

APPENDIX A

NOP and NOP Responses

**SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT
AND NOTICE OF PUBLIC SCOPING MEETING FOR THE PROPOSED KAMMERER
ROAD/HIGHWAY 99 SPHERE OF INFLUENCE AMENDMENT (LAFC#07-15)**

March 7, 2016

TO: Responsible Agencies, Trustee Agencies, and Interested Persons

RE: Notice of Preparation of a Draft Environmental Impact Report ("Draft EIR") for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment and Notice of Environmental Impact Report Scoping Meeting (LAFC#07-15)

In accordance with the provisions of the California Environmental Quality Act ("CEQA"), the Sacramento Local Agency Formation Commission (LAFCo) has determined that the proposed Kammerer Road/Highway 99 Sphere of Influence Amendment (SOIA) will require preparation of an Environmental Impact Report ("EIR").

LAFCo will be the lead agency for preparation of the EIR. The applicants are Kamilos Companies, LLC and Feletto Development Company. The purpose of the Notice of Preparation is to provide an opportunity for public agencies, interested parties, and the public to comment on the scope and proposed content of the EIR.

PUBLIC SCOPING MEETING

A public scoping meeting on the Draft EIR will be held on Tuesday, March 22nd, 2016 from 4:00 p.m. to 6:00 p.m. in the Valley Oak Ballroom at the Wackford Community & Aquatic Complex. The address of this facility is 9014 Bruceville Road, Elk Grove, CA 95758. The scoping meeting will have an "open house" format. Therefore, participants can attend at any time during this 4:00 p.m. to 6:00 p.m. window.

The purpose of the Draft EIR scoping meeting is to solicit the views of interested parties requesting notice, responsible agencies, agencies with jurisdiction by law, trustee agencies, involved federal agencies, and LAFCo, as to the appropriate scope and content of the Draft EIR. Specifically, input will be solicited regarding: the scope and focus of EIR analysis; ideas for feasible mitigation to reduce environmental effects; alternatives to the proposed SOI Amendment that could reduce environmental effects; and interested agencies, groups, or individuals that should be notified regarding the project.

WRITTEN COMMENTS

This Notice of Preparation ("NOP") initiates the CEQA scoping process. The comment period for this NOP will run from March 7th to April 8th, 2016. Please provide your written comments to the address shown below by 4:00 p.m. on April 8, 2016. For public agencies, please provide the name of a contact person in your agency. Comments in response to this Notice of Preparation and questions should be addressed to:

Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836
Attn: Mr. Don Lockhart, Assistant Executive Officer, AICP
Phone: (916) 874-2937
Fax: (916) 854-2939
E-mail: Don.Lockhart@SacLAFCo.org

Documents related to this SOIA request and EIR will be available for review on LAFCo's website at: <http://www.saclafco.org>

FOCUS OF INPUT

LAFCo relies on responsible and Trustee agencies to provide information relevant to the analysis of resources falling within the jurisdiction of such agencies. LAFCo encourages input for the proposed SOI Amendment EIR, with a focus on the following topics:

- ▶ **Scope of Environmental Analysis.** Guidance on the scope of analysis for this EIR, including identification of specific issues that will require closer study due to the location, scale, and character of the SOI Amendment request;
- ▶ **Mitigation Measures.** Ideas for feasible mitigation, including mitigation that could potentially be imposed by LAFCo and that would avoid, eliminate, or reduce potentially significant or significant impacts;
- ▶ **Alternatives.** Suggestions for alternatives to the SOI Amendment request that could potentially reduce or avoid potentially significant or significant impacts; and
- ▶ **Interested Parties.** Identification of public agencies, public and private groups, and individuals that LAFCo should notice regarding this SOI Amendment request and the accompanying EIR.

PROJECT DESCRIPTION

The project is a landowner initiated proposal to amend the City of Elk Grove Sphere of Influence (SOI); the Sacramento Area Sewer District (SASD) SOI; and the Sacramento Regional County Sanitation District (SRCSD) SOI. The affected territory includes a 1,156-acre area that abuts the southern portion of the City's existing jurisdictional boundary (see Exhibit 1).

Land Use Scenario

There are no changes to land uses proposed as part of this Sphere of Influence Amendment application. However, LAFCo must make certain findings with respect to land use, proposed land use, service needs within the SOIA area and within the current City limits. These findings include the need for urban services and orderly growth along with preservation of agricultural lands. Therefore, in order to facilitate environmental analysis for this Sphere of Influence Amendment request, the applicant has developed a potential proposed land use scenario and holding capacity. The applicant estimates that the project site could accommodate development that could provide 18,000 to 20,000 jobs in office, industrial, and commercial settings. Development could include a significant employment component near the Grant Line Road/SR 99 interchange and along the Kammerer Road (future Capital SouthEast

Connector) corridor. Additionally, for the purposes of analysis, the applicant has identified that the project site could accommodate the development of a broad array of housing types, with a total of 4,000 to 5,000 dwelling units.

The project is a proposed Sphere of Influence Amendment. It does not include any land use plan or, related pre-zoning entitlement requests. Similarly, the project does not include any indication of any timeline of an annexation request, development or phasing for future development. LAFCo will assume certain time frames for development consistent with state law.

Authority for Sphere of Influence Change Requests

This amendment requires approval by the Sacramento Local Agency Formation Commission (LAFCo), which has sole discretion on the establishment and amendment of sphere boundaries. LAFCo is charged with oversight of changes in governmental organization and has the authority to consider:

- ▶ Annexations to, or detachments from cities or districts;
- ▶ The formation or dissolution of districts;
- ▶ The incorporation or disincorporation of cities;
- ▶ The consolidation or reorganization of cities or districts;
- ▶ The establishment of subsidiary districts; and
- ▶ The development of, and amendments to, Spheres of Influence.

LAFCo has the authority to approve, modify and approve or disapprove applications, and to impose mitigation measures and conditions of approval. Per statute, LAFCo shall not impose any conditions that would directly regulate land use density or intensity, property development, or subdivision requirements.

PROJECT LOCATION

The proposed SOI Amendment Area (also known as the “project site”) is within unincorporated Sacramento County and is primarily used for extensive dry farmed and irrigated croplands and vineyard operations. The area currently consists of approximately 1,156 acres of agricultural land west of State Route 99, south of Kammerer Road, and east of McMillan Road (see Exhibits 1 and 2).

The project site is just south of, and adjacent to Kammerer Road, which is part of the alignment of the Capital SouthEast Connector, an on-going project to construct a 35-mile multi-lane, limited access roadway that would ultimately connect Interstate 5 in the Elk Gove area, with U.S. Highway 50, in El Dorado County. The Grant Line Road/State Route (SR) 99 interchange is located just northeast of the project site and was constructed in 2008 to accommodate 8-lanes of traffic. The project site is located adjacent to, and west of SR 99. Existing development within the City of Elk Grove and east of SR 99 includes commercial, rail-served industrial, including the Suburban Propane refrigerated storage facility, the Cosumnes CSD fire training center, and recreational facilities. The recently approved 1,200-acre mixed-use Southeast Policy Area (SEPA) lies directly to the north in the City of Elk Grove.

