negative. While City policies, design guidelines, and Code requirements are designed to minimize visual impacts and promote high-quality design, it is not feasible to apply rural design architectural standards, as those may be defined by the commenter, uniformly throughout the SOIA Area.

Comment I2-2: *The commenter states that Mitigation Measure 3.3-1 needs to stipulate whether fees in-lieu of land preservation will be considered acceptable and cite the implementing rules governing this procedure and whether the fees will be required to be expended by collecting agency for the actual procurement of land within a certain time frame.*

Mitigation Measure 3.3-1 states protection of farmland may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity. Mitigation Measure 3.3-1 further states conservation easement content standards shall include, at a minimum: land encumbrance documentation; documentation that the easements are permanent, monitored, and appropriately endowed for administration, monitoring, and enforcement of the easements; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights (pages 3.3-14 and 3.3-15 of the Draft EIR). Future projects developed within the SOIA Area will implement Mitigation Measure 3.3-1. The timing for implementation of this measure is identified in the MMRP provided as Appendix A to this Final EIR. It should be noted that the City and LAFCo cannot control the timing for acquisition of land by the collecting entity.

As stated on page 3.3-15 of the Draft EIR, conservation easements for the same area and quality of farmland placed elsewhere in the region would offset the direct conversion of agricultural land, including Farmland of Statewide Importance, attributable to future development that could occur within the SOIA Area; however, this approach would not create new farmland to replace farmland that would be lost. Therefore, the Draft EIR acknowledges that there is some uncertainty on the effectiveness of Mitigation Measure 3.3-1 to reduce impacts to less than significant and thus determines this impact to be significant and unavoidable.

Please also see Response to Comment O1-4.

Comment I2-3: *The commenter states that Impact 3.3-2 should include in the mitigation a summary of the required State process for cancelling Williamson Act contracts.*

The analysis provided in Impact 3.3-2 includes a summary of the required State process for cancelling Williamson Act contracts (page 3.3-16 of the Draft EIR). Impact 3.3-2 states:

“Contract cancellation requests would be submitted as development applications are received and in conjunction with tentative map approval, subsequent project-specific CEQA review, or other entitlement actions. The project applicant(s) for contracted parcels would apply to the City for contract cancellation; as a result, the actual determination of consistency with the statutory consistency requirements would be made by the Elk Grove City Council, as Sacramento County would succeed to the contracts upon annexation of the relevant parcel. The City would be required by law to make findings pursuant to Section 51282 of the California Government Code by determining whether the cancellation is

consistent with the California Land Conservation Act or in the public interest (see Section 3.3.2, 'Regulatory Framework')."

Therefore, no further summary of the Williamson Act cancellation process is needed. In addition, because the City is required by law to make findings pursuant to Section 51282 of the California Government Code, no mitigation measures are required.

Comment I2-4: *The commenter states that the Draft EIR needs to include a comparative analysis of the City's Swainson's hawk mitigation ordinance with that of the South County Habitat Conservation Plan. The commenter further states that the Draft EIR needs to include the most up to date information on the City's revised Hawk mitigation plan.*

The SSCHP's Biological Goals, Measurable Objectives, and Conservation Actions for Swainson's hawk were considered in development of Mitigation Measure 3.5-3c to ensure that the Draft EIR proposed mitigation for this species was compatible with the mitigation approach described in Chapter 16.130 of the City of Elk Grove's Municipal Code.¹ As stated under Mitigation Measure 3.5-3c, implementation of the City's Municipal Code Chapter 16.130 ensures purchase and preservation of replacement foraging habitat before the approval of grading and improvement plans or before any ground-disturbing activities by requiring project applicants to acquire conservation easements or other instruments to preserve suitable foraging habitat for the Swainson's hawk, as determined by CDFW. Municipal Code Chapter 16.130 requires 1:1 mitigation, and the location of mitigation parcels, as well as the conservation instruments protecting them must be acceptable to the City. Implementing Mitigation Measure 3.5-3c would ensure that Swainson's hawk are not disturbed during nesting so that Project construction would not result in nest abandonment and loss of eggs or young.

Regarding the commenter's request that the Draft EIR include the most up-to-date information on the City of Elk Grove's revised Swainson's hawk mitigation program, please note that Mitigation Measure 3.5-3c already requires this (Draft EIR page 3.5-39):

"Before construction of the multi-sport park complex project and off-site improvements, and at the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall require compliance with the City's Swainson's Hawk Foraging Habitat Mitigation Program as it exists in Chapter 16.130 of the Municipal Code, or as it may be updated in the future."

¹ For more information, see:
<https://www.codepublishing.com/CA/ElkGrove/#!/ElkGrove16/ElkGrove16130.html#16.130>

Comment I2-5: *The commenter states that Impacts 3.12-4 and 3.12-5 propose no feasible mitigation and the commenter also states that the Draft EIR needs to add a mitigation measure that noise impacts on sensitive receptors will be mitigated to comply with the adopted local and state interior and exterior noise exposure standards. The commenter states the opinion that the impact should then be categorized as “LTS”.*

Impact 3.12-4 addresses the impact of future SOIA Area traffic on existing noise-sensitive uses located adjacent to area roadways. With development of the SOIA Area in the future, including the multi-sport park complex project, there would be a greater level of traffic. The analysis in the Draft EIR presents quantified estimates of the increase in noise level, using conservative assumptions. For example, the analysis does not assume that there would be any sound walls or any other structures that would attenuate noise. Another assumption is that the addition of traffic would not slow speeds along affected routes. If speeds do decrease, this would tend to reduce traffic noise levels, and the impacts reported in the Draft EIR would overstate actual impacts.

There are several policies and actions throughout the City’s General Plan that would reduce travel demand related to the proposed Project and other existing and future sources of traffic and associated traffic noise. For example, from the City’s Draft General Plan² is Policy MOB-1-1, which requires projects to achieve reductions in travel demand (measured in vehicle miles traveled or VMT). As described on pages 3.14-24 through 3.14-26 of the Draft EIR, this VMT reduction policy will be applied to the SOIA Area. In addition, Mitigation Measure 3.4-2 (page 3.4-23 of the Draft EIR) has been imposed on the Project, which requires a reduction in operational air pollutant emissions with specific performance standards. As noted, this mitigation measure requires the City to plan for safe and convenient pedestrian, bicycle, and transit access and mobility as a part of the multi-sports park project and plans for development within the balance of the SOIA Area. The mitigation also requires strategies to reduce operational ozone precursors and since transportation is the primary source of NOx (one of the precursors), actions to implement Mitigation Measure 3.4-2 will have co-benefits for reducing traffic noise. Similarly, as outlined on pages 3.8-14 of the Draft EIR, implementation of the City’s Climate Action Plan will reduce travel demand, with co-benefits for traffic noise – transportation is also the top source of greenhouse gas (GHG) emissions, both in Elk Grove and in California as a whole. Reduction measures TACM 2, TACM 3, TACM 4, TACM 5, TACM 6, TACM 7, TACM 10, and TACM 11 all focus on increasing shares of pedestrian, bicycle, and transit and/or reducing vehicular travel. Mitigation Measure 3.8-1 requires the use of these and other relevant GHG reduction measures to achieve *consistency* with the State’s GHG reduction legislative targets and executive orders.

Based on direction included in the General Plan and mitigation included in the Draft EIR, development in the SOIA Area would be designed to minimize potential impacts. However, it is not possible to determine at this time whether this program would avoid all potentially

² For more information, please see:
http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/Departments/Planning/Projects/General%20Plan/GPU/DraftMaterials_201807/GP/06_Mobility.pdf

significant impacts. Significant traffic noise impacts at existing and future noise-sensitive areas are difficult to feasibly mitigate. Some areas may have one side of the road with noise barriers that increase noise levels experienced on the other side of the roadway. New noise barriers may have limited effectiveness for traffic noise mitigation, since openings are often required for pedestrian, bicycle, vehicle, and emergency access and visual access for safety. Quiet pavement may be infeasible due to cost. It is not be feasible to reduce traffic noise impacts to a less-than-significant level at all existing and future noise-sensitive land uses along Grant Line Road between SR 99 SB Ramps to SR 99 NB Ramps, Grant Line Road between East Stockton Boulevard to Waterman Road, Mosher Road between Waterman Road to Grant Line Road, and Waterman Road between Mosher Road to Grant Line Road. There is no additional feasible mitigation. The impact was identified by the Draft EIR to be significant and unavoidable.

Impact 3.12-5 addresses the impact of future transportation noise on potential noise-sensitive uses in the SOIA Area. While the aforementioned General Plan policies, the City's Climate Action Plan, and mitigation required by the EIR will reduce travel demand for future projects in Elk Grove, it is not possible to show that these actions will avoid all significant traffic noise effects. As a result, this impact was also characterized as significant and unavoidable by the Draft EIR.

As noted by the commenter, the City will review future development within the SOIA Area against applicable City exterior and interior noise levels. However, this would not result in less-than-significant impacts in all cases, at least based on the assumptions used to prepare the Draft EIR analysis on this topic, which, as noted are conservative and may tend to overestimate impacts.

Comment I2-6: *The commenter notes that the EIR states that prior to any annexation, a plan for services needs to be prepared by the city which demonstrates that SCWA supplies are adequate to serve that area being annexed. The intent of Government Code Section 56430 is that LAFCo have access to that information prior to approving an SOIA and the commenter also states that the SOIA application includes sufficient specificity of future land uses to enable SCWA to model approximate future water needs and determine whether they can serve the SOIA area. The commenter further states that SCWA did not respond to the Notice of Preparation, and yet lacking any water analysis, Elk Grove Water District responded with a desire to serve the area.*

Please see the Responses to Comments I2-7, I3-3, and A2-3.

Comment I2-7: *The commenter states that it is not consistent with CEQA to analyze water supply impacts on a piecemeal basis, one annexation at a time. The commenter also states that the proposed land uses were sufficient in detail to assess the other required CEQA impacts and the commenter questions why water was not considered in detail.*

The Draft EIR provides a quantified estimate of water demand and detailed assessment of potential adverse physical effects associated with supplying water to future uses within the SOIA Area. Please refer to pages 3.15-1 through 3.15-5 and pages 3.15-15 through 3.15-18.

Impact 3.15-1 analyzes the water demand for the entire SOIA Area based on SCWA's Zone 40 water-demand factors and the acreage for each future land use designation that generates water use (see Table 3.15-4 on page 3.15-16 of the Draft EIR). There is no piecemeal analysis – the entire SOIA Area is included.

As discussed in Impact 3.15-1, the Zone 41 UWMP indicates that water supplies and demands within SCWA Zone 40 would be the same during normal, single-dry, and multiple-dry years; however, the year-to-year mix of surface and groundwater would be adjusted, as necessary, to meet the demands as part of its conjunctive use water supply program. SCWA would have surface water and groundwater supplies that exceed demands within Zone 40 from 2020 to 2040 in all water years. Based on the analysis provided in Impact 3.15-1, the Draft EIR concluded that SCWA's water supply would be available to meet the water supply demands of the entire SOIA Area, including water demand associated with the multi-sport park complex (page 3.15-16 of the Draft EIR).

Please also see the Responses to Comments A2-3 and A2-4.