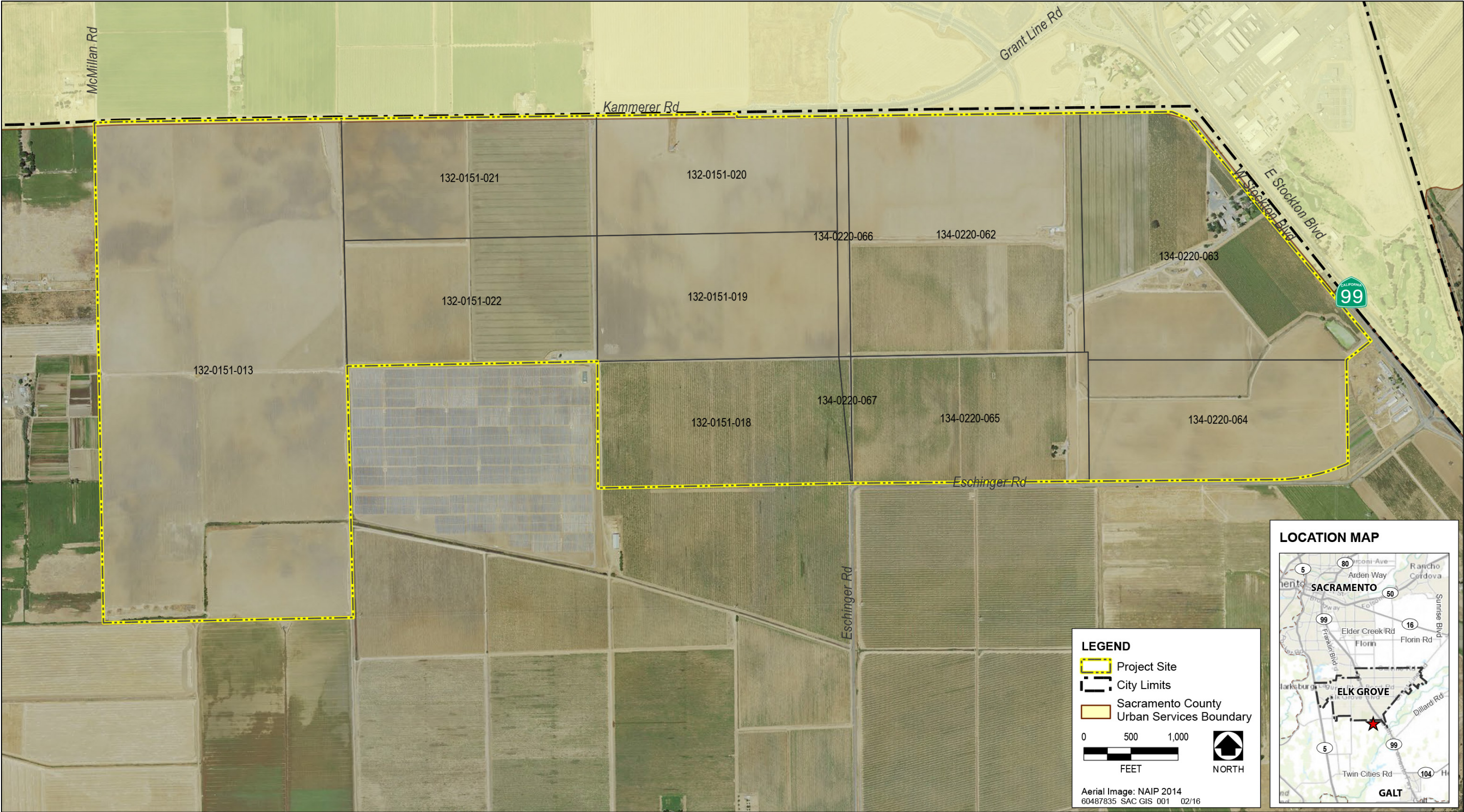


Exhibit 1. Location of Proposed Sphere of Influence Amendment Area.

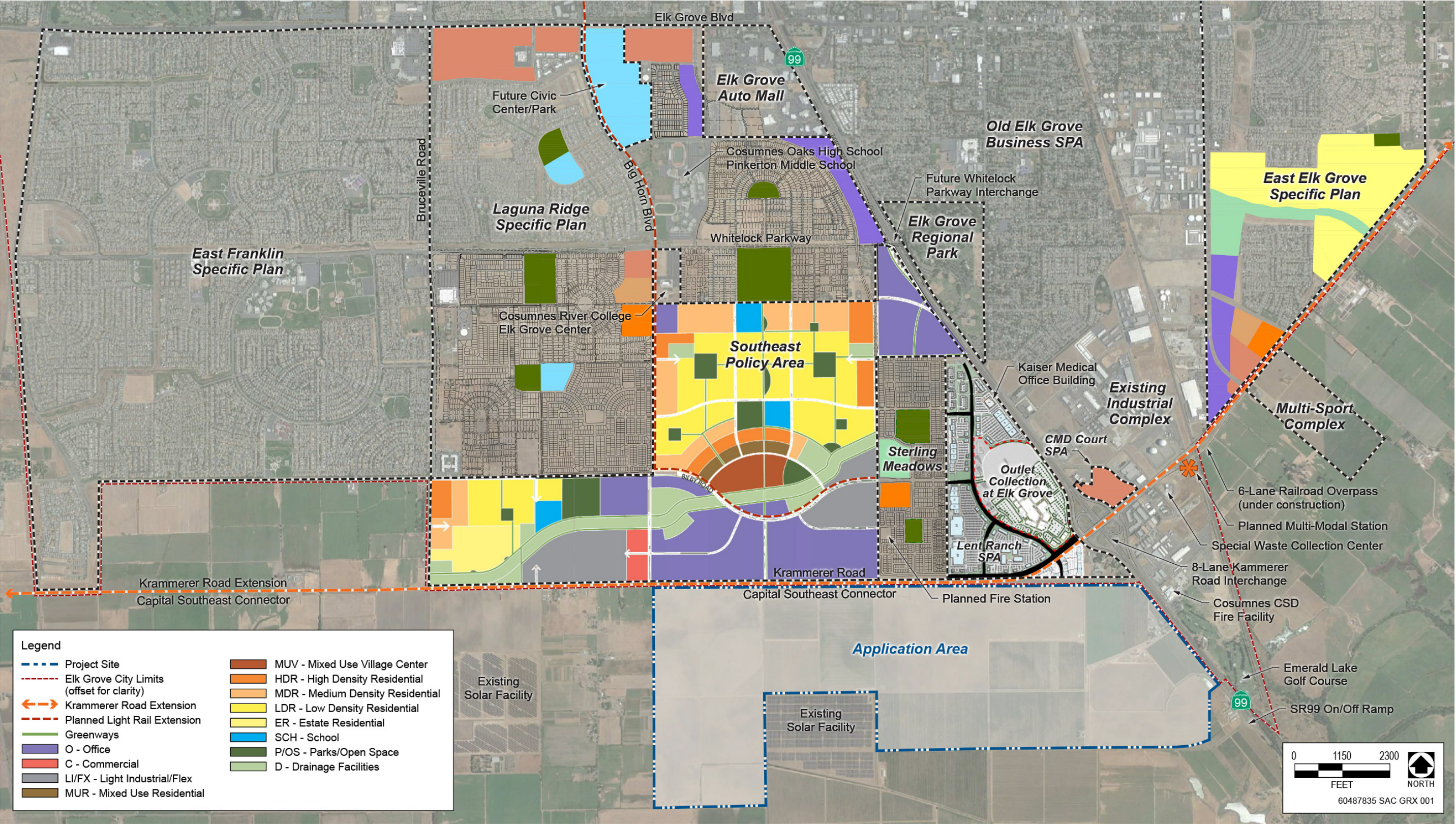


Exhibit 2. Regional Location Map.

South of the project site is Eschinger Road and an area developed with agricultural operations and solar energy generation facilities. Agricultural operations are located west of the project site. At the western edge of the project site, just north of Kammerer Road, is McMillan Road, a private road.

PROJECT BACKGROUND

In 2008, the City of Elk Grove applied to Sacramento LAFCo for a Sphere of Influence Amendment (LAFC#04-08) to the south and east of its current boundary consisting of approximately 10,536 acres, which was subsequently closed and a new application (LAFC#09-10) was submitted by the City for 7,869 acres, including the area addressed by the current SOI Amendment request. The City withdrew this application in 2013.

The Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH) includes provisions for amending spheres of influence. A SOI is defined by Government Code Section 56425 as a plan for the probable physical boundary and service area of a local governmental agency, including areas adjacent to the existing service area of a jurisdiction where services might reasonably be expected to be provided in the next 20 years.

This SOI Amendment would allow the City of Elk Grove and other service providers to plan for future urbanization, but it does not authorize changes in land use or governance. Lands within an amended SOI Area would not be under the City's jurisdiction until future development applications are received and requests for annexation of those parcels are approved by Sacramento LAFCo. The proposed project does not include an annexation request. There will not be any change to the land use or taxation jurisdiction in the event of the approval of the proposed SOI Amendment.

POTENTIAL ENVIRONMENTAL EFFECTS

Sacramento LAFCo has reviewed the proposed SOI Amendment request, as required by Section 15060 of the CEQA Guidelines, and has determined that an EIR should be prepared. As required by CEQA, the EIR will describe existing conditions and evaluate the potential environmental effects of the proposed project and a reasonable range of alternatives, including the no-project alternative. It will address direct, indirect, and cumulative effects. The EIR will identify feasible mitigation measures, if available, to reduce potentially significant impacts.

Although the SOIA proposal would not construct or develop any infrastructure or structures that could result in direct physical impacts, the project could result in indirect effects associated with probable future urbanization of the area. The EIR will provide a description of the possible future adverse physical effects associated with land use change in the proposed SOI Amendment Area. At this time, LAFCo has determined that there may be environmental effects in the following areas.

Aesthetics

The EIR will conceptually describe potentially impacts associated with this possible future land use change, including, but not limited to the placement of structures, light, and glare, and the surrounding land uses. Visual resources include any scenic vistas, views of scenic resources, and visual character either on-site or from the surrounding area.

Agriculture

The EIR will describe the project area's existing agricultural lands, as defined by GC 56016, surrounding agricultural land uses, and the regulatory setting. The agricultural resources section will identify any land designated as Prime Farmland, as defined by GC 56064, Unique Farmland, or Farmland of Statewide Importance by California's Department of Conservation Farmland Mapping and Monitoring Program ("farmland" as defined by CEQA), and any lands under a Williamson Act contract, or within a Farmland Security Zone, will be mapped and described.

Air Quality

The EIR will identify potential air quality impacts related to potential future land use change in the proposed SOI Amendment Area, including impacts related to criteria air pollutant emissions and toxic air contaminants.

Biological Resources

The EIR will include a review of documentation pertinent to the biological resources in the proposed SOI Amendment Area. This will include reviewing documentation pertaining to habitat requirements for special-status species potentially occurring near the SOI Amendment Area, the species data provided by U.S. Fish and Wildlife Service (USFWS) and California Department of Fish and Wildlife (CDFW), and both the California Native Plant Society's (CNPS) Inventory of Rare and Endangered Plants of California and the California Natural Diversity Database (CNDDB). The EIR will also review the species and community accounts prepared in support of the South Sacramento Habitat Conservation Plan (SSHCP). The EIR will evaluate the potential of the proposed SOI Amendment Area to support special-status plants, animals, and habitats considered sensitive, rare, threatened, or endangered.

Cultural Resources

LAFCo will review existing documentation of cultural resources in the vicinity of the proposed SOI Amendment Area. An updated record search will be provided via the North Central Information Center. The EIR will briefly summarize potential impacts related to cultural resources associated with possible future land use change.

Energy

The energy section of the EIR will include a description of the current utility provider(s) in the proposed SOI Amendment Area for electricity and natural gas. The EIR analysis will very briefly and conceptually evaluate how the potential future development could increase energy demand and cite relevant policies and standards that address this topic.

Geology and Soils, Minerals, Paleontology

The EIR team will evaluate the potential project impacts on geology and soils through site research and reconnaissance, and through review of applicable plans and policies. The EIR will document geologic formations and assess their sensitivity for containing significant fossils. Since there is no land use plan, the EIR will not analyze any impacts associated with the location of any particular buildings or uses in any particular location.

Greenhouse Gas Emissions

The greenhouse gas (GHG) section of the EIR will include a description of the current science surrounding climate change. The existing setting section will also include a summary of the applicable regulatory framework, and benefits of existing regulations for GHG emissions reduction. The EIR will generally describe potential short- and long-term GHG emissions impacts based on land use assumptions developed for the purpose of analysis.

Hazards and Hazardous Materials

The EIR team will review the U.S. Environmental Protection Agency's Envirofacts database to determine if the proposed SOI Amendment Area is located on or near hazardous material sites. The EIR will summarize the types of activities and hazardous materials that would be used within the SOI Amendment Area and evaluate the potential impacts of these activities. Effects related to the provision of emergency response services, as well as impacts related to fire hazards, will also be addressed. There is no land use plan, thus the EIR will not analyze any impacts associated with the location of any particular buildings or uses in any particular location.

Hydrology and Water Quality

The EIR will include a hydrology and water quality impact assessment that focuses on temporary, short-term construction-related effects on water quality from storm water runoff and permanent changes to storm water drainage and quality from maintenance (i.e., fertilizer application). The EIR will briefly describe existing drainage and water quality conditions of the SOI Amendment Area based on existing information and studies. Since there is no land use plan, the EIR will not analyze any impacts associated with the location of any particular buildings, parking lots, or other impervious surfaces in any particular location.

Land Use and Planning

This EIR section will address potential conflicts with existing, adopted land use and natural resource plans, such as adopted City and County General Plans. This section will address potential impacts on Open Space resources as defined by California Government Code Section 56059 (65560) that are located within or adjacent to the project area. The CEQA document would include a consistency evaluation with not only the SACOG Blueprint, but also the Metropolitan Transportation Plan/Sustainable Communities Strategy, and LAFCo regulations. Since the project does not include any land use plan, the analysis of policy consistency will necessarily be conceptual, but will be based upon probable land use scenarios.

Noise

The noise analysis will include a description of the existing noise environment in and near the proposed SOI Amendment Area, based on existing documentation and reconnaissance-level data. Nearby existing, noise-sensitive receptors and noise sources (e.g., SR 99) will be identified and discussed. The EIR will provide a comparison of future potential construction noise and operational noise with existing ambient noise levels. Noise impacts will be conceptually described. It is too early in the entitlement process to prepare transportation analysis that would support traffic noise estimates along any particular roadway.

Population, Employment, Housing and Environmental Justice

This section would briefly explain the nature of proposed SOI Amendment Area and that there is not information available to discuss the presence and potential loss of affordable housing. Land use assumptions developed for the purpose of analysis will be compared to the assumptions contained in SACOG's Metropolitan Transportation Plan/Sustainable Communities Strategy. As required in the Sacramento LAFCo Municipal Service Review Guidelines, the evaluation will address Environmental Justice - the extent to which the project will promote environmental justice (the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services).

Public Services and Recreation

This EIR section will very briefly and conceptually analyze the increase in demand on public services including schools, fire protection, law enforcement, water, groundwater, storm drainage, park and recreation, and any other affected services, and whether development in the proposed SOI Amendment Area would result in the need to provide new facilities, the construction of which could result in environmental impacts. Under Sacramento LAFCo's CEQA requirements, this evaluation should address whether any physical facilities would need to be improved, constructed or expanded to serve the project, including those outside of the project site, whose construction potentially could have environmental effects.

Transportation/Traffic

The EIR will summarize any available data on traffic patterns and levels of service in areas that could be affected by the potential development of the proposed SOI Amendment Area. Existing transit, bicycle and pedestrian facilities serving the proposed SOI Amendment will be catalogued. Planned improvements identified in current documents will be noted. Existing transit services will be described. The EIR will identify future traffic conditions and improvements in the vicinity of the proposed SOI Amendment Area based on existing documentation, such as the City's General Plan and SACOG's Metropolitan Transportation Plan/Sustainable Community Strategy (MTP/SCS). The EIR will conceptually describe transportation-related impacts associated with development of the proposed SOI Amendment Area. The analysis will identify future traffic conditions and improvements in the vicinity of the SOI Amendment Area based on existing documentation, such as the City's General Plan and SACOG's Metropolitan Transportation Plan/Sustainable Community Strategy (MTP/SCS), and any available information associated with the Capitol SouthEast Connector. The analysis will conceptually describe transportation-related impacts associated with possible development of the project, using information generated through air quality modeling of the land use holding capacity assumptions (which also produces trip generation information). As there is no land use plan, it is not possible to estimate traffic generated within the proposed SOI Amendment Area along any particular transportation facility.

Utilities and Service Systems

This section of the EIR will conceptually describe whether the project would require new utilities (e.g., wastewater disposal), resulting in environmental impacts and potential effects on wastewater or solid waste facilities. Since there is no land use plan, it is not possible to evaluate increase in utility demand in any particular location, but the EIR will qualitatively describe future public utility demands associated with development of the proposed SOI Amendment Area. The EIR will not include a water supply assessment, since no specific land use change is proposed.

Alternatives

The EIR will identify and evaluate a reasonable range of alternatives that will meet the basic objectives for the proposed SOI Amendment, while attempting to avoid or substantially lessen some or all of the significant environmental effects.

CEQA-Mandated Sections

The EIR will evaluate cumulative impacts, discuss potential growth-inducing impacts, and summarize significant and unavoidable environmental effects.

Comment Letters



County of Sacramento

March 10, 2016

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



SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND NOTICE OF PUBLIC SCOPING MEETING FOR THE PROPOSED KAMMERER ROAD HIGHWAY 99 SPHERE OF INFLUENCE (SOI) AMENDMENT TO THE CITY OF ELK GROVE (LAFC 07-15)

Mr. Lockhart:

We have received a copy of the NOP for the Kammerer Road HWY 99 SOI Amendment to the City of Elk Grove (LAFC 07-15), dated March 7, 2016. We appreciate the opportunity to comment on this amendment. We would like to reiterate the general comments that we made in the letter we sent dated June 22, 2015. We also have added some specific comments that are new.

General Comments

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.

We would ask the City of Elk Grove to enter into a 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.

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.

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

**COMMENTS ON THE NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL
IMPACT REPORT (DEIR) AND NOTICE OF PUBLIC SCOPING MEETING FOR THE
PROPOSED KAMMERER ROAD HIGHWAY 99 SPHERE OF INFLUENCE (SOI)
AMENDMENT TO THE CITY OF ELK GROVE (LAFC 07-15)**

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.

Specific Comments

The traffic study in the environmental document should analyze all impacted roadways and intersections in both the existing and cumulative conditions. It's anticipated that these will include Grant Line Road, Kammerer Road, West Stockton Boulevard, Bruceville Road, Bilby Road, Franklin Boulevard, Hood Franklin Road, etc. and associated intersections at a minimum.

Please coordinate and solicit comments from the Capital Southeast Connector JPA staff.

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: Mike Penrose, DOT
Dan Shoeman, DOT
Reza Moghissi, DOT
Dean Blank, DOT
Ron Vicari, DOT
Kamal Atwal, DOT
Leighann Moffitt, PER
Catherine Hack, PER
Susan Goetz, Special Districts
Tom Zlotkowski, Capital Southeast Connector JPA
Derek Minnema, Capital Southeast Connector JPA



EDMUND G. BROWN JR.
GOVERNOR

STATE OF CALIFORNIA
GOVERNOR'S OFFICE of PLANNING AND RESEARCH
STATE CLEARINGHOUSE AND PLANNING UNIT



KEN ALEX
DIRECTOR

Notice of Preparation

March 7, 2016



To: Reviewing Agencies

Re: Kammerer Road/Highway 99 Sphere of Influence Amendment Project
SCH# 2016032015

Attached for your review and comment is the Notice of Preparation (NOP) for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project draft Environmental Impact Report (EIR).

Responsible agencies must transmit their comments on the scope and content of the NOP, focusing on specific information related to their own statutory responsibility, within 30 days of receipt of the NOP from the Lead Agency. This is a courtesy notice provided by the State Clearinghouse with a reminder for you to comment in a timely manner. We encourage other agencies to also respond to this notice and express their concerns early in the environmental review process.