Comment I2-8: *The commenter states that the No Project Alternative does not acknowledge that under County land use control, the City's project objective would still be met (sport facility) and the commenter also states that it is the addition of all the other urban land uses that conflicts with the current County plan and for which the City never requested. The commenter further states that the recommendation by LAFCo to amend the SOIA application with 400 additional urban acres is regionally growth-inducing and environmentally inferior.*

As stated in Chapter 4, "Alternatives," of the Draft EIR, alternatives were selected based on criteria in the CEQA Guidelines Section 15126.6. These criteria include (1) ability of the alternative to attain most of the basic Project objectives; (2) feasibility of the alternative; and (3) ability of the alternative to avoid or substantially reduce one or more significant environmental effects of the proposed Project.

As stated in Chapter 4, of the Draft EIR, CEQA Guidelines Section 15126.6(e)(2) states that a discussion of the "No Project" alternative must consider "what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans." The SOIA Area, including the multi-sports park complex, is outside of the city of Elk Gove city limits and within unincorporated Sacramento County. Therefore, the No Project Alternative assumes that the SOIA Area would remain under the jurisdiction of Sacramento County and future development is assumed to occur consistent with the Sacramento County General Plan land use designations for the SOIA Area. Under the No Project Alternative, the multi-sports park complex site remains designated by the County as General Agricultural, and this land use designation does not permit development of the multi-sports complex.

Therefore, Alternative 1 would not meet the Project objectives since it would not provide a sports training and competitive venue space.

Under Alternative 2, development would be limited to the 100-acre City property and the Kendrick and Cypress Avenue properties, approximately 385 acres total. The Kendrick and Cypress Avenue properties would be industrial and commercial/office, as planned in the Project. The front approximately 50 acres of the City property would be employment uses along the frontage with Grant Line Road, with approximately 50 acres of multi-sport park complex in the rear. There would be no stadium or separate land set aside for fairground use (though the fair use could occur on the same land as the sports park complex). The balance of the site would continue to be used for agriculture. This alternative could generally meet the Project objectives, albeit potentially not to the same degree as the proposed Project. There would be less space available for agricultural events and there would be less commercial, industrial, and mixed-use development to address the City's jobs-housing balance.

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2.2.15 LETTER I3 – SUZANNE PECCI



Letter I3

Suzanne Pecci

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August 12, 2018

Don Lockhart, AICP
Sacramento Local Agency Formation Commission
1112 I Street, suite 100
Sacramento, CA 95814

Re: Written Comment faxed, e-mailed for DEIR, Elk Grove SOIA and Multi-Park Complex (SCH#2015102067)

Dear Mr. Lockhart and LAFCo Commissioners:

Section 3.10-3 Environmental Framework and Mitigation Measures: Mitigation Measure Impact 3.10-3 Hydrology and Water Quality states that the future development within the SOIA including the soccer complex could require additional drinking and irrigation water supplied by groundwater resulting in depletion of groundwater and the impact is considered to be potentially significant, however, no mitigation is required if Mitigation Measure Impact 3.15.1 is implemented as the impact would be reduced to less than significant which LAFCo could require implemented for approval of annexation.

Mitigation Measure Impact Section 3.15-1 provides that prior to approval of an application to annex territory within the SOIA, the city of Elk Grove shall prepare a Plan for Services which shall demonstrate that SCWA is a signatory of the Water Forum Agreement, that groundwater management will be provided in a manner that ensures no overdraft will occur. The DEIR states that LAFCo would condition future annexation in compliance with Section 3.10-2. I believe LAFCo staff has erred because Section **3.10-2 Regulatory Framework: Mitigation Measure Impact 3.10-2 Long term degradation violation of water quality during operation** is not related to groundwater depletion. **Section 3.10-3 Environmental Framework and Mitigation Measures: Mitigation Measure Impact 3.10-3 Depletion of Groundwater Supplies** is the correct section to reference, as the section is related to groundwater depletion and overdraft. This is a significant staff error that must be corrected immediately to reflect LAFCo's intent to protect the water supply in the region. The DEIR must be corrected immediately especially as the request of the applicant is to annex immediately on approval.

I3-1

Significant supporting data on regional hydrology and regional service planning is provided to support SCWA as the service provider that “would” be the logical service provider for the SOIA Soccer-Complex/Development Area which would require a vote of the Board of Supervisors. Staff’s choice of “would” is not a definitive term and leaves room for speculation about who “shall” be the service provider for the area.

I3-2

There is also interest on the part of several other water districts to be service providers for SOIA Soccer Complex Development Area. The Elk Grove Water District submitted a letter dated November 19, 2015 stating, “EGWD has an interest in providing effective and efficient retail water service to the proposed SOI Amendment area.” While acknowledging the area is currently designated for retail water service by SCWA zone 41, EGWD believes it could provide the same service by purchasing wholesale water from SCWA Zone 40 as it does for one of its service area. There is no information on a proposed Plan for Service or financing plan for expansion.

I3-3

There may also be a continuing interest by Omochumnes -Hartnell Water District. The SOIA Soccer Complex/ Development Area is within the boundaries of the Omochumnes-Hartnell Water District(OHWD). The district is currently authorized and performs rural irrigation services to landowners within their district mainly through groundwater pumping. The water district has the latent powers through contracting with other agencies to: provide drainage; flood control; sewer maintenance; operate and maintain sewer facility operation and construction; and provide urban water.

I3-4

The final MSR for the SOIAA (LAFC#09-10) dated 5-2008 by the city of Elk Grove (Rev. 2012 & 2013) dated 2013, which was withdrawn on November 26, 2013 contained the area currently proposed for the SOIA Soccer Complex/Development Area. **Section 4.0 Services, Infrastructure and Utilities** provided the information that Omochumnes -Hartnell Water District would remain an irrigation service provider until urban growth occurs at which time the affected territory may be proposed for deattachment from the district concurrently with an annexation proposal. It was indicated by OHWD at the time that they were preparing a plan for providing domestic water service within their boundaries. It seems logical that OHWD would still have an interest in being a service provider within their district boundaries, especially as they have been engaged in the process of preparing a plan, although a letter of interest, and updated information is not provided on a Plan for Service or financing for the plan

I3-5

It is important to note for the public that any change in the Service Area of EGWD and OHWD is subject to a LAFCo proceeding and significant public outreach and input and that has not occurred to date. This is significant in that the applicant is requesting annexation on approval and I understand the LAFCo process can be complicated and lengthy and very public.

I3-6

In conclusion, as a long time community member, I was actively involved in opposing the initial SOIA in 2008 and the City of Elk Grove's incursion into farmland outside the USB. I feel that the reasons for LAFCo opposing the initial SOIA then are just as valid now or opposing a smaller version of the same SOI outside the USB boundaries. With all due respect to the City of Elk Grove and the landowners and LAFCo, I personally find this Soccer complex/Development Area to be a project without merit being used as a reason for urbanization beyond the USB. When I look at the colorful renderings of soccer fields for kids in dusty farmland, a a year-round Agri- Park, and vague areas of mixed development amidst power lines and propane tanks—I just see more roof tops. It makes no sense. Surely LAFCo has granted the City of Elk Grove enough land for development and correting their jobs/housing balance for many years into the future.

13-7

I request that you deny this SOIA. Thank you for your consideration

Yours truly,

Suzanne Pecci

2.2.15.1

RESPONSE TO COMMENT LETTER I3 – SUZANNE PECCI

Comment I3-1: *The commenter states that LAFCo would condition future annexation in compliance with Section 3.10-2 and the commenter states that LAFCo staff has erred because Impact 3.10-2 refers to degradation violation of water quality during operation, which is not related to groundwater depletion. The commenter states that Impact 3.10-3, Depletion of Groundwater Supplies, is the correct section to reference.*

The following revision has been made on page 3.10-21 of Section 3.10, “Hydrology and Water Quality,” of the Draft EIR to correct this typo. Please see also Chapter 3 of this Final EIR, “Errata.” This edit does not change the analysis or conclusions of the Draft EIR. Rather, this revision provides the correct number of the mitigation measure referenced in the analysis of significance after application of mitigation.

Mitigation Measures

Mitigation Measure 3.10-3: Implement Mitigation Measure 3.15-1 (City of Elk Grove and LAFCo)

Significance after Mitigation

Implementation of Mitigation Measure 3.10-3 (also known as Mitigation Measure 3.15-1) would reduce potentially significant impacts associated with groundwater use to a **less-than-significant** level because prior to approval of any application to annex territory within the SOIA Area, the City of Elk Grove shall prepare a Plan for Services which shall demonstrate that SCWA is a signatory to the Water Forum Agreement, that groundwater management would occur consistent with the Central Sacramento County Groundwater Management Plan, and that groundwater will be provided in a manner that ensures no overdraft will occur. LAFCo would condition future annexation on compliance with Mitigation Measure 3.10-~~2~~3.

Comment I3-2: *The commenter states that significant supporting data on regional hydrology and regional service planning is provided to support SCWA as the service provider that “would” be the logical service provider for the SOIA Soccer-Complex/Development Area which would require a vote of the Board of Supervisors. The commenter also states that the staff’s choice of “would” is not a definitive term and leaves room for speculation about who “shall” be the service provider for the area.*

Sacramento County Water Agency (SCWA) is the designated municipal and industrial (M&I) service provider for the majority of the SOIA Area. As discussed in Impact 3.15-1 in Section 3.15, “Utilities and Service Systems,” of the Draft EIR, SCWA intends to amend the existing Zone 40 WSMP based on the analysis provided in the EIR to include these new facilities (Smith, pers. comm.). SCWA has further indicated that the existing Zone 40 WSIP would update or amend to include details on calculations and infrastructure requirements added to the amended Zone 40 WSMP. The term “would” is used throughout the EIR and simply

denotes that all aspects of the Project are dependent on actions related to the environmental review, in addition to other entitlements. Use of this term is unrelated to the veracity of the EIR for addressing potential adverse environmental effects associated with implementation of the Project.

SCWA is not subject to LAFCo purview and the SCWA Board of Supervisors would oversee any changes to the SCWA service area. SCWA has provided comments on the Draft EIR outlining additional requirements for providing water supplies. SCWA comments are recorded in this Final EIR in Letter A2.

Comment I3-3: *The commenter states that there is interest on the part of several other water districts to be service providers for SOIA Soccer Complex Development Area. The commenter references the Elk Grove Water District letter dated November 19, 2015 that stated EGWD believes it could provide the same service by purchasing wholesale water from SCWA Zone 40 as it does for one of its service areas. The commenter further states there is no information on a proposed Plan for Service or financing plan for expansion.*

A municipal service review (MSR) has been prepared to evaluate potential options for providing municipal services and the actions required to change the service boundaries of municipal service providers (Appendix H of the Draft EIR). As discussed in the MSR, the Elk Grove Water District's current service boundaries are immediately adjacent to the proposed SOIA Area; however, SCWA is the designated municipal and industrial (M&I) water service provider for the majority of the SOIA Area. Further, the MSR states the Elk Grove Water District could be an alternative municipal water service provider in the SOIA Area (see page 4.0-4 in Appendix H).

Please also see the Responses to Comments A2-3 and I3-2.

The Draft EIR evaluates environmental effects associated with assumed development of the SOIA Area, as well as impacts associated with infrastructure and service extensions and expansions that may be required to serve the SOIA Area if it is developed in the future. Applicable information contained in that MSR has been incorporated and cited in Section 3.15, "Utilities and Service Systems." The ultimate service provider to the SOIA Area is unrelated to physical environmental effects of future development or the effectiveness of the mitigation measures presented in Chapter 3.15. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Comment I3-4: *The commenter expresses the opinion that there may be a continuing interest by Omochumnes-Hartnell Water District. The commenter states that the water district has the latent powers through contracting with other agencies to provide drainage; flood control; sewer maintenance; operate and maintain sewer facility operation and construction; and provide urban water.*

The MSR acknowledges that the Omochumne-Hartnell Water District (OHWD) has indicated prior interest in providing M&I water service within its jurisdictional boundaries (Appendix H of the Draft EIR). OHWD does not currently provide M&I services, but OHWD would

remain the irrigation water service provider until urban growth occurs. The MSR further states that OHWD has indicated the District is preparing a plan regarding the provision of domestic water service within its boundaries. Although SCWA is the designated M&I service provider in the OHWD/SCWA overlap service area, should OHWD be able to provide M&I services in the future, they could be considered as an optional service provider in the event of urban development in the proposed SOIA Area (see page 4.0-5 in Appendix H). Any change to the service area for OHWD would be subject to LAFCo proceedings.

The Draft EIR evaluates environmental effects associated with assumed development of the SOIA Area, as well as impacts associated with infrastructure and service extensions and expansions that may be required to serve the SOIA Area if it is developed in the future. Applicable information contained in that MSR has been incorporated and cited in Section 3.15 of the Draft EIR, "Utilities and Service Systems." The ultimate service provider to the SOIA Area is unrelated to physical environmental effects of future development or the effectiveness of the mitigation measures presented in Chapter 3.15. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Comment I3-5: *The commenter states that the final MSR for the SOIAA (LAFC#09-10) dated 5-2008 by the city of Elk Grove provided the information that Omochumnes-Hartnell Water District would remain an irrigation service provider until urban growth occurs at which time the affected territory may be proposed for detachment from the district concurrently with an annexation proposal. The commenter also states that it was indicated by OHWD at the time that they were preparing a plan for providing domestic water service within their boundaries. The commenter expresses the opinion that it seems logical that OHWD would still have an interest in being a service provider within their district boundaries and states that updated information is not provided on a Plan for Service or financing for the plan.*

Please refer to the Response to Comment I3-4.

This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Comment I3-6: *The commenter states that it is important to note for the public that any change in the Service Area of EGWD and OHWD is subject to a LAFCo proceeding and significant public outreach and input and that has not occurred to date. The commenter states it's their understanding that the LAFCo process can be complicated and lengthy and very public.*

The commenter states their understanding related to revising the service areas of the Elk Grove Water District and Omochumnes-Hartnell Water District. This comment does not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in

this Response to Comments document for public disclosure and for decision maker consideration.

Comment I3-7: *The commenter states that she was actively involved in opposing the initial SOIA in 2008. The commenter feels that the reasons for LAFCo opposing the initial SOIA then are just as valid now or opposing a smaller version of the same SOI outside the USB boundaries. It is the commenter's opinion that the Soccer complex/Development Area is a project without merit being used as a reason for urbanization beyond the USB. The commenter further states the opinion that LAFCo has granted the City of Elk Grove enough land for development and correcting their jobs/housing balance for many years into the future. The commenter also expresses the opinion that while the colorful renderings show soccer fields for kids in dusty farmland, a year-round Agri-Park, and vague areas of mixed development amidst power lines and propane tanks, she just sees more roof tops.*

The proposed project includes two components, approval of the proposed 561-acre Sphere of Influence Amendment Area (SOIA Area) and annexation to the City of the multi-sport park complex site. The areas of the SOIA outside of the multi-sport park complex would expand the City of Elk Grove's SOI. Approval of the Project would not modify the existing Sacramento County land use designations or zoning for the SOIA outside of the multi-sport park complex and would not entitle any development. As stated in Chapter 2, "Project Description," the proposed Project does not include land use change or development proposals other than the multi-sports complex – these areas are contemplated for commercial, industrial, and mixed-use development.

As discussed in Section 3.11, "Land Use, Population, Housing, Employment, Environmental Justice, and Unincorporated Disadvantaged Communities," of the Draft EIR, the City's policy is to designate enough land in employment-generating categories to provide a minimum 1:1 correspondence between the City's working population and jobs in categories that correlate with the local labor force's needs. The City's intent is not to view jobs-housing balance relative to a specific numeric ratio, but instead to consider jobs-housing balance relative to narrative strategies consistent with the MTP/SCS and the general land use siting criteria provided in the General Plan update. The City's goal is to increase the number and diversity of locally available jobs, including those that could be filled by residents of the City of Elk Grove (page 3.11-5 of the Draft EIR). The City is currently in the process of determining its future long-term needs for jobs, housing, and growth in the community through a General Plan Update. The update is intended to ensure that "the guiding policy document remains a useful tool, keeps pace with change, and provides workable solutions to current and future issues" (City of Elk Grove 2017). The General Plan Update shows the SOIA Area as a portion of the "East Study Area." Future uses in this area may be developed in accordance with annexation policies identified in the General Plan and are subject to more detailed planning (e.g., specific plan). The draft land use guidelines for the East Study Area are provided in Section 3.11, of the Draft EIR.

For more information, please see the City's website:

http://www.elkgrovecity.org/city_hall/departments_divisions/planning/a_brighter_future.

Please see the Response to Comment I5-12 for further discussion of design of the multi-sports park complex.

The commenter's opposition to the project is acknowledged. This comment does not raise specific questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

2.2.16 LETTER I4 – PHILLIPS LAND LAW FOR DALE AND PAT MAHON AND THE KAUTZ FAMILY

PHILLIPS LAND LAW, INC



Letter I4

5301 Montserrat Lane
Loomis, California 95650
Telephone (916) 979-4800
Telefax (916) 979-4801

August 14, 2018

Mr. Don Lockhart, AICP
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

**Re: City of Elk Grove Multi-Sport Park Complex Sphere of Influence
Amendment – Comments on Draft EIR**

Dear Mr. Lockhart:

This office represents Dale and Pat Mahon and the Kautz Family, owners of property south of Grant Line Road and adjacent to the City of Elk Grove (the "City". The Mahon property consists of 107.7 acres (APNs 134-0120-014 and -019), while the Kautz property consists of 250 acres (APNs 134-0120-002, -010, -017 and 134-0130-011). On behalf of our clients, we appreciate the opportunity to review the Draft Environmental Impact Report (EIR) for the City of Elk Grove Multi-Sport Park Complex Sphere of Influence Amendment (SOIA).

I4-1

As our prior comment letter on the Notice of Preparation describes, on November 23, 2015, the owners of the Mahon and Kautz properties submitted an application to the County of Sacramento (Control Number 2015-00266) to initiate a land use visioning process applicable to the 701 acres of land south of Grant Line Road and east of the area subject to the Sphere of Influence Amendment. While this application is presently on hold, it remains active and representative of future intentions for development of the area adjacent to the SOIA area. Therefore, this application should be taken into account as a "related project" for CEQA purposes, both in terms of cumulative and growth-inducing impacts.

I4-2

We remain concerned that the Draft EIR does not adequately take into account the broader planning efforts along the Grant Line Road corridor currently being considered by the County. There is no indication that the Draft EIR's analysis of cumulative impacts takes the County's visioning process for the lands south of Grant Line Road into account. Instead, the analysis of cumulative impacts appears to be limited to anticipated buildout under the County's 2011 General

I4-3

Plan as well as future planning efforts contemplated by the City of Elk Grove west of State Highway 99.

↑ 14-3
(Cont)

CEQA requires that an EIR discuss cumulative impacts when they are significant and the project's incremental contribution is "cumulatively considerable." See *CEQA Guidelines* §15130(a). A project's incremental contribution is cumulatively considerable if the incremental effects of the project are significant "when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects." See *CEQA Guidelines* §15065(a)(3). The land use visioning process being undertaken to the east of the Sphere of Influence Amendment area clearly falls within the ambit of "probable future projects," particularly because the City's plans for the Multi-Sport Park Complex remain the driving impetus for the transition of this area from agricultural to urban uses.

14-4

CEQA requires an EIR to "include a detailed statement setting forth" the proposed project's growth inducing impacts. See *Public Resources Code* § 21100(b)(5).) *CEQA Guidelines* §15126.2 states that an EIR must:

Discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment. Included in this are projects which would remove obstacles to population growth ... Also discuss the characteristics of some projects which may encourage and facilitate other activities that could significantly affect the environment, either individually or cumulatively.

Here, the Draft EIR's analysis of growth inducing impacts is largely focused on impacts of development within the SOIA area, not beyond it. The Draft EIR's analysis of growth inducement potential beyond the SOIA area is limited to the following paragraphs:

14-5

The additional population associated with the future development within the SOIA Area could spur an increase in demand for goods and services in the surrounding area, which could potentially result in additional development to satisfy this demand. In this respect, the SOIA Area would be growth inducing. It would be speculative to attempt to predict where and when any such new services would be developed, and whether or not existing and future planned industrial and commercial development would satisfy additional demand for goods and services created by the Project. Existing vacant light industrial and commercial space may be sufficient to meet additional demand created by implementation of the SOIA that is not accommodated within the SOIA Area.



In summary, the SOIA may indirectly induce substantial population growth because the increased population and employment opportunities associated with the future development could increase demand for goods and services, thereby fostering population and economic growth in unincorporated Sacramento County and other nearby communities. It is possible that a successful SOIA could place pressure on adjacent areas to seek development entitlements or annexation applications.

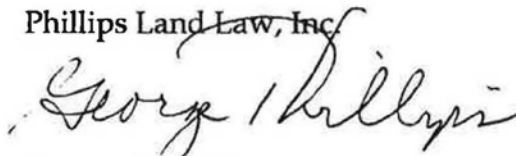
However, the SOIA Area would provide sufficient acreage to accommodate population and employment growth. Therefore, the SOIA would likely not induce substantial growth outside of the SOIA Area.

The Multi-Sport Park Complex will undeniably be the catalyst for growth south of Grant Line Road, and will have a direct impact on adjacent land, including the Kautz and Mahon properties. These impacts not only arise from the direct physical impacts of the Multi-Sport Park Complex (traffic, noise, nighttime lighting, aesthetics) but the indirect effects of placing an intensive urban use in a location typified by agricultural uses. These impacts are not remote or speculative, in contrast to the conclusion of the Draft EIR. Development of the project as proposed will immediately be subject to development pressure, a situation that must be accounted for by the analysis in the Draft EIR, including the growth anticipated under ongoing visioning efforts under review by the County.

We appreciate your consideration of our comments and look forward to further participation in this process.

Very Truly Yours,

Phillips Land Law, Inc.