Please direct your comments to:

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

with a copy to the State Clearinghouse in the Office of Planning and Research. Please refer to the SCH number noted above in all correspondence concerning this project.

If you have any questions about the environmental document review process, please call the State Clearinghouse at (916) 445-0613.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Attachments
cc: Lead Agency

**Document Details Report
State Clearinghouse Data Base**

SCH# 2016032015
Project Title Kammerer Road/Highway 99 Sphere of Influence Amendment Project
Lead Agency Sacramento County Local Agency Formation Commission

Type NOP Notice of Preparation
Description Sacramento LAFCo is the lead agency for a Sphere of Influence amendment and reorganization of special utility districts. The project is a landowner initiated proposal to amend the City of Elk Grove Sphere of Influence (SOI); the Sacramento Area Sewer District (SASD) SOI; and the Sacramento Regional County Sanitation District (SRCSD) SOI. The affected territory includes a 1,156-acre area that abuts the southern portion of the City's existing jurisdictional boundary. The proposed project would require LAFCo approval of a 1,156-acre SOIA.
APN No. 132-0151-013;

Lead Agency Contact

Name Don Lockhart
Agency Sacramento County Local Agency Formation Commission (LAFCO)
Phone 916-874-6458 **Fax**
email
Address 1112 I Street #100
City Sacramento **State** CA **Zip** 95814

Project Location

County Sacramento
City Elk Grove
Region
Cross Streets Kammerer Road, McMillan Road, W. Stockton Blvd, Eschinger Road
Lat / Long 38° 21' 05" N / 121° 22' 43" W
Parcel No.
Township 6 **Range** 6 **Section** below **Base**

Proximity to:

Highways 99
Airports
Railways UPRR
Waterways Deer Creek, Cosumnes River
Schools Pinkerton, Cosum. Oaks
Land Use Sacramento County General Plan designation: Ag Cropland Zoning: AG-80

Project Issues Aesthetic/Visual; Agricultural Land; Air Quality; Archaeologic-Historic; Biological Resources; Drainage/Absorption; Flood Plain/Flooding; Forest Land/Fire Hazard; 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; Cumulative Effects

Reviewing Agencies Resources Agency; Department of Conservation; Department of Parks and Recreation; Department of Water Resources; Department of Fish and Wildlife, Region 2; Native American Heritage Commission; California Highway Patrol; Caltrans, District 3 S; Air Resources Board; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Sacramento)

Date Received 03/07/2016 **Start of Review** 03/07/2016 **End of Review** 04/05/2016

Notice of Completion & Environmental Document Transmittal

Mail to: State Clearinghouse, P.O. Box 3044, Sacramento, CA 95812-3044 (916) 445-0613

For Hand Delivery/Street Address: 1400 Tenth Street, Sacramento, CA 95814

SCH 6032015

Project Title: Kammerer Road/Highway 99 Sphere of Influence Amendment ProjectLead Agency: Sacramento Local Agency Formation CommissionContact Person: Don LockhartMailing Address: 1112 I Street, Suite 100Phone: (916) 874-6458City: SacramentoZip: 95814County: Sacramento**Project Location:** County: SacramentoCity/Nearest Community: Elk GroveCross Streets: Kammerer Road, McMillan Road, W. Stockton Blvd, Eschinger RoadZip Code: 95757Longitude/Latitude (degrees, minutes and seconds): 38 ° 21 ' 05 " N / 121 ° 22 ' 43 " W Total Acres: 1,156Assessor's Parcel No.: See attachedSection: belowTwp.: 6Range: 6

Base: _____

Within 2 Miles: State Hwy #: 99Waterways: Deer Creek, Cosumnes RiverAirports: NARailways: Union PacificSchools: Pinkerton, Cosum. Oaks**Document Type:**CEQA: ☒ NOP
☐ Early Cons
☐ Neg Dec
☐ Mit Neg Dec☐ Draft EIR
☐ Supplement/Subsequent EIR
(Prior SCH No.) _____
Other: _____NEPA: ☐ NOI
☐ Draft EIS
☐ FONSIOther: ☐ Joint Document
☐ Final Document
☐ Other: _____**Local Action Type:****STATE CLEARINGHOUSE**☐ General Plan Update
☐ General Plan Amendment
☐ General Plan Element
☐ Community Plan☐ Specific Plan
☐ Master Plan
☐ Planned Unit Development
☐ Site Plan☐ Rezone
☐ Prezone
☐ Use Permit
☐ Land Division (Subdivision, etc.)☐ Annexation
☐ Redevelopment
☐ Coastal Permit
☐ Other: SOI amdmt**Development Type:**☐ Residential: Units _____ Acres _____
☐ Office: Sq.ft. _____ Acres _____ Employees _____
☐ Commercial: Sq.ft. _____ Acres _____ Employees _____
☐ Industrial: Sq.ft. _____ Acres _____ Employees _____
☐ Educational: _____
☐ Recreational: _____
☐ Water Facilities: Type _____ MGD _____☐ Transportation: Type _____
☐ Mining: Mineral _____
☐ Power: Type _____ MW _____
☐ Waste Treatment: Type _____ MGD _____
☐ Hazardous Waste: Type _____
☒ Other: SOI amendment only**Project Issues Discussed in Document:**☒ Aesthetic/Visual
☒ Agricultural Land
☒ Air Quality
☒ Archeological/Historical
☒ Biological Resources
☐ Coastal Zone
☒ Drainage/Absorption
☐ Economic/Jobs☐ Fiscal
☒ Flood Plain/Flooding
☒ Forest Land/Fire Hazard
☒ Geologic/Seismic
☒ Minerals
☒ Noise
☒ Population/Housing Balance
☒ Public Services/Facilities☒ Recreation/Parks
☐ Schools/Universities
☐ Septic Systems
☒ Sewer Capacity
☒ Soil Erosion/Compaction/Grading
☒ Solid Waste
☒ Toxic/Hazardous
☒ Traffic/Circulation☒ Vegetation
☒ Water Quality
☒ Water Supply/Groundwater
☒ Wetland/Riparian
☒ Growth Inducement
☒ Land Use
☒ Cumulative Effects
☐ Other: _____**Present Land Use/Zoning/General Plan Designation:**Sacramento County General Plan designation: Ag Cropland Zoning: AG-80**Project Description:** (please use a separate page if necessary)

Sacramento LAFCo is the lead agency for a Sphere of Influence amendment and reorganization of special utility districts.

The project is a landowner initiated proposal to amend the City of Elk Grove Sphere of Influence (SOI); the Sacramento Area Sewer District (SASD) SOI; and the Sacramento Regional County Sanitation District (SRCSD) SOI. The affected territory includes a 1,156-acre area that abuts the southern portion of the City's existing jurisdictional boundary. The proposed project would require LAFCo approval of a 1,156-acre SOIA.

Assessor's Parcel Nos. 132-0151-013; 132-0151-018 to 022; 134-0220-062 to 067

Note: The State Clearinghouse will assign identification numbers for all new projects. If a SCH number already exists for a project (e.g. Notice of Preparation or previous draft document) please fill in.

NOP Distribution List

County: Sacramento

SCH# 2016032015

Resources Agency

☒ Resources Agency Nadell Gayou

☐ Dept. of Boating & Waterways
Denise Peterson

☐ California Coastal Commission
Elizabeth A. Fuchs

☐ Colorado River Board
Lisa Johansen

☒ Dept. of Conservation
Elizabeth Carpenter

☐ California Energy Commission
Eric Knight

☐ Cal Fire
Dan Foster

☐ Central Valley Flood Protection Board
James Herota

☐ Office of Historic Preservation
Ron Parsons

☒ Dept of Parks & Recreation Environmental Stewardship Section

☐ California Department of Resources, Recycling & Recovery
Sue O'Leary

☐ S.F. Bay Conservation & Dev't. Comm.
Steve McAdam

☒ Dept. of Water Resources
Resources Agency
Nadell Gayou

Fish and Game

☐ Depart. of Fish & Wildlife
Scott Flint
Environmental Services Division

☐ Fish & Wildlife Region 1
Curt Babcock

☐ Fish & Wildlife Region 1E
Laurie Harnsberger

☒ Fish & Wildlife Region 2
Jeff Drongesen

☐ Fish & Wildlife Region 3
Charles Armor

☐ Fish & Wildlife Region 4
Julie Vance

☐ Fish & Wildlife Region 5
Leslie Newton-Reed
Habitat Conservation Program

☐ Fish & Wildlife Region 6
Tiffany Ellis
Habitat Conservation Program

☐ Fish & Wildlife Region 6 I/M
Heidi Calvert
Inyo/Mono, Habitat Conservation Program