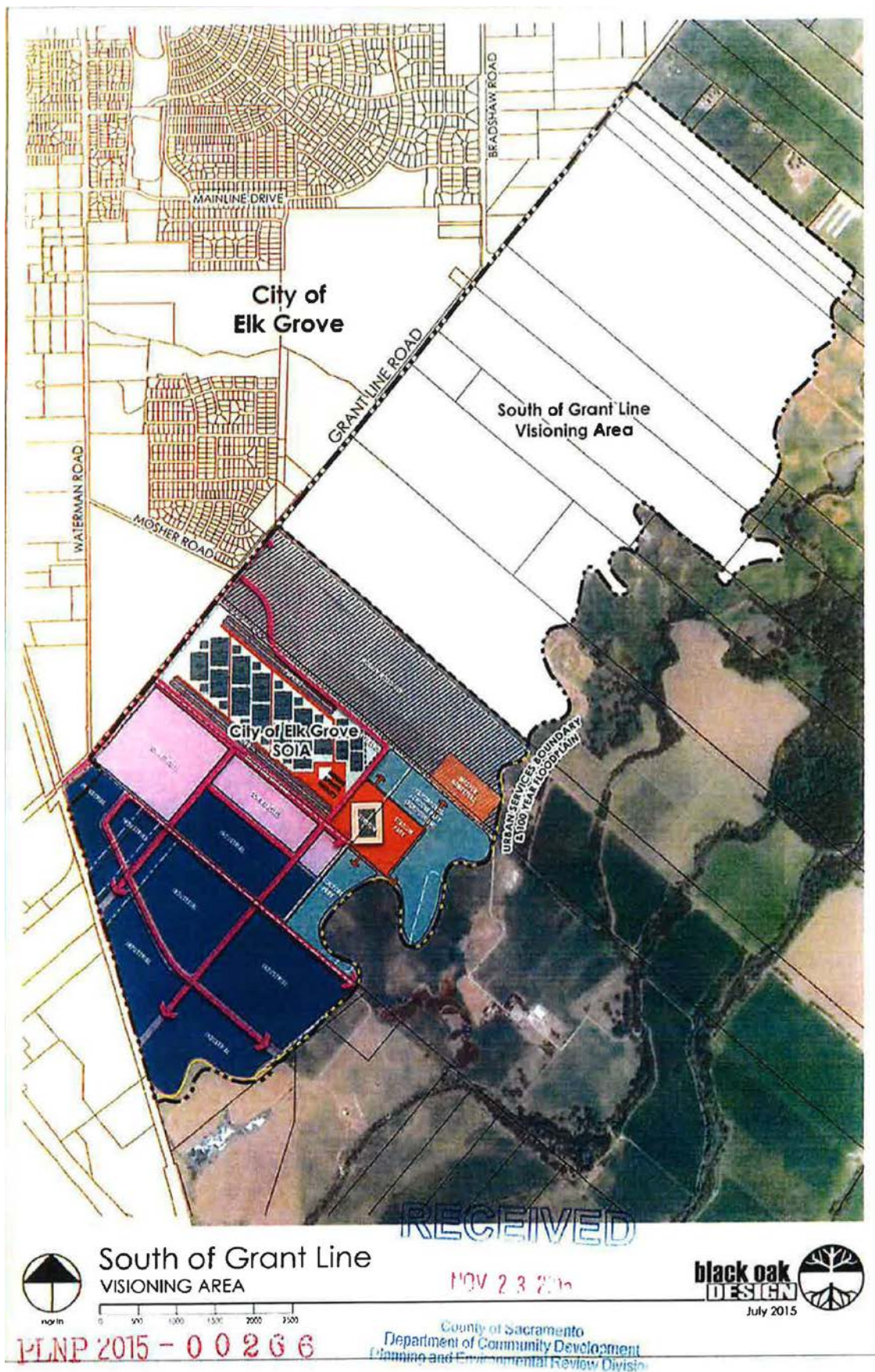


George E. Phillips

14-5
(Cont)

Exhibit A: South of Grant Line Visioning Area

Cc: Dale and Pat Mahon
Kautz Family



2.2.16.1

RESPONSES TO COMMENT LETTER I4 – PHILLIPS LAND LAW FOR DALE AND PAT MAHON AND THE KAUTZ FAMILY

Comment I4-1: *The commenter represents Dale and Pat Mahon and the Kautz Family. The commenter appreciates the opportunity to review the Draft EIR for their clients.*

LAFCo and the City appreciate the commenter’s review of the Draft EIR.

Comment I4-2: *The commenter states the owners of the Mahon and Kautz properties submitted an application to the County of Sacramento (Control Number 2015-00266) to initiate a land use visioning process applicable to the 701 acres of land south of Grant Line Road and east of the SOIA. The commenter states that this application is presently on hold but it remains active and representative of future intentions for development of the area adjacent to the SOIA area. The commenter states that this application should be taken into account as a “related project” for CEQA purposes, both in terms of cumulative and growth-inducing impacts.*

The referenced application was submitted to Sacramento County Planning Department in 2015. The County’s project planning viewer shows this application on hold. The application was placed on hold based on an email message from the prior applicant received March 2, 2017. There is no notice of preparation for an environmental impact report or any other documents other than a set of exhibits and application forms from 2015. There is no indication that the visioning process would continue or that the visioning process would lead to a set of development assumptions that could be specifically factored into a cumulative impact analysis. However, the cumulative impact analysis contained in Draft EIR Chapter 4, “Cumulative Impacts,” broadly considers development along the Grant Line corridor and the County’s visioning process for lands south of Grant Line Road. The CEQA Guidelines, Section 15130(b)(1), states a summary approach (also known as the “plan” approach) provides an adequate discussion of cumulative impacts, whereas the relevant projections, as contained in an adopted general plan or related planning document that evaluates regional or areawide conditions, are summarized. The cumulative analyses included in the Draft EIR are based on an understanding of anticipated growth within the region that would affect the severity of project impacts identified in the Draft EIR, based on adopted plans for Sacramento County, the City of Elk Grove, and the region.

Please also see Responses to Comments I4-3, I4-4, and I4-5.

Comment I4-3: *The commenter is concerned that the Draft EIR does not adequately take into account the broader planning efforts along the Grant Line Road corridor currently being considered by the County and the commenter states that that the Draft EIR’s analysis of cumulative impacts does not take into account the County’s visioning process for the lands south of Grant Line Road. The commenter states that the analysis of cumulative impacts appears to be limited to anticipated buildout under the County’s 2011 General Plan and future planning efforts contemplated by the City of Elk Grove west of State Highway 99.*

Please see the Response to Comment I4-2.

The Draft EIR considers the Sacramento Area Council of Governments (SACOG) in the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) as part of the broader cumulative context for past, present, and probable future projects. SACOG's MTP/SCS anticipated developed acreage in the region is forecast to increase by 7 percent between 2012, the baseline year for the MTP/SCS, and 2036, the MTP/SCS planning horizon. The land use change scenario for the Sacramento region includes land use change anticipated from future development in Sacramento County (SACOG 2016). The MTP/SCS EIR analyzed the potential impacts of future development in Sacramento County based on land use assumptions (SACOG 2015).

The Sacramento County's General Plan provides a complete and current representation of cumulative conditions for the County (Sacramento County 2011). The land use assumptions embodied in the County General Plan include not only existing development, but also new development, development currently in entitlement review by the County, and potential future development in the County's new growth areas and visioning areas. The County General Plan EIR addressed potential impacts associated with development contemplated under the County General Plan.

The County General Plan EIR describes the Grant Line East Visioning area as consisting of approximately 8,000 acres located on the eastern side of Grant Line Road and west of the County's Urban Services Boundary. The County General Plan EIR assumed that Grant Line East Visioning area could accommodate between 15,000 and 23,000 housing units and the County General Plan EIR analyzed the potential impacts of future development in the Grant Line East Visioning area based on this assumption (Sacramento County 2009).

Because the SACOG MTP/SCS and County General Plan provides a framework for future development within the County, which is considered as part of the cumulative project area for the purposes of the Draft EIR, the cumulative impact analysis in the Draft EIR has accounted for future development along the Grant Line Road corridor.

Comment I4-4: *The commenter expresses the concern that the land use visioning process being undertaken to the east of the SOIA Area clearly falls within the ambit of "probable future projects" particularly because the City's plans for the Multi-Sport Park Complex remain the driving impetus for the transition of this area from agricultural to urban uses.*

The City of Elk Grove General Plan update EIR identifies the SOIA Area as part of the larger East Study Area. The East Study Area as a whole encompasses approximately 1,773 acres of land. Although no future development beyond the multi-sports complex is proposed, future development is expected to occur in the East Study Area and could consist of commercial and industrial uses, and in the northeastern portions of the East Study Area, transition to more residential in nature (City of Elk Grove 2018). This Draft EIR has considered future development within the entire East Study Area within the cumulative and growth-inducing analyses.

Please also see the Responses to Comments I4-3 and I4-5.

Comment I4-5: *The commenter states that the multi-sport park complex will cause growth south of Grant Line Road and will have a direct impact on adjacent land, including the Kautz and Mahon properties. The commenter states that these impacts arise from the direct physical impacts of the multi-sport park complex and the indirect effects from placing an intensive urban use in a location typified by agricultural uses. The commenter further states that development of the Project as proposed will be subject to development pressure, including the growth anticipated under ongoing visioning efforts under review by the County.*

The following revisions have been made to Page 6-4 in Subsection 6.3.1, “Growth Inducing Impacts of the Project,” of the Draft EIR. Please see also Chapter 3 of this Final EIR, “Errata.” These revisions provide additional information on future development in Sacramento County that could induce growth and clarifies that future development within the SOIA Area would not place development pressure on adjacent agricultural areas. Therefore, these edits do not change the analysis or conclusions of the Draft EIR.

The additional population associated with the future development within the SOIA Area could spur an increase in demand for goods and services in the surrounding area, which could potentially result in additional development to satisfy this demand. In this respect, the SOIA Area would be growth inducing. It would be speculative to attempt to predict where and when any such new services would be developed, and whether or not existing and future planned industrial and commercial development would satisfy additional demand for goods and services created by the Project. Existing vacant light industrial and commercial space may be sufficient to meet additional demand created by implementation of the SOIA that is not accommodated within the SOIA Area.

The SOIA Area is located within unincorporated Sacramento County and the Sacramento County General Plan establishes land use designations and zoning within the SOIA Area. The SOIA Area and adjacent areas northeast, south, and southeast of the SOIA Area are zoned by Sacramento County as AG-80 (Agricultural, 80-acre minimum) and Agricultural-Residential, 2-acre minimum (AR-2). These zoning codes are intended to limit the encroachment of land uses incompatible with the long-term agricultural use of land. The SOIA Area is located inside of the County’s Urban Service Boundary (USB). The USB defines the ultimate boundary of urban development and is intended to be permanent, allowing modification only under special circumstances.

If future development occurs, it would place urban development adjacent to agricultural lands north, northeast, south, and southeast of the SOIA Area. Historically, economic returns from urban development are typically substantially higher than continued use of undeveloped land, and encroaching urban uses typically make attractive the conversion of other undeveloped land to urban uses. Thus, it could be reasoned that implementing the proposed Project would be growth inducing by placing pressure on land northeast, south, southeast, and east of the SOIA Area to convert to urban uses. However, the area

immediately south and southeast of the SOIA Area is outside of the USB and within the 100-year floodplain of Cosumnes River and Deer Creek; therefore, no urban development would occur in this area. The City of Elk Grove General Plan update EIR identifies the SOIA Area as part of the larger East Study Area. The East Study Area as a whole encompasses approximately 1,773 acres of land. The City anticipates annexation of the lands within the East Study Area into the City limits. Although no future development beyond the multi-sports complex is proposed, future development is expected to occur in the East Study Area and could consist of commercial and industrial uses, and in the northeastern portions of the East Study Area, transition to more residential in nature (City of Elk Grove 2018).

In addition, Sacramento LAFCo has approved an application for the Kammerer Road/Highway 99 SOIA, located southwest of the SOIA Area and west of State Route 99 and is contemplating development of the Bilby Ridge SOIA, located west of Bruceville Road and west of the SOIA Area. Conversion of agricultural land within the Kammerer Road/Highway 99 SOIA and Bilby Ridge SOIA to urban land uses would occur regardless of future development within the SOIA Area. Furthermore, Sacramento County has identified the Jackson Highway Visioning Area, which is transected by State Route 99 and bound by Sunrise Boulevard on the east and Florin Road on the south, and the East of Grant Line Visioning Area, located inside the USB northeast of State Route 99 and the City of Elk Grove's North Study Area. These planning efforts are intended to provide adequate land for future growth within Sacramento County and permanently define the relationship of urban uses within the USB with adjacent agriculture and open space outside the USB and will attempt to ensure compatibility of land uses with other surrounding lands.

In summary, the SOIA may indirectly induce substantial population growth because the increased population and employment opportunities associated with the future development could increase demand for goods and services, thereby fostering population and economic growth in unincorporated Sacramento County and other nearby communities. ~~It is possible that a~~ A ~~successful SOIA could~~ would not place pressure on adjacent areas to seek development entitlements or annexation applications. The SOIA Area is within the larger East Study Area, as defined by the Elk Grove General Plan update, and the City anticipates the East Study Area would be annexed into the City limits and would be developed for urban uses.

However, the SOIA Area would provide sufficient acreage to accommodate population and employment growth. Therefore, the SOIA would likely not induce substantial growth outside of the SOIA Area. Furthermore, growth outside of the SOIA Area would require its own LAFCo SOI amendment and environmental review outside of the SOIA process.

2.2.17 LETTER I5 – PHILLIPS LAND LAW FOR MELBA MOSHER

PHILLIPS LAND LAW, INC



Letter I5

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August 14, 2018

Mr. Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814

**Re: City of Elk Grove Multi-Sport Park Complex Sphere of Influence
Amendment – Comments on Draft Environmental Impact Report**

Dear Mr. Lockhart:

This office represents Melba Mosher, owner of the Mosher Ranch property south of Grant Line Road and adjacent to the City of Elk Grove (the "City"). The Mosher Ranch property consists of 295 acres (APN 134-019-002). On behalf of our client, we appreciate the opportunity to review the Draft Environmental Impact Report (Draft EIR) for the City of Elk Grove Multi-Sport Park Complex Sphere of Influence Amendment. The Mosher Ranch property lies adjacent to and east of the site of the proposed Multi-Sport Park Complex, and is included within the area subject to the proposed Sphere of Influence Amendment.

While the owner of the Mosher Ranch continues to believe that this property is appropriately included within the Sphere of Influence area, it remains the case that proper evaluation must be given to the effects of the Multi-Sport Park Complex on the existing agricultural uses on Mosher Ranch. We are concerned that the Draft EIR does not adequately address these impacts.

We observe that Section 1.1 of the Draft EIR states the following:

"In addition to the programmatic analysis described above, the EIR also includes a more detailed, project-level analysis of the multi-sports park complex. The development proposal for this phase of the Project contains enough specificity for a site-specific, project-level environmental review under CEQA, and will allow the consideration of discretionary approvals for this phase of the Project. The City's intent in evaluating this initial phase at a project level of detail is that no further environmental review (e.g., EIRs or negative declarations) will be required for additional regulatory approvals following approval of the Project, barring the occurrence of any of the circumstances described in Public Resources Code Section 21166."

I5-1

I5-2

Further, Page 1-2 of the Draft EIR provides that “Sacramento LAFCo is the CEQA lead agency for the proposed SOIA. The City of Elk Grove is the lead agency for the City General Plan amendment and rezoning of the SOIA Area, and for design review and land use permitting for the multi-sport park complex. Therefore, in this case, LAFCo and the City have agreed to act as co-lead agencies.”

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15-2
(Cont)

While CEQA allows for agencies to collaborate as lead agencies for purposes of CEQA, this arrangement is normally reserved for situations where both agencies occupy the role of a project proponent. This is not the case here. The CEQA Guidelines specify that when a city rezones an area, the city will act as lead agency and the Local Agency Formation Commission (LAFCO) as a responsible agency for any subsequent annexation. See 14 Cal Code Regs §15051(b)(2). LAFCO only has a role as a lead agency under CEQA when considering boundary changes and reorganizations initiated by landowner petition rather than public agency application. See *People ex rel Younger v LAFCO* (1978) 81 CA3d 464, 481.

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15-3

Under the Cortese-Knox-Hertzberg Act, LAFCOs have limited authority and are prohibited from directly regulating land use. The Act is clear that LAFCOs may not impose any conditions that would directly regulate land use, land use density or intensity, property development or subdivision requirements. See *Government Code* §56375(a)(6). We recognize that LAFCO is mandated to preserve open space and prime agricultural lands, as well as guide development away from existing agricultural lands under *Government Code* §§956301 and 56377. With regard to Sphere of Influence determinations, LAFCO’s authority is generally limited to consideration of the issues above as well as the probable need for (and logical provision of) municipal services and utilities to the affected area. See *Government Code* §56425. These limited areas of statutory responsibility do not confer upon LAFCO co-equal status with the City of Elk Grove as lead agency under CEQA.

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15-4

This is not an esoteric issue, in light of the fact that the City of Elk Grove apparently intends to rely on this EIR in the discharge of all further actions subject to CEQA. While we believe that the Draft EIR is generally adequate for consideration of the limited aspects of LAFCO review of the Sphere of Influence Amendment, the EIR is not adequate as a project-level CEQA document in support of the future actions that the City would take as the lead agency and project proponent for the Multi-Sport Park Complex.

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15-5

The objective of the City with respect to the Multi-Sport Park Complex is to provide a nationally-recognized professional level sports training and tournament facility, with up to 16 sports fields, a 100,000 s.f. indoor sports facility, a 9,000-seat lighted stadium/concert venue, a 15-acre fairground and surface parking necessary to accommodate all of these uses. The proposed site plan shows that the eastern edge of the Multi-Sport Park Complex will place an access road adjacent to the western property line of the Mosher Ranch property, with a large lighted parking field and sports fields in close proximity. If

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15-6
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constructed as proposed, these uses would have an immediate and significant negative impact to the adjacent agricultural uses on Mosher Ranch and to the historic homestead at the southwest corner of the property, adjacent to the shared property line with the Multi-Sport Park Complex.

↑ 15-6
(Cont)

Presently, as the Draft EIR identifies under Impact 3.3-2, the Mosher Ranch property is subject to a current Williamson Act contract. While the Draft EIR correctly notes that cancellation of the Williamson Act contract would be required in order to develop the Mosher Ranch property with mixed uses prior to expiration, little concern is given to the continuation of existing agricultural use of the Mosher Ranch property in the meantime. The Draft EIR suggests that cancellation of the Williamson Act contract is the only means by which to proceed with development of the Mosher Ranch property, which is not correct. The Williamson Act also permits a filing of a notice of non-renewal, which allows for the phasing out of the contract over a ten-year period, and avoids the payment of the significant cancellation fees and taxes associated with contract cancellation. The Draft EIR should recognize that non-renewal is an alternative to cancellation, and in the case where non-renewal is pursued, the Mosher Ranch property would remain in agricultural use for a minimum of ten more years after a notice of non-renewal is filed. The Draft EIR should not intimate that compatibility of the Sports Park with agricultural uses on the Mosher Ranch property is not important or that conflicts may be of short-term duration.

15-7

Impact 3.3-3 describes conflicts between agricultural and urban uses in a general and abstract manner, and does not address the specific potential conflicts between the proposed Sports Park and continued agricultural uses on the Mosher Ranch property. The Draft EIR notes that it is the City's practice to avoid the use of buffers to reduce compatibility issues, and instead to rely upon the City's Right to Farm ordinance. But we are concerned that the City's Right to Farm ordinance may not apply to the benefit of Mosher Ranch when the urban use in question will belong to the City, as opposed to a prospective buyer being placed on notice of adjacent agricultural use. The Draft EIR must be revised to include specific analysis of potential conflicts, which can and will arise when sports and youth activities are programmed at the Sports Park during times of planting, crop maintenance and harvesting on Mosher Ranch.

15-8

However, and despite our previous comments, the site plan and the conceptual renderings of the Multi-Sport Park Complex presented in the Draft EIR continue make it clear that no significant effort is being made to mitigate or reduce the potential impacts of the Multi-Sport Park complex on the adjacent Mosher Ranch property. We believe that the measure proposed as Mitigation Measure 3.3-3 (Preparation of an Agricultural Land Use Compatibility Plan) can and must be completed at the stage of environmental review and not deferred, as the findings of the Plan will have a direct influence on the project site plan, if indeed the results of the Plan are to be carried out.

15-9

As we have previously indicated in our comments on the Notice of Preparation, the Sacramento County General Plan Agriculture Element provides for a requirement of buffers to physically separate agricultural operations from more

15-10
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intensive uses. The purpose of these buffers is not only to protect urban uses from noise and dust from agricultural production, but also to reduce the inevitable pressure to cease agricultural uses when urban development is placed in immediate proximity. We remain concerned that when use of the Multi-Sport Park Complex could be affected by dust or noise from agricultural operations at the Mosher Ranch, the latter would be required to cease for the benefit of the City's sports park and not the other way around. The Draft EIR fails to address this issue.

I5-10
(Cont)

While the Draft EIR recognizes that mitigation measures for the loss of agricultural land would be implemented, no mention is made of the need to mitigate for impacts to the adjacent Mosher Ranch property. Similarly, LAFCO policy guidance requires that LAFCO will only approve reorganizations affecting prime farmland where the proposal will have no significant effect on the physical and economic integrity of other agricultural lands. Built into this requirement is the consideration as to whether natural or man-made barriers serve to buffer nearby agricultural land from the effects of the proposed development. See Sacramento LAFCO Policy IV (E)(1).

I5-11

Any site plan of development for the Multi-Sport Park Complex must avoid the impacts associated with a direct interface between the proposed entertainment and recreational uses and the adjacent agricultural land at Mosher Ranch. The site plan presented in the Draft EIR does not accomplish this. It is a certainty that the development of a stadium/concert venue, massive parking fields and fairground uses will attract large crowds. The resulting influx of population to the project site (not to mention the expected impacts from noise, light and traffic) will severely burden the ability of the Mosher Ranch to continue agricultural use and will drastically affect the quality of life for the Mosher family, whose home is immediately adjacent.

I5-12

The Mosher Ranch should not bear the burden of this impact; instead the Multi-Sport Park Complex should be designed to incorporate appropriate design features and mitigation measures on the project site. These should include, but not be limited to, setbacks, landscaping, lighting design and restrictions, and noise limitations. Compliance with the City's noise and nighttime lighting requirements does not reduce these impacts to a less-than significant level, as the City's requirements allow nighttime stadium and field lighting to continue until 10 P.M. or one hour after the conclusion of the event. Amplified noise can take place until 10 PM during the week and until 11 PM on Friday and Saturday nights. These City standards are acceptable as a performance standard in the context of adjacent urban uses, but not in the case where the adjacent uses are the Multi-Sport Park Complex and farmland.