☐ Dept. of Fish & Wildlife M
George Isaac
Marine Region

Other Departments

☐ Food & Agriculture
Sandra Schubert
Dept. of Food and Agriculture

☐ Depart. of General Services
Public School Construction

☐ Dept. of General Services
Anna Garbeff
Environmental Services Section

☐ Delta Stewardship Council
Kevan Samsam

☒ Housing & Comm. Dev.
CEQA Coordinator
Housing Policy Division

Independent

Commissions, Boards

☐ Delta Protection Commission
Michael Machado

☐ OES (Office of Emergency Services)
Marcia Scully

☒ Native American Heritage Comm.
Debbie Treadway

☐ Public Utilities Commission
Supervisor

☐ Santa Monica Bay Restoration
Guangyu Wang

☐ State Lands Commission
Jennifer Deleong

☐ Tahoe Regional Planning Agency (TRPA)
Cherry Jacques

Cal State Transportation Agency CalSTA

☐ Caltrans - Division of Aeronautics
Philip Crimmins

☐ Caltrans - Planning
HQ LD-IGR
Terri Pencovic

☒ California Highway Patrol
Suzann Ikeuchi
Office of Special Projects

Dept. of Transportation

☐ Caltrans, District 1
Rex Jackman

☐ Caltrans, District 2
Marcelino Gonzalez

☒ Caltrans, District 3
Eric Federicks - South
Susan Zanchi - North

☐ Caltrans, District 4
Patricia Maurice

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☐ Caltrans, District 6
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☐ Caltrans, District 10
Tom Dumas

☐ Caltrans, District 11
Jacob Armstrong

☐ Caltrans, District 12
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Cal EPA

Air Resources Board

☒ All Other Projects
Cathi Slaminski

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Nesamani Kalandiyur

☐ Industrial/Energy Projects
Mike Tollstrup

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Regional Programs Unit
Division of Financial Assistance

☐ State Water Resources Control Board
Karen Larsen
Division of Drinking Water

☐ State Water Resources Control Board
Student Intern, 401 Water Quality Certification Unit
Division of Water Quality

☐ State Water Resources Control Board
Phil Crader
Division of Water Rights

☐ Dept. of Toxic Substances Control
CEQA Tracking Center

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Cathleen Hudson
North Coast Region (1)

☐ RWQCB 2
Environmental Document Coordinator
San Francisco Bay Region (2)

☐ RWQCB 3
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☐ RWQCB 4
Teresa Rodgers
Los Angeles Region (4)

☒ RWQCB 5S
Central Valley Region (5)

☐ RWQCB 5F
Central Valley Region (5)
Fresno Branch Office

☐ RWQCB 5R
Central Valley Region (5)
Redding Branch Office

☐ RWQCB 6
Lahontan Region (6)

☐ RWQCB 6V
Lahontan Region (6)
Victorville Branch Office

☐ RWQCB 7
Colorado River Basin Region (7)

☐ RWQCB 8
Santa Ana Region (8)

☐ RWQCB 9
San Diego Region (9)

☐ Other _____

☐ _____
Conservancy



Main Office

10080 Goethe Road
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Tel: 916.876.8000
Fax: 916.876.6160

Treatment Plant

8521 Laguna Station Road
Elk Grove, CA 95758-9550
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March 14, 2016

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



Subject: Notice of Preparation of a Draft Environmental Impact Report ("Draft EIR") for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment and Notice of Environmental Impact Report Scoping Meeting (LAF#07-15)

Dear Mr. Lockhart:

Sacramento Area Sewer District (SASD) and the Sacramento Regional County Sanitation District (Regional San) have the following comments regarding the Notice of Preparation:

SASD will provide local sewer service for the proposed project area. Regional San provides conveyance from local trunk sewers to the Sacramento Regional Wastewater Treatment Plant (SRWTP) through large pipelines called interceptors.

The Regional San Board of Directors adopted the Interceptor Sequencing Study (ISS) in February 2013. The ISS updated the SRCSD Master Plan 2000 is located on the Regional San website at <http://www.regionalsan.com/ISS>. The SASD Board of Directors approved the most current SASD planning document, the 2010 System Capacity Plan Update (SCP) in January 2012. The SCP is on the SASD website at <http://www.sacsewer.com/devres-standards.html>.

According to the 2010 SCP, the project area lies adjacent to the Laguna Ridge expansion trunk shed. The developer typically constructs SASD trunk facilities located in expansion sheds. Developers can seek reimbursement for these facilities in accordance with the SASD ordinance.

Customers receiving service from Regional San and SASD are responsible for rates and fees outlined within the latest Regional San and SASD ordinances. Fees for connecting to the sewer system are set up to recover the capital investment of sewer and treatment facilities that serves new customers. The SASD ordinance is located on the SASD website at <http://www.sacsewer.com/ordinances.html>, and the Regional San ordinance is located on their website at <http://www.regionalsan.com/ordinance>.

Regional San and SASD are not land-use authorities. Regional San and SASD designs their sewer systems using predicted wastewater flows that are dependent on land use information provided by each land use authority. Regional San and SASD base the projects identified within their planning documents on growth projections provided by these land-use authorities

The developer must complete a Sewer study that includes connection points and phasing information to assess the capacity of the existing sewer system to accommodate additional flows generated by this project. Include any onsite and offsite impacts associated with constructing sanitary sewers facilities providing service to the subject in environmental impact reports.

Currently there are no SASD trunk facilities located in or planned to serve the project area. All existing connection points adjacent to the project area convey wastewater north. These pipelines are not designed to accommodate additional flows from this project. In order to receive sewer service from SASD, the developer will need to construct new facilities or upgrade the existing pipelines. The project proponents should work closely with SASD Development Services to ensure proper connection to any existing SASD facilities.

The SRWTP provides secondary treatment using an activated sludge process. Incoming wastewater flows through mechanical bar screens through a primary sedimentation process. This allows most of the heavy organic solids to settle to the bottom of the tanks. These solids are later delivered to the digesters. Next, oxygen is added to the wastewater to grow naturally occurring microscopic organisms, which consume the organic particles in the wastewater. These organisms eventually settle on the bottom of the secondary clarifiers. Clean water pours off the top of these clarifiers and is chlorinated, removing any pathogens or other harmful organisms that may still exist. Chlorine disinfection occurs while the wastewater travels through a two-mile "outfall" pipeline to the Sacramento River, near the town of Freeport, California.

Before entering the river, sulfur dioxide is added to neutralize the chlorine. The design of the SRWTP and collection system was balanced to have SRWTP facilities accommodate some of the wet weather flows while minimizing idle SRWTP facilities during dry weather. The SRWTP was designed to accommodate some wet weather flows while the storage basins and interceptors were designed to accommodate the remaining wet weather flows.

The Central Valley Regional Water Quality Control Board (CVRWQCB) issued a NPDES Discharge Permit to Regional San in December 2010, requiring Regional San to meet more restrictive discharge requirements. These requirements involve constructing new treatment facilities at the Sacramento Regional Wastewater Treatment Plant in Elk Grove. Regional San must meet new ammonia and nitrate requirements outlined in the permit by May 2021, and new pathogen requirements by May 2023.

On February 4, 2016, the CVRWQCB distributed a Tentative NPDES Discharge Permit for public review. The hearing is scheduled for April 2016.

Regional San currently owns and operates a 5-mgd Water Reclamation (WRF) that has been producing Title 22 tertiary recycled since 2003. The WRF is located within the SRWTP property in Elk Grove. Regional San uses a portion of the recycled water at the SRWTP and the rest is wholesaled to the Sacramento County Water Agency (SCWA). SCWA retails the recycled water, primarily for landscape irrigation use, to select customers in the City of Elk Grove. Regional San currently does not have any planned facilities that could provide recycled water to the proposed project or its vicinity. Additionally, Regional San is not a water purveyor and any potential use of recycled water in the project area must be coordinated between the key stakeholders, e.g. land use jurisdictions, water purveyors, users, and the recycled water producers.

If you have any questions regarding these comments, please contact me at 916-876-9994

Sincerely,

Sarennna Moore

Sarennna Moore
Regional San/SASD
Policy and Planning

Cc: Regional San Development Services, SASD Development Services, Michael Meyer, Dave Ocenosak, Christoph Dobson



County of Sacramento

March 10, 2016

RECEIVED

MAR 21 2016

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

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

SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND NOTICE OF PUBLIC SCOPING MEETING FOR THE PROPOSED KAMMERER ROAD HIGHWAY 99 SPHERE OF INFLUENCE (SOI) AMENDMENT TO THE CITY OF ELK GROVE (LAFC 07-15)

Mr. Lockhart:

We have received a copy of the NOP for the Kammerer Road HWY 99 SOI Amendment to the City of Elk Grove (LAFC 07-15), dated March 7, 2016. We appreciate the opportunity to comment on this amendment. We would like to reiterate the general comments that we made in the letter we sent dated June 22, 2015. We also have added some specific comments that are new.

General Comments

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.

We would ask the City of Elk Grove to enter into a 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.

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.

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

**COMMENTS ON THE NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL
IMPACT REPORT (DEIR) AND NOTICE OF PUBLIC SCOPING MEETING FOR THE
PROPOSED KAMMERER ROAD HIGHWAY 99 SPHERE OF INFLUENCE (SOI)
AMENDMENT TO THE CITY OF ELK GROVE (LAFC 07-15)**

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.

Specific Comments

The traffic study in the environmental document should analyze all impacted roadways and intersections in both the existing and cumulative conditions. It's anticipated that these will include Grant Line Road, Kammerer Road, West Stockton Boulevard, Bruceville Road, Bilby Road, Franklin Boulevard, Hood Franklin Road, etc. and associated intersections at a minimum.