I5-13

We appreciate the willingness of the City to designate the Mosher Ranch property as "mixed use" for purposes of the Sphere of Influence Amendment. However, for purposes of analyzing environmental impacts, the existing and continuing future use of the Mosher Ranch as an agricultural preserve for the foreseeable future must be better respected and addressed in the Draft EIR, with revisions made as necessary in light of these comments. It is out hope that the

I5-14

City will comply with CEQA in its future review of the discretionary approvals necessary for implementation of the Multi Sport Park Complex. Given that the Draft EIR does not adequately portray the proposed project or analyze its specific environmental impacts, the City cannot properly rely on this EIR as a "project-level" document, notwithstanding the description given in the document.

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15-15
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(Cont)

We appreciate your consideration of our comments. We look forward to working with the City and LAFCO to develop measures that address our specific concerns.

Very Truly Yours,

Phillips Land Law, Inc.



Kevin M. Kemper

CC: Ms. Melba Mosher
Mr. Herb Garms

2.2.17.1

RESPONSE TO COMMENT LETTER I5 – PHILLIPS LAND LAW FOR MELBA MOSHER

Comment I5-1: *The commenter represents Melba Mosher, owner of the Mosher Ranch. The commenter appreciates the opportunity to review the Draft EIR for his client. The commenter is concerned that the Draft EIR does not adequately address impacts of the Multi-Sport Park Complex on the existing agricultural uses on Mosher Ranch. Responses to specific comments related to the Draft EIR's analysis of the effects of multi-sports park complex on the existing agricultural uses on the Mosher Ranch are addressed comprehensively herein.*

LAFCo and the City appreciate the commenter's review of the Draft EIR.

Comment I5-2: *The commenter provides a summary of text included in Chapter 1 describing the purpose of the project-level document and the text that describes LAFCo's and the City's responsibilities as co-lead agencies.*

Please see the Responses to Comments I5-3, I5-4, and I5-5.

Comment I5-3: *The commenter states that LAFCo only has a role as a lead agency under CEQA when considering boundary changes and reorganizations initiated by landowner petition rather than public agency application and cites the People ex rel Younger v LAFCO (1978) 81 Cal.App. 3d 464, 481 as supporting this conclusion.*

This comment is unrelated to the adequacy of the Draft EIR for addressing potentially adverse physical impact associated with implementation of the Project.

The *People ex rel Younger v LAFCO* (1978) 81 Cal.App. 3d 464, 481 presented the question of whether CEQA required the San Diego LAFCo to prepare an EIR prior to the exercise of its discretion to approve or disapprove a proposed deannexation. The court decision does not support the commenter's statement that LAFCo may serve as a lead agency under CEQA only for boundary changes and reorganizations initiated by landowner petition.

As described in Chapter 2 of the Draft EIR, the City prepared an application to LAFCo for an SOIA (including a draft municipal services review) and reorganization (annexation and related detachments). These actions constitute a project subject to review under the California Environmental Quality Act (CEQA) (Public Resources Code Section 21000 et seq.). LAFCo and the City also resolved to prepare jointly the required CEQA documentation, which addresses LAFCo's action on the SOIA; City and LAFCo actions related to rezoning and annexation; and, the City's actions related to the proposed sports complex, as well as rezoning of the SOIA. See also the Response to Comment I5-4.

Comment I5-4: *The commenter states that LAFCo has limited authority and are prohibited from directly regulating land use. The commenter also states that the Cortese-Knox-Hertzberg Act is clear that LAFCo may not impose any conditions that would directly regulate land use, land use density or intensity, property development, or subdivision requirements. The commenter further states that with regard to Sphere of Influence determinations, LAFCo's authority is generally limited to the probable need for (and logical provision of) municipal services and*

utilities to the affected area. The commenter concludes that these limited areas of statutory responsibility do not confer upon LAFCo co-equal status with the City of Elk Grove as lead agency under CEQA.

Section 1.1.3, “LAFCo CEQA Policies,” in Chapter 1, “Introduction,” of the Draft EIR provides LAFCo’s policies and procedures for implementing CEQA review and a list of standards for determining the significance of environmental impacts based on the Sacramento LAFCo’s Policies, Standards, and Procedures Manual. As shown in Standard F.1, LAFCo will function as a Lead Agency in situations where the primary decision relates to a change of organization or reorganization or sphere of influence and there are no underlying land use approvals involved.

The proposed Project does not proposed specific land use entitlements in the areas that would be prezoned for commercial or industrial uses, or in the area to the northeast that the City proposes to designate for mixed-use development. However, the Draft EIR acknowledges future urbanization of those areas as a connected action and evaluates the potential environmental effects of future development. The Draft EIR evaluates the potential impacts of those uses based on the proposed prezoning and the assumptions contained in the City’s SOIA application, which are based on City General Plan land use designations and zoning categories. LAFCo is the appropriate lead agency for consideration of approval of the SOIA, potential detachment from and approval of annexation to various special districts, and annexation to the City of the multi-sport park complex site and potentially some or all of the remaining SOIA Area.

A mitigation monitoring and reporting program will be adopted to monitor the implementation of the mitigation measures identified in the Draft EIR, as required by CEQA Guidelines Section 15097. The mitigation monitoring and reporting program will identify the roles and responsibilities of LAFCo and the City for monitoring and documenting the implementation of mitigation measures. The mitigation monitoring and reporting program is Appendix A to this Final EIR.

Please also see Response to Comment I5-5.

Comment I5-5: *The commenter states that the EIR is not adequate as a project-level CEQA document in support of the future actions that the City would take as the lead agency and project proponent for the Multi-Sport Park Complex.*

CEQA authorizes the preparation of different types of EIRs to allow for different situations and uses. As stated in CEQA Guidelines Section 15160, lead agencies may use other variations consistent with the Guidelines to meet the needs of other circumstances. Common types of EIRs include project EIRs and program EIRs. Program-level EIR are prepared for a program, regulation, or series of related actions that can be characterized as one large project. Typically, such a project involves actions that are closely related either geographically or temporally. Program EIRs are typically prepared for general plans, specific plans, and regulatory programs, like the proposed SOIA. Generally speaking, program EIRs analyze

broad environmental effects of the program with the acknowledgment that site-specific environmental review will be required when future development projects are proposed under the approved regulatory program (CEQA Guidelines Section 15168).

In contrast, the terms, “project EIR” or “project-level EIR” are typically used to describe analysis of a specific development project, like the multi-sport park complex. The CEQA Guidelines advise that “this type of EIR should focus primarily on the changes in the environment that would result from the development project” (CEQA Guidelines Section 15161). As further provided in CEQA Guidelines Section 15146:

“The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity that is described in the EIR... An EIR on a construction project will necessarily be more detailed in the specific effects of the project than will be an EIR on the adoption of a local general plan...because the effects of the construction can be predicted with greater accuracy.”

As discussed, the environmental impacts of the proposed Project are analyzed in the Draft EIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146.

Based on the circumstances of the proposed Project, LAFCo and the City of Elk Grove conducted project-level analysis for the multi-sport park complex and a program-level analysis for the SOIA outside of the multi-sport park complex. Therefore, for the SOIA outside of the multi-sport park complex, the intent of the Draft EIR is to provide a framework for future project-level actions that occur as a result of the SOIA. At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove will demonstrate compliance with the mitigation measures outlined in the Draft EIR.

Comment I5-6: *The comment summarizes the objectives of the multi-sports complex. The commenter states that the eastern edge of the Multi-Sport Park Complex will place an access road adjacent to the western property line of the Mosher Ranch property, with a large lighted parking field and sports fields in close proximity. The commenter expresses the opinion that development of the Multi-Sport Park Complex would have an immediate and significant negative impact to the adjacent agricultural uses on Mosher Ranch and to the historic homestead, adjacent to the shared property line with the Multi-Sport Park Complex.*

Please see the Responses to Comments O1-7, I5-8, and I5-13.

Comment I5-7: *The commenter states that the Draft EIR suggests that cancellation of the Williamson Act contract is the only means by which to proceed with development of the Mosher Ranch property and states that the Williamson Act also permits a filing of a notice of non-renewal and cancellation. The commenter requests that the Draft EIR recognize that non-renewal is an alternative to cancellation, and the Mosher Ranch property would remain in agricultural use for a minimum of 10 more years after a notice of non-renewal is filed.*

The Draft EIR addressed the continuation of agricultural uses in Impact 3.3-3 in Section 3.3 of the Draft EIR (pages 3.3-16 to 3.3-18 of the Draft EIR). As stated under Impact 3.3-3, prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's Agricultural Activities ordinance. In addition, City of Elk Grove Municipal Code Chapter 14.05 ensures buyers are notified that agricultural operations that are operated in a manner consistent with proper and accepted customs and standards are allowed to continue and requires that notification be provided to residents of property located near properties designated for agricultural use; that these agricultural uses are encouraged; that accepted agricultural practices may continue; and that efforts to prohibit, ban, restrict, or otherwise eliminate established agricultural uses will not be favorably received. Furthermore, Implementation of Mitigation Measures 3.3-3 would reduce impacts associated with conflicts between urban land uses adjacent to existing agricultural lands by ensuring that buffer zones provide a suitable barrier between ongoing agricultural operations and urban land uses, as determined by the City of Elk Grove.

Please also see the Response to Comment I5-8 that further addresses the continuation of agricultural uses on the Mosher property.

The following revision has been made to the Impact 3.3-2 in Section 3.3, "Agricultural Resources," of the Draft EIR to clarify that landowners could continue agricultural operations on lands under Williamson Act contract until such time that that land is required for future development and that landowners may choose to file a notice for non-renewal for contracted land. Please see also Chapter 3 of this Final EIR, "Errata." This edit does not change the analysis or conclusions of the Draft EIR. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

Approximately 179 acres of the SOIA Area consist of agricultural lands under existing Williamson Act contracts. Portions of the multi-sport park complex site, as well as the area being identified for future development of mixed uses would occur on contracted land (APNs 134-0190-003 and 134-0190-002). Agricultural activities could continue on contracted land until such time that the land is required for future development of mixed uses. Landowners may choose to file a notice of non-renewal for contracted land, which allows for phasing out of contracted land over a 10-year period. However, Cancellation of these Williamson Act contracts before their expiration date would could be required before construction of the multi-sport park complex project and future development within the SOIA Area identified for mixed use.

Comment I5-8: *The commenter states that Impact 3.3-3 describes conflicts between agricultural and urban uses in a general and abstract manner, and does not address the specific potential conflicts between the proposed Sports Park and continued agricultural uses on the Mosher Ranch property. The commenter is concerned that the City's Right to Farm ordinance may not apply to the benefit of Mosher Ranch when the urban use in question will belong to the City, as opposed to a prospective buyer being placed on notice of adjacent agricultural use. The*

commenter request that the Draft EIR be revised to include specific analysis of potential conflicts that could arise when sports and youth activities are at the Sports Park during times of planting, crop maintenance, and harvesting on Mosher Ranch.

LAFCo and the City have addressed potential conflicts between agricultural-urban interfaces under Impact 3.3-3 in Section 3.3 of the Draft EIR (pages 3.3-16 to 3.3-18 of the Draft EIR). Continuing agricultural uses may occur on the Mosher property until the parcel is developed. Mitigation Measure 3.3-3 would reduce impacts associated with conflicts between urban land uses adjacent to existing agricultural lands by ensuring that buffer zones provide a suitable barrier between ongoing agricultural operations and urban land uses, as determined by the City of Elk Grove.

Mitigation Measure 3.3-3 requires the City of Elk Grove to prepare an agricultural land use compatibility plan for the SOIA Area at the time of submittal of any application to annex territory within the SOIA Area. The plan would include establishing a buffer zone; providing additional suitable barriers, such as on-site fencing or walls, between the edge of development and the adjacent agricultural operations; or other measures, as directed by the City of Elk Grove. Mitigation Measure 3.3-3 will be imposed as a condition of approval for future development projects, including development of the multi-sports complex. In addition, Mitigation Measure 3.3-3 has been revised to specify the City of Elk Grove would verify the final maps include agricultural buffers that reduce conflicts between ongoing agricultural operations and urban uses before issuance of grading permits for all future development and the multi-sports complex.

The following revision has been made to Impact 3.3-3 in Section 3.3, “Agricultural Resources,” of the Draft EIR. Please see also Chapter 3 of this Final EIR, “Errata.” This edit does not change the analysis or conclusions of the Draft EIR. Rather, this revision clarifies that the landowners of APN 134-01900-002 could continue agricultural operations north and northeast of the multi-sports park complex site and that continued agricultural operations could expose visitors to the sports fields and stadium could be exposed to dust and noise associated with planting, crop maintenance, and harvesting until the parcel is developed with residential uses. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

The SOIA Area and surrounding parcels support a range of agricultural uses, including oats and grass for hay crops, seasonal row crops, and irrigated pasture. The multi-sports complex project would include field sports, an indoor sports facility, a stadium, and agrizone park and fairgrounds. Existing agricultural uses occur adjacent to the north and northeastern boundary of the multi-sports park complex site on APN 134-01900-002. Ongoing agricultural operations could continue until that parcel is developed. Visitors to the sports fields and stadium could be exposed to dust and noise associated with seasonal planting, crop maintenance, and harvesting until the parcel is developed. These effects would be temporary and limited to the growing season. The agrizone park would serve as a working farm and educational center. As a working farm, it would feature a

variety of crops, cattle/ranching operations, and equestrian operations. The agrizone park would be located between the multi-sport park complex site and the USB (see Exhibit 2-4 in Chapter 2, “Project Description”). The agrizone park would not result in conflicts with off-site agricultural operations north and south of the multi-sports complex site.

The following revision has been made to Mitigation Measure 3.3-3 in Section 3.3, of the Draft EIR. Please see also Chapter 3 of this Final EIR, “Errata.” This edit does not change the analysis or conclusions of the Draft EIR. Rather, this revision clarifies that the City of Elk Grove would verify final plans include agricultural buffers to reduce conflicts between ongoing agricultural operations and adjacent urban uses before issuance of grading permits for all future development within the SOIA Area, including the multi-sports complex, as determined appropriate by the City as the land use agency. Therefore, recirculation of the EIR pursuant to CEQA Guidelines Section 15088.5 is not required.

Mitigation Measure 3.3-3: Prepare an Agricultural Land Use Compatibility Plan (City of Elk Grove)

Before approval of final plans for development of the multi-sports complex and ~~At~~ the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall prepare an agricultural land use compatibility plan for the SOIA Area. The plan ~~shall~~ may include establishing a buffer zone; providing additional suitable barriers, such as on-site fencing or walls, between the edge of development and the adjacent agricultural operations; or other measures, as directed by the City of Elk Grove. The City of Elk Grove would verify that the agricultural land use compatibility plan, as prepared, will reduce conflicts between ongoing agricultural operations and adjacent urban uses before issuance of grading permits for future development within the SOIA Area, including the multi-sports complex.

Comment I5-9: *The commenter states that Mitigation Measure 3.3-3 (Preparation of an Agricultural Land Use Compatibility Plan) can and must be completed at the stage of environmental review and not deferred.*

With regard to deferral, in certain circumstances, mitigation can be permissibly deferred where mitigation is known to be feasible, but practical considerations prevent a lead agency from establishing specific standards early in the development process. Such deferral of the specific design of mitigation is permissible when the lead agency commits itself to devising mitigation measures that will satisfy specific performance standards for evaluating the efficacy of the measures and the project implementation is contingent upon the mitigation measures being in place (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *Poet, LLC v. California Air Resources Board* (2013) 217 Cal.App.4th 1214; *Sacramento Old City Association v. City Council* (1991) Cal.App.3d 1011, 1028-1029; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261, 1275). As discussed in *Oakland Heritage Alliance v. City of Oakland*, the Court found that two mitigation measures adopted in an EIR adequately mitigated seismic impacts. The two measures were that the

buildings must comply with all State and local regulations, and that the buildings must comply with final design parameters and recommendations that would be included in geotechnical investigations. Third, the Court ruled that the City did not improperly defer mitigation because substantial evidence in the record demonstrates that compliance with State and local code requirements was feasible and would be effective.

CEQA Guidelines Section 15152 also acknowledges that “not all effects can be mitigated at each step of the process. There will be some effects for which mitigation will not be feasible at an early step of approving a particular development project.” With regard to conflicts with existing off-site agricultural operations, the specific height and location buffers and/or barriers and identification and implementation of other measures to ensure agricultural land use compatibility would occur during site-specific planning for the multi-sports park complex and future development and based on the proximity of existing agricultural operations to future development.

Mitigation Measure 3.3-3 of the Draft EIR lists feasible elements that would reduce the subject impact, and that may apply as a part of an overall compatibility plan. Mitigation Measure 3.3-3 also specifies performance standards for mitigating impacts associated with existing off-site agricultural operations and on-site urban land uses (page 3.3-18 of the Draft EIR). Mitigation Measure 3.3-3 requires preparation of an agricultural land use compatibility plan that includes establishing a buffer zone; providing additional suitable barriers, such as on-site fencing or walls, between the edge of development and the adjacent agricultural operations; or other measures, as directed by the City of Elk Grove. Mitigation Measure 3.3-3 would require the City of Elk Grove to verify the final maps include agricultural buffers that reduce conflicts between ongoing agricultural operations and adjacent urban uses before issuance of grading permits for future development and for development of the multi-sports complex. Mitigation Measure 3.3-3 will be imposed as a condition of approval for future development projects, including development of the multi-sports complex.

Comment I5-10: *The commenter states that the Draft EIR does not address that if use of the Multi-Sport Park Complex could be affected by dust or noise from agricultural operations at the Mosher Ranch, the latter would be required to cease for the benefit of the City’s sports park and not the other way around.*

Please see Responses to Comments I5-8 and I5-13.

Comment I5-11: *The commenter states that while the Draft EIR recognizes that mitigation measures for the loss of agricultural land would be implemented, no mention is made of the need to mitigate for impacts to the adjacent Mosher Ranch property. LAFCo policy guidance requires the consideration as to whether natural or man-made barriers serve to buffer nearby agricultural land from the effects of the proposed development (See Sacramento LAFCO Policy IV (E)(1)).*

The Draft EIR evaluates the full range of direct, indirect, and cumulative impacts for all resource topics identified in Appendix G of the CEQA Guidelines (Draft EIR Sections 3.1 through 3.16). The City’s General Plan policies and mitigation measures provided in the

Draft EIR would reduce potential environmental effects associated with future development within the SOIA Area, including development of the multi-sport park complex. These policies and mitigation measures are referenced throughout the Draft EIR for each resource topic and would effectively reduce impacts on the Mosher Ranch property.

Please see Responses to Comments O1-7, which addresses movement of agricultural equipment; I5-4, which addresses the programmatic evaluation of future development within the SOIA Area and implementation of a mitigation monitoring and reporting program; I5-8, which addresses conflicts between on-going agricultural operations and urban land uses; and I5-13, which addresses design features, lighting, and noise sources.

Comment I5-12: *The commenter states that development of the Multi-Sport Park Complex must avoid the impacts associated with a direct interface between the proposed entertainment and recreational uses and the adjacent agricultural land at Mosher Ranch. The commenter expresses the opinion that the influx of people to the project site and impacts from noise, light, and traffic will burden the ability of the Mosher Ranch to continue agricultural use and will drastically affect the quality of life for the Mosher family.*

Please see Responses to Comments O1-7, which addresses movement of agricultural equipment; I5-8, which addresses conflicts between on-going agricultural operations and urban land uses; and I5-13, which addresses design features, lighting, and noise sources.

Comment I5-13: *The commenter states that the Multi-Sport Park Complex should be designed to incorporate appropriate design features and mitigation measures on the project site, including setbacks, landscaping, lighting design and restrictions, and noise limitations. The commenter states that compliance with the City's noise and nighttime lighting requirements does not reduce these impacts to a less-than significant level, as the City's requirements allow nighttime stadium and field lighting to continue until 10 P.M. or one hour after the conclusion of the event and amplified noise can take place until 10 PM during the week and until 11 PM on Friday and Saturday nights. The commenter states that the City standards are acceptable as a performance standard in the context of adjacent urban uses, but not in the case where the adjacent uses are the Multi-Sport Park Complex and farmland.*

Section 3.2 of the Draft EIR describes setbacks, landscaping, and lighting designs and restrictions. Impact 3.2-1 discusses standards that would be incorporated into designs for the multi-sports park complex (pages 3.2-11 to 3.2-16 of the Draft EIR). Impact 3.2-1 states that construction of the multi-sports park complex would be subject to the City's Zoning Ordinance and design review, and would comply with the City General Plan, Elk Grove Municipal Code, and Elk Grove Design Guidelines. The General Plan policies and action items ensure the protection of certain trees, that the use of reflective materials would be reduced, and indicate that utilities should be located underground to the extent possible. The Municipal Code also has additional restrictions related to landscaping, lighting, building siting and design, and other aesthetic characteristics. The Design Guidelines encourage incorporating natural features, setting back parking areas away from the front of the site to minimize visual impacts, planting landscaping to provide visual screening, and shielding

lighting. Consistent with the Design Guidelines, the City would use street trees and on-site landscaping in parking lots to shield views of the tournament fields and to blend the multi-sport park complex with the area's existing character and to create a transition between commercial and rural residential areas.

Impact 3.2-3 in Section 3.2 of the Draft EIR discusses the increase in light and glare (page 3.2-17 to 3.2-19). Exhibit 3.2-10 provides a computer-generated rendering of the sports fields illuminated for nighttime games. Impact 3.2-3 states that constructing tournament fields and stadium with shielded and downward-facing lights, as encouraged by the City zoning regulations and Design Guidelines, would minimize lighting effects. Lighting effects would also be minimized during site operation by turning off the lights for sports fields that are not in use. As further stated in Impact 3.2-3, lighting effects on adjacent agricultural parcels and future mixed-use areas would be minimized by buffer zones landscaped with trees. Thus, the multi-sports park complex's skyglow effects would be limited, similar to the effects of a high school football stadium, and of shorter duration than the effects of numerous commercial and industrial uses in Elk Grove that are brightly illuminated all night. In addition, Mitigation Measure 3.2-3a and Mitigation Measure 3.2-3b would require the City of Elk Grove to reduce impacts from nighttime lighting and glare by requiring that pole heights and light shielding are designed and scheduled to minimize spillover, skyglow, and glare.