Please coordinate and solicit comments from the Capital Southeast Connector JPA staff.

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: Mike Penrose, DOT
Dan Shoeman, DOT
Reza Moghissi, DOT
Dean Blank, DOT
Ron Vicari, DOT
Kamal Atwal, DOT
Leighann Moffitt, PER
Catherine Hack, PER
Susan Goetz, Special Districts
Tom Zlotkowski, Capital Southeast Connector JPA
Derek Minnema, Capital Southeast Connector JPA

NATIVE AMERICAN HERITAGE COMMISSION

1550 Harbor Blvd., Suite 100
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Phone (916) 373-3710
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Email: nahc@nahc.ca.gov
Website: <http://www.nahc.ca.gov>
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March 21, 2016

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

RE: SCH#2016032015, Krammerer Road/Highway 99 Sphere of Influence Amendment Project, Sacramento County

Dear Mr. Lockhart:

The Native American Heritage Commission has received the Notice of Preparation (NOP) for the project referenced above. The California Environmental Quality Act (CEQA) (Pub. Resources Code § 21000 et seq.), specifically Public Resources Code section 21084.1, states that a project that may cause a substantial adverse change in the significance of an historical resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.1; Cal. Code Regs., tit. 14, § 15064.5 (b) (CEQA Guidelines Section 15064.5 (b)). If there is substantial evidence, in light of the whole record before a lead agency, that a project may have a significant effect on the environment, an environmental impact report (EIR) shall be prepared. (Pub. Resources Code § 21080 (d); Cal. Code Regs., tit. 14, § 15064 subd.(a)(1) (CEQA Guidelines § 15064 (a)(1)). In order to determine whether a project will cause a substantial adverse change in the significance of a historical resource, a lead agency will need to determine whether there are historical resources with the area of project effect (APE).

CEQA was amended significantly in 2014. Assembly Bill 52 (Gatto, Chapter 532, Statutes of 2014) (AB 52) amended CEQA to create a separate category of cultural resources, "tribal cultural resources" (Pub. Resources Code § 21074) and provides that a project with an effect that may cause a substantial adverse change in the significance of a tribal cultural resource is a project that may have a significant effect on the environment. (Pub. Resources Code § 21084.2). Public agencies shall, when feasible, avoid damaging effects to any tribal cultural resource. (Pub. Resources Code § 21084.3 (a)). **AB 52 applies to any project for which a notice of preparation or a notice of negative declaration or mitigated negative declaration is filed on or after July 1, 2015.** If your project involves the adoption of or amendment to a general plan or a specific plan, or the designation or proposed designation of open space, on or after March 1, 2005, it may also be subject to Senate Bill 18 (Burton, Chapter 905, Statutes of 2004) (SB 18). **Both SB 18 and AB 52 have tribal consultation requirements.** If your project is also subject to the federal National Environmental Policy Act (42 U.S.C. § 4321 et seq.) (NEPA), the tribal consultation requirements of Section 106 of the National Historic Preservation Act of 1966 (154 U.S.C. 300101, 36 C.F.R. § 800 et seq.) may also apply.

The NAHC recommends consultation with California Native American tribes that are traditionally and culturally affiliated with the geographic area of your proposed project as early as possible in order to avoid inadvertent discoveries of Native American human remains and best protect tribal cultural resources. Below is a brief summary of portions of AB 52 and SB 18 as well as the NAHC's recommendations for conducting cultural resources assessments. **Consult your legal counsel about compliance with AB 52 and SB 18 as well as compliance with any other applicable laws.**

AB 52

AB 52 has added to CEQA the additional requirements listed below, along with many other requirements:

1. Fourteen Day Period to Provide Notice of Completion of an Application/Decision to Undertake a Project: Within fourteen (14) days of determining that an application for a project is complete or of a decision by a public agency to undertake a project, a lead agency shall provide formal notification to a designated contact of, or

tribal representative of, traditionally and culturally affiliated California Native American tribes that have requested notice, to be accomplished by at least one written notice that includes:

- a. A brief description of the project.
 - b. The lead agency contact information.
 - c. Notification that the California Native American tribe has 30 days to request consultation. (Pub. Resources Code § 21080.3.1 (d)).
 - d. A "California Native American tribe" is defined as a Native American tribe located in California that is on the contact list maintained by the NAHC for the purposes of Chapter 905 of Statutes of 2004 (SB 18). (Pub. Resources Code § 21073).
2. Begin Consultation Within 30 Days of Receiving a Tribe's Request for Consultation and Before Releasing a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report: A lead agency shall begin the consultation process within 30 days of receiving a request for consultation from a California Native American tribe that is traditionally and culturally affiliated with the geographic area of the proposed project. (Pub. Resources Code § 21080.3.1, subds. (d) and (e)) and prior to the release of a negative declaration, mitigated negative declaration or environmental impact report. (Pub. Resources Code § 21080.3.1(b)).
 - a. For purposes of AB 52, "consultation shall have the same meaning as provided in Gov. Code § 65352.4 (SB 18). (Pub. Resources Code § 21080.3.1 (b)).
3. Mandatory Topics of Consultation If Requested by a Tribe: The following topics of consultation, if a tribe requests to discuss them, are mandatory topics of consultation:
 - a. Alternatives to the project.
 - b. Recommended mitigation measures.
 - c. Significant effects. (Pub. Resources Code § 21080.3.2 (a)).
4. Discretionary Topics of Consultation: The following topics are discretionary topics of consultation:
 - a. Type of environmental review necessary.
 - b. Significance of the tribal cultural resources.
 - c. Significance of the project's impacts on tribal cultural resources.
 - d. If necessary, project alternatives or appropriate measures for preservation or mitigation that the tribe may recommend to the lead agency. (Pub. Resources Code § 21080.3.2 (a)).
5. Confidentiality of Information Submitted by a Tribe During the Environmental Review Process: With some exceptions, any information, including but not limited to, the location, description, and use of tribal cultural resources submitted by a California Native American tribe during the environmental review process shall not be included in the environmental document or otherwise disclosed by the lead agency or any other public agency to the public, consistent with Government Code sections 6254 (r) and 6254.10. Any information submitted by a California Native American tribe during the consultation or environmental review process shall be published in a confidential appendix to the environmental document unless the tribe that provided the information consents, in writing, to the disclosure of some or all of the information to the public. (Pub. Resources Code § 21082.3 (c)(1)).
6. Discussion of Impacts to Tribal Cultural Resources in the Environmental Document: If a project may have a significant impact on a tribal cultural resource, the lead agency's environmental document shall discuss both of the following:
 - a. Whether the proposed project has a significant impact on an identified tribal cultural resource.
 - b. Whether feasible alternatives or mitigation measures, including those measures that may be agreed to pursuant to Public Resources Code section 21082.3, subdivision (a), avoid or substantially lessen the impact on the identified tribal cultural resource. (Pub. Resources Code § 21082.3 (b)).
7. Conclusion of Consultation: Consultation with a tribe shall be considered concluded when either of the following occurs:
 - a. The parties agree to measures to mitigate or avoid a significant effect, if a significant effect exists, on a tribal cultural resource; or
 - b. A party, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached. (Pub. Resources Code § 21080.3.2 (b)).

8. Recommending Mitigation Measures Agreed Upon in Consultation in the Environmental Document: Any mitigation measures agreed upon in the consultation conducted pursuant to Public Resources Code section 21080.3.2 shall be recommended for inclusion in the environmental document and in an adopted mitigation monitoring and reporting program, if determined to avoid or lessen the impact pursuant to Public Resources Code section 21082.3, subdivision (b), paragraph 2, and shall be fully enforceable. (Pub. Resources Code § 21082.3 (a)).
9. Required Consideration of Feasible Mitigation: If mitigation measures recommended by the staff of the lead agency as a result of the consultation process are not included in the environmental document or if there are no agreed upon mitigation measures at the conclusion of consultation, or if consultation does not occur, and if substantial evidence demonstrates that a project will cause a significant effect to a tribal cultural resource, the lead agency shall consider feasible mitigation pursuant to Public Resources Code section 21084.3 (b). (Pub. Resources Code § 21082.3 (e)).
10. Examples of Mitigation Measures That, If Feasible, May Be Considered to Avoid or Minimize Significant Adverse Impacts to Tribal Cultural Resources:
 - a. Avoidance and preservation of the resources in place, including, but not limited to:
 - i. Planning and construction to avoid the resources and protect the cultural and natural context.
 - ii. Planning greenspace, parks, or other open space, to incorporate the resources with culturally appropriate protection and management criteria.
 - b. Treating the resource with culturally appropriate dignity, taking into account the tribal cultural values and meaning of the resource, including, but not limited to, the following:
 - i. Protecting the cultural character and integrity of the resource.
 - ii. Protecting the traditional use of the resource.
 - iii. Protecting the confidentiality of the resource.
 - c. Permanent conservation easements or other interests in real property, with culturally appropriate management criteria for the purposes of preserving or utilizing the resources or places.
 - d. Protecting the resource. (Pub. Resource Code § 21084.3 (b)).
 - e. Please note that a federally recognized California Native American tribe or a nonfederally recognized California Native American tribe that is on the contact list maintained by the NAHC to protect a California prehistoric, archaeological, cultural, spiritual, or ceremonial place may acquire and hold conservation easements if the conservation easement is voluntarily conveyed. (Civ. Code § 815.3 (c)).
 - f. Please note that it is the policy of the state that Native American remains and associated grave artifacts shall be repatriated. (Pub. Resources Code § 5097.991).
11. Prerequisites for Certifying an Environmental Impact Report or Adopting a Mitigated Negative Declaration or Negative Declaration with a Significant Impact on an Identified Tribal Cultural Resource: An environmental impact report may not be certified, nor may a mitigated negative declaration or a negative declaration be adopted unless one of the following occurs:
 - a. The consultation process between the tribes and the lead agency has occurred as provided in Public Resources Code sections 21080.3.1 and 21080.3.2 and concluded pursuant to Public Resources Code section 21080.3.2.
 - b. The tribe that requested consultation failed to provide comments to the lead agency or otherwise failed to engage in the consultation process.
 - c. The lead agency provided notice of the project to the tribe in compliance with Public Resources Code section 21080.3.1 (d) and the tribe failed to request consultation within 30 days. (Pub. Resources Code § 21082.3 (d)).