Impact 3.12-6 in Section 3.12 of the Draft EIR addresses noise impacts associated with the operation of the multi-sports park complex, including the use of the soccer fields, stadium/amphitheater, and fairgrounds/agrizona park (pages 3.13-51 to 3.13-55). As stated in Impact 3.12-6, the soccer fields, stadium/amphitheater, and fairgrounds/agrizona park would not be a constant noise source, but would only produce noise during periodic events, which could last from a few hours on a given day to most of the day. Design of the stadium would be required to consider nearby sensitive uses and implement design features that would minimize potential impacts. In addition, intervening structures between the stadium and agricultural land uses would attenuate noise levels. Noise generated by the proposed soccer fields and stadium, would not exceed the City of Elk Grove's daytime noise standard and would be below the County's 50 dBA standard.

Comment I5-14: *The commenter states that for purposes of analyzing environmental impacts, the existing and continuing future use of the Mosher Ranch as an agricultural preserve for the foreseeable future must be better respected and addressed in the Draft EIR. The commenter hopes that the City will comply with CEQA in its future review of the discretionary approvals necessary for implementation of the Multi Sport Park Complex.*

Responses to specific comments related to the effects of multi-sports park complex on the existing and continuing agricultural uses on the Mosher Ranch are addressed comprehensively herein.

The City will adopt each of the Draft EIR mitigation measures upon certification of the Final EIR. These mitigation measures will be imposed as conditions of approval of the multi-sports complex and future development projects.

Comment I5-15: *The commenter expresses the opinion that because the Draft EIR does not adequately portray the proposed project or analyze its specific environmental impacts, the City cannot properly rely on the Draft EIR as a “project-level” document.*

Please refer to Response to Comment I5-4.

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2.2.18 LETTER I6 – FLORENCE PIERCE

Letter I6

Gerken, Matthew

From: Gerken, Matthew
Sent: Wednesday, August 29, 2018 10:38 AM
To: Gerken, Matthew
Subject: Draft EIR Comment - Elk Grove Multi Sport - Florence Pierce

From: Florence Pierce [<mailto:flopierce@yahoo.com>]
Sent: Friday, July 27, 2018 6:16 PM
To: Lockhart, Don
Subject: Proposed Elk Grove Sports Complex--Concerns

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.

As a resident of Elk Grove, I have read about the proposed Sports Complex for several years and have felt concern about it's potential negative impact on our community and my neighborhood. I live within a few miles of its proposed location and often travel past it on Grant Line going to and from my home. I was pleased to read in the Elk Grove Citizen of the opportunity to learn more about the proposal and give my input. I went online and read over the project description and environmental impact report. This information only confirmed my previous concerns. I believe the proposed Sports Complex will have several negative impacts that are of concern to me:

- Increased traffic levels and resulting traffic hazards.
- Noise pollution: Increased noise from the sports activities and traffic.
- Light pollution: Light and glare from the lighting of the sports fields.
- Increased demand on water supplies, that are already in short supply in California.
- Loss of agricultural land and resources.
- Loss of wildlife habitat.
- Degradation of our rural landscape.

If the proposal is not approved, I understand that there are other options. As an alternative, my first choice would be ES6.1 and my second choice would be ES6.2 "Reduced Density/ Intensive Alternative". I appreciate the opportunity to give my input.

Thank you.

Florence Pierce

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I6-1
I6-2
I6-3
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I6-5
I6-6
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I6-9

2.2.18.1

RESPONSE TO COMMENT LETTER I6 – FLORENCE PIERCE

Comment I6-1: *The commenter is concerned about the potential impacts of the Project on the community.*

The specific comments provided in this comment letter are addressed herein. These comments do not raise questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the Project.

Comment I6-2: *The commenter has concerns related to increased traffic levels and resulting traffic hazards.*

Section 3.14, “Transportation,” of the Draft EIR summarizes the land use change anticipated to occur in the SOIA Area, which includes the multi-sport park complex, and summarizes analysis of the potential transportation and traffic impacts associated with implementation of the Project. Impact 3.14-1 addresses the increase in traffic from development of the Project (pages 3.14-26 to 3.14-28 of the Draft EIR). In addition, Impact 3.14-2 specifically addresses hazards due to design features (pages 3.14-28 and 3.14-29 of the Draft EIR). As noted in the Draft EIR, the City of Elk Grove and other public agencies develop and implement design standards that are specifically tailored to avoid hazardous design features such as sharp curves, dangerous intersections, shared turn lanes, and points of conflict. Any future roadway improvements required within the Elk Grove City limits or SOIA Area would be constructed to American Association of State Highway and Transportation Officials, Caltrans, Sacramento County, and City of Elk Grove roadway standards, as applicable, and therefore would therefore not result in potential transportation-related hazards.

Please also see Response to Comment O1-7.

Comment I6-3: *The commenter has concerns related increase noise from the sports fields and traffic.*

Section 3.12, “Noise and Vibration,” includes a description of existing noise conditions, and an analysis of the potential impacts resulting from development within the SOIA Area and implementation of the multi-sport park complex project. Impact 3.12-4 addresses long-term traffic noise levels (3.12-42 to 3.12-46 of the Draft EIR) and Impact 3.12-6 addresses noise associated with operation of the multi-sport park complex and future development (3.12-51 to 3.12-57 of the Draft EIR).

Comment I6-4: *The commenter has concerns related to light and glare from the sports fields.*

Section 3.2, “Aesthetics,” of the Draft EIR describes existing light and glare within the SOIA Area and surrounding area. Impact 3.2-3 discusses the increase in light and glare (page 3.2-17 to 3.2-19). Exhibit 3.2-10 provides a computer-generated rendering of the sports fields illuminated for nighttime games. In addition, Mitigation Measure 3.2-3a and Mitigation Measure 3.2-3b would require the City of Elk Grove to reduce impacts from nighttime lighting and glare by requiring that pole heights and light shielding are designed and scheduled to minimize spillover, skyglow, and glare.

Please see also the Response to Comment I5-13.

Comment I6-5: *The commenter has concerns related to water supplies.*

Please see the Responses to Comments A2-3, A2-4, and I2-7.

Comment I6-6: *The commenter has concerns related to loss of agricultural land.*

Section 3.3, “Agricultural Resources,” of the Draft EIR describes the agricultural resources within the SOIA Area and surrounding areas. Impact 3.3-1 addresses the loss of agricultural land from development within the SOIA Area and identifies a mitigation measure to reduce this impact (pages 3.3-13 to 3.3-15 of the Draft EIR).

Comment I6-6: *The commenter has concerns related to loss of wildlife habitat.*

Chapter 3.5, “Biological Resources,” of the Draft EIR provides a detailed discussion of biological resources known or with the potential to occur in the SOIA Area. Impacts 3.5-2 to 3.5-6 addressed the impacts of the Project on wildlife and wildlife habitat and identifies mitigation measures to reduce those impacts (pages 3.5-31 to 3.5-45 of the Draft EIR).

Comment I6-8: *The commenter has concerns related to degradation of the rural landscape.*

Section 3.2 of the Draft EIR describes the visual character of the SOIA Area and surrounding area. Impact 3.2-1 addressed the potential for future development in the SOIA Area, including the multi-sport park complex, to change the existing visual character of the SOIA Area (pages 3.2-11 to 3.2-16).

Please also see the Response to Comment I2-1 for further discussion of the Project’s impacts on the rural landscape.

Comment I6-9: *The commenter states that the No Project Alternative is their first choice and the Reduced Density Alternatives is their second choice.*

Chapter 5, “Alternatives,” of the Draft EIR provides a detailed discussion of the proposed Project’s Alternatives. LAFCo and the City of Elk Grove have evaluated potential alternatives relative to the objectives of the proposed Project and the evaluation of alternatives considered the potential of the alternative to avoid or substantially lessen any of the significant effects of the proposed Project.

As discussed in Chapter 5, the No Project Alternative would not meet the Project objectives since it would not provide a sports training and competitive venue space. In addition, the Reduced Density Alternative could generally meet the Project objectives, albeit not to the same degree as the proposed Project. There would be less space available for agricultural events and there would be less commercial, industrial, and mixed-use development to address the City’s jobs-housing balance.

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2.2.19 LETTER I7 – MAYETTE ACIERTO

Letter I7

From: Mya Acierto [<mailto:mya.acierto@gmail.com>]
Sent: Monday, July 23, 2018 11:12 PM
To: Lockhart, Don
Subject: Elk Grove Multi-Sports Complex Draft EIR

EXTERNAL EMAIL: If unknown sender, **do not** click links/attachments.

Good afternoon,

I wanted to make my comment about the proposed sports center at Mosher and Grantline. I live in the Sonoma Creek neighborhood and purchased my home because it was in a rural area.

My main concern about the area is the traffic it will bring, with the casino/mall being finished, I wonder if there will be additional roadwork done specifically to Grantline Road. When turning into my neighborhood, there is no turning Lane so I have to stop on the main road in order to safely turn, this already causes a lot of traffic to begin with. With new construction comes new traffic and I hope you incorporate that into your budget and planning if you do decide to build.

I7-1

That brings me to my next concern: budget. How much will this complex cost in the end and how long till the community see a return in investment? I do not see a point in making this happen if it will but the city in further debt, and the money can be used for something more useful such as an extension for the community college or more funding for the police department to keep our residents safe.

I7-2

These are my concerns and hope you take this into consideration when building. Thank you.

Sincerely,
Mayette Acierto

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By sending us an email (electronic mail message) or filling out a web form, you are sending us personal information (i.e. your name, address, email address or other information). We store this information in order to respond to or process your request or otherwise resolve the subject matter of your submission.

Certain information that you provide us is subject to disclosure under the California Public Records Act or other legal requirements. This means that if it is specifically requested by a member of the public, we are required to provide the information to the person requesting it. We may share personally identifying information with other City of Elk Grove departments or agencies in order to respond to your request. In some circumstances we also may be required by law to disclose information in accordance with the California Public Records Act or other legal requirements.

2.2.19.1

RESPONSE TO COMMENT LETTER I7 – MAYETTE ACIERTO

Comment I7-1: *The commenter's main concern about the area is the traffic it will bring, with the casino/mall being finished, I wonder if there will be additional roadwork done specifically to Grant Line Road.*

Mitigation Measure 3.14-1 in Section 3.14, "Transportation," of the Draft EIR outlines improvements that would be implemented at the Grant Line Road/Waterman Road intersection, Grant Line Road/Mosher Road intersection, Grant Line Road/Bradshaw Road intersection, and Grant Line Road/Elk Grove Boulevard intersection (pages 3.14-27 and 3.14-28).

This comment does not raise specific questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Comment I7-2: *The commenter asks about the cost of the Project and how long until the community sees a return on the investment. The commenter also asks is the money can be used for something more useful such as an extension for the community college or more funding for the police department to keep our residents safe.*

This comment does not raise specific questions or request information that pertains to the adequacy of the Draft EIR for addressing adverse physical impacts associated with the project. However, this comment is published in this Response to Comments document for public disclosure and for decision maker consideration.