The NAHC's PowerPoint presentation titled, "Tribal Consultation Under AB 52: Requirements and Best Practices" may be found online at: http://nahc.ca.gov/wp-content/uploads/2015/10/AB52TribalConsultation_CalEPAPDF.pdf

SB 18

SB 18 applies to local governments and requires local governments to contact, provide notice to, refer plans to, and consult with tribes prior to the adoption or amendment of a general plan or a specific plan, or the designation of open space. (Gov. Code § 65352.3). Local governments should consult the Governor's Office of Planning and Research's "Tribal Consultation Guidelines," which can be found online at: https://www.opr.ca.gov/docs/09_14_05_Updated_Guidelines_922.pdf

Some of SB 18's provisions include:

1. **Tribal Consultation:** If a local government considers a proposal to adopt or amend a general plan or a specific plan, or to designate open space it is required to contact the appropriate tribes identified by the NAHC by requesting a "Tribal Consultation List." If a tribe, once contacted, requests consultation the local government must consult with the tribe on the plan proposal. **A tribe has 90 days from the date of receipt of notification to request consultation unless a shorter timeframe has been agreed to by the tribe.** (Gov. Code § 65352.3 (a)(2)).
2. **No Statutory Time Limit on SB 18 Tribal Consultation.** There is no statutory time limit on SB 18 tribal consultation.
3. **Confidentiality:** Consistent with the guidelines developed and adopted by the Office of Planning and Research pursuant to Gov. Code section 65040.2, the city or county shall protect the confidentiality of the information concerning the specific identity, location, character, and use of places, features and objects described in Public Resources Code sections 5097.9 and 5097.993 that are within the city's or county's jurisdiction. (Gov. Code § 65352.3 (b)).
4. **Conclusion of SB 18 Tribal Consultation:** Consultation should be concluded at the point in which:
 - a. The parties to the consultation come to a mutual agreement concerning the appropriate measures for preservation or mitigation; or
 - b. Either the local government or the tribe, acting in good faith and after reasonable effort, concludes that mutual agreement cannot be reached concerning the appropriate measures of preservation or mitigation. (Tribal Consultation Guidelines, Governor's Office of Planning and Research (2005) at p. 18).

Agencies should be aware that neither AB 52 nor SB 18 precludes agencies from initiating tribal consultation with tribes that are traditionally and culturally affiliated with their jurisdictions before the timeframes provided in AB 52 and SB 18. For that reason, we urge you to continue to request Native American Tribal Contact Lists and "Sacred Lands File" searches from the NAHC. The request forms can be found online at: <http://nahc.ca.gov/resources/forms/>

NAHC Recommendations for Cultural Resources Assessments

To adequately assess the existence and significance of tribal cultural resources and plan for avoidance, preservation in place, or barring both, mitigation of project-related impacts to tribal cultural resources, the NAHC recommends the following actions:

1. Contact the appropriate regional California Historical Research Information System (CHRIS) Center (http://ohp.parks.ca.gov/?page_id=1068) for an archaeological records search. The records search will determine:
 - a. If part or all of the APE has been previously surveyed for cultural resources.
 - b. If any known cultural resources have been already been recorded on or adjacent to the APE.
 - c. If the probability is low, moderate, or high that cultural resources are located in the APE.
 - d. If a survey is required to determine whether previously unrecorded cultural resources are present.
2. If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - a. The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum and not be made available for public disclosure.
 - b. The final written report should be submitted within 3 months after work has been completed to the appropriate regional CHRIS center.
3. Contact the NAHC for:
 - a. A Sacred Lands File search. Remember that tribes do not always record their sacred sites in the Sacred Lands File, nor are they required to do so. A Sacred Lands File search is not a substitute for consultation with tribes that are traditionally and culturally affiliated with the geographic area of the project's APE.

- b. A Native American Tribal Consultation List of appropriate tribes for consultation concerning the project site and to assist in planning for avoidance, preservation in place, or, failing both, mitigation measures.
4. Remember that the lack of surface evidence of archaeological resources (including tribal cultural resources) does not preclude their subsurface existence.
- a. Lead agencies should include in their mitigation and monitoring reporting program plan provisions for the identification and evaluation of inadvertently discovered archaeological resources per Cal. Code Regs., tit. 14, section 15064.5(f) (CEQA Guidelines section 15064.5(f)). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American with knowledge of cultural resources should monitor all ground-disturbing activities.
 - b. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the disposition of recovered cultural items that are not burial associated in consultation with culturally affiliated Native Americans.
 - c. Lead agencies should include in their mitigation and monitoring reporting program plans provisions for the treatment and disposition of inadvertently discovered Native American human remains. Health and Safety Code section 7050.5, Public Resources Code section 5097.98, and Cal. Code Regs., tit. 14, section 15064.5, subdivisions (d) and (e) (CEQA Guidelines section 15064.5, subds. (d) and (e)) address the processes to be followed in the event of an inadvertent discovery of any Native American human remains and associated grave goods in a location other than a dedicated cemetery.

If you have any questions, please contact me at my email address: sharaya.souza@nahc.ca.gov.

Sincerely,



Sharaya Souza
Staff Services Analyst
cc: State Clearinghouse



Central Valley Regional Water Quality Control Board

30 March 2016

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

CERTIFIED MAIL
91 7199 9991 7035 8364 4646

COMMENTS TO REQUEST FOR REVIEW FOR THE NOTICE OF PREPARATION FOR THE DRAFT ENVIRONMENTAL IMPACT REPORT, KAMMERER ROAD/HIGHWAY 99 SPHERE OF INFLUENCE AMENDMENT PROJECT, SCH# 2016032015, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 7 March 2016 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Notice of Preparation for the Draft Environment Impact Report* for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project, located in Sacramento County.

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.

The Basin Plan is subject to modification as necessary, considering applicable laws, policies, technologies, water quality conditions and priorities. The original Basin Plans were adopted in 1975, and have been updated and revised periodically as required, using Basin Plan amendments. Once the Central Valley Water Board has adopted a Basin Plan amendment in noticed public hearings, it must be approved by the State Water Resources

Control Board (State Water Board), Office of Administrative Law (OAL) and in some cases, the United States Environmental Protection Agency (USEPA). Basin Plan amendments only become effective after they have been approved by the OAL and in some cases, the USEPA. Every three (3) years, a review of the Basin Plan is completed that assesses the appropriateness of existing standards and evaluates and prioritizes Basin Planning issues.

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

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.

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 (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.

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.

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 Caltrans Phase I MS4 Permit, visit the State Water Resources Control Board at:

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

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.

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

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.

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 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.

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.

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.

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.

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

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.

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 (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

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



Stephanie Tadlock
Environmental Scientist

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

April 1, 2016



Don Lockhart
Assistant Executive Officer, AICP
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836
Email: Don.Lockhart@SacLAFCo.org

**Subject: Notice of Preparation of a Draft EIR for the Proposed Kammerer Road/Highway 99
Sphere of Influence Amendment and Notice of Scoping Meeting (LAFC#07-15)**

Dear Mr. Lockhart,

Thank you for the opportunity to provide comments on the Notice of Preparation of a Draft Environmental Impact Report ("Draft EIR") for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment on behalf of the Capital SouthEast Connector JPA ("Connector JPA").

The Capital SouthEast Connector Project ("Connector Project") is a 34-mile limited-access roadway spanning from the Interstate 5 / Hood-Franklin interchange, south of Elk Grove, to U.S. 50 at the Silva Valley Parkway interchange just east of El Dorado Hills. The alignment of the Connector consists of Kammerer, Grant Line, and White Rock Roads. As you know, the proposed SOI Amendment Area is immediately adjacent to the Kammerer Road segment of the Connector Project.

The Connector is managed by a Joint Powers Authority ("Connector JPA") that includes the cities of Folsom, Elk Grove and Rancho Cordova, and El Dorado and Sacramento counties. Since being formed in 2006, the Connector JPA has prepared a Program-level Environmental Impact Report (PEIR) for the Connector Project. The PEIR was certified by the JPA Board in March of 2012. In 2014, the Connector was adopted into the General Plan of Sacramento County. In 2015, the Connector was adopted into the General Plan of the City of Elk Grove.

The Capital SouthEast Connector Project, reflected on the City of Elk Grove's General Plan, currently contemplates that Kammerer Road will become a limited access, moderate speed thoroughfare between Bruceville Road and State Route 99. The approved access points on Kammerer Road, abutting the proposed Sphere of Influence ("SOI") Amendment Area, are reflected in Table 16-13 from the Connector JPA's PEIR, and the Connector JPA's Project Design Guidelines, last updated on February 13, 2015. Both of these documents are available on the Connector JPA's website.

The applicant has estimated that the SOI Amendment Area could accommodate development that would include between 18,000 and 20,000 jobs in office, industrial, and commercial settings along the Capital SouthEast Connector, as well as between 4,000 and 5,000 residential dwelling units.

JPA BOARD OF DIRECTORS

DON NOTTOLI
Sacramento County

JEFF STARSKY
City of Folsom

JEFF STARSKY-CHAIR
City of Folsom

RONALD MIKULACO-VICE CHAIR
El Dorado County

DAVID SANDER
City of Rancho Cordova

It appears that the Connector Project may provide the primary access to the proposed SOI Amendment Area and therefore the planned uses could introduce significant additional trips on the Connector Project. Please note that the Connector was never intended to serve urban uses south of Kammerer Road. We understand that no land use plan has been proposed by the project applicants, and therefore it is difficult at the SOI level to estimate traffic generated within the proposed SOI Amendment Area along any particular transportation facility. However, given the potential for significant additional trips on the Connector Project, please ensure that the trip generation information provided by the traffic model is utilized to evaluate the traffic, air quality and noise impacts for the Connector Project for both daily and peak hours of travel, Level of Service and Vehicle Miles Travelled, to the extent possible.

Again, thank you for the opportunity to comment on the Notice of Preparation for the DEIR for the proposed Kammerer Road/Highway 99 Sphere of Influence Amendment. If any of the comments above are unclear or warrant further discussion please feel free to contact me or our Project Manager, Derek Minnema at (916) 876-9094.

Sincerely,



Tom Zlotkowski
Executive Director

DEPARTMENT OF TRANSPORTATION

DISTRICT 3—SACRAMENTO AREA OFFICE

2379 GATEWAY OAKS DRIVE, SUITE 150

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SCH#2016032015

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

Notice of Preparation of a Draft Environmental Impact Report for the KAMMERER/HWY 99 SPHERE OF INFLUENCE AMENDMENT (LAFC 07-15) APPLICATION

Dear Mr. Lockhart:

Thank you for including the California Department of Transportation (Caltrans) in the review process for the Notice of Preparation (NOP) of a Draft Environmental Impact Report (DEIR) for the Kammerer/Hwy 99 Sphere of Influence Amendment application. 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 proposed amendment applies to the City of Elk Grove Sphere of Influence (SOI); the Sacramento Area Sewer (SASD) SOI; and the Sacramento Regional County Sanitation District (SRCSD) SOI. The affected territory includes approximately 1,156 acres of agricultural land west of State Route 99 (SR 99), south of Kammerer Road, and east of McMillan Road.

The project site is just south of, and adjacent to Kammerer Road, which is part of the alignment of the Capital SouthEast Connector, an on-going project to construct 35-mile multi-lane, limited access roadway that would ultimately connect Interstate 5 (I-5) in the Elk Grove area, with U.S. Highway 50 (US 50), in El Dorado County.

At this time, there are no changes to land uses proposed as part of this SOI Amendment application. However, for the purpose of facilitating environmental analysis for this SOI Amendment request, the applicant estimates that the project site could accommodate development

Mr. Don Lockhart, Sacramento LAFCo

April 5, 2016

Page | 2

that could provide 18,000 to 20,000 jobs in office, industrial, and commercial settings. Development could include a significant employment component near the Grant Line Road/SR 99 interchange and along the Kammerer Road (future Capital Southeast Connector) corridor. In addition, the applicant has identified that the project site could accommodate the development of a broad array of housing types, with a total of 4,000 to 5,000 dwelling units.

The following comments are based on the NOP.

Multi-Modal Transportation Impact Analysis

The Institute of Transportation Engineers (ITE) book indicates that total trips generated by this development are approximately 5,000 trips for the A.M. peak hour and 6,000 trips for the P.M. peak hour. This increase in total trips generated will increase congestion on SR 99 and I-5 during the peak periods. Due to the increase in trips generated from the SOI Amendment area, Caltrans has concerns regarding the Hood Franklin/I-5 interchange. It is anticipated that vehicles would use I-5 as an alternative route for Sacramento downtown commute since SR 99 is one of the most congested highway in the Sacramento region. However, the Hood Franklin/I-5 interchange was build decades ago and has only one lane in each direction. For safety and operational performance consideration, Caltrans requests the following tasks be covered by the scope of the traffic study.

1. On the Hood Franklin/I-5 interchange:
 - a. Any queue which creates a speed differential on freeway from off ramp
 - b. Any queue that over-fills its allocated storage
 - c. Any storage which blocks a driveway or intersection
 - d. Signal Warrants
 - e. Impacts for bicyclists and pedestrians
2. We recommend that the project applicant identify traffic impacts in terms of Vehicle Miles Traveled (VMT), including the following:
 - a. Peak hour zone to zone Origin-Destination (O-D) matrixes
 - b. Peak hour VMT Calculation based on O-D matrixes and trip generation
 - c. Weekday zone to zone O-D matrixes
 - d. Weekday VMT calculation based O-D matrixes and trip generation

Measures that would decrease VMT impacts on the State Highway System should be included in the analysis.

I-5 Subregional Corridor Mitigation Program

Any significant impacts to the SHS from the proposed project that creates conflicts with General Plan thresholds could be addressed by contributing to the I-5 Subregional Corridor Mitigation Program (SCMP). The SCMP, once adopted by participating jurisdictions, would be voluntary impact fee for new developments within the I-5 corridor between the Cities of Elk Grove,

Mr. Don Lockhart, Sacramento LAFCo

April 5, 2016

Page | 3

Sacramento, and West Sacramento. The SCMP would be used to fund a set of transportation improvements that are identified in the Sacramento Area Council of Governments Metropolitan Transportation Plan/Sustainable Communities Strategy, including several projects that reduce VMT. Caltrans would like to know if the City plans on using a program like this for the SOI amendment.

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 these documents.

If you have any questions regarding these comments or require additional information, please contact Alex Fong, Intergovernmental Review Coordinator at (916) 274-0616 or by email at: alexander.fong@dot.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Eric Fredericks".

ERIC FREDERICKS, Chief
Office of Transportation Planning—South Branch

c: Scott Morgan, State Clearinghouse

Lockhart. Don

RECEIVED

APR 05 2016

**SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION**

From: Sheya, Tanya@Wildlife <Tanya.Sheya@wildlife.ca.gov>
Sent: Tuesday, April 05, 2016 1:48 PM
To: Lockhart. Don
Cc: Wildlife R2 CEQA
Subject: Comments on the Kammerer Road/Highway 99 Sphere of Influence Amendment Project (SCH#2016032015)
Attachments: SOI City of Elk Grove_5-20-13.pdf

Dear Mr. Lockhart:

The California Department of Fish and Wildlife (CDFW) has reviewed the Notice of Preparation of an Environmental Impact Report for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project (SCH#2016032015).

As a trustee for California's fish and wildlife resources, CDFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of those species (Fish & G. Code, § 1802). CDFW may also act as a Responsible Agency (Cal. Code Regs., § 21069) for a project where it has discretionary approval power under the California Endangered Species Act (Fish & G. Code, § 2050 et seq.) and the Lake and Streambed Alteration Program (Fish & G. Code, § 1600 et seq.). CDFW also administers the Native Plant Protection Act, Natural Community Conservation Program, and other provisions of the Fish and Game Code that afford protection to California's fish and wildlife resources.

CDFW offers the following comments and recommendations for this project in our role as a trustee and responsible agency pursuant to the California Environmental Quality Act (CEQA).

PROJECT DESCRIPTION AND ALTERNATIVE ANALYSIS

The City has proposed to amend its current Sphere of Influence (SOI) boundary to be able to, once approved, comprehensively plan for the logical future growth of the City. The area consists of approximately 1,156 acres of agricultural land west of State Route 99, south of Kammerer Road, and east of McMillan Road. The proposed SOIA for the City is an important policy instrument used in implementing the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). SOI is defined by Government Code Section 56425 as "a plan for the probable physical boundary and service area of local governmental agency, as determined by LAFCo...." The SOIA area represents territory adjacent to the service area of jurisdiction where services might reasonably be expected to be provided in the next 20 years. Although the proposed SOIA would amend the City's Sphere of Influence boundaries, property within the amended SOI would not be within the City's jurisdiction until future requests for annexation of property are approved by LAFCo. If and when future requests for annexation are approved, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. Approval of the SOIA project does not commit the City to development of any particular uses or the maximum amount of development. If the SOIA project is approved, future development will be driven by market conditions and future planning decisions by the City, in terms of timing and type and intensity of development.

The project description should include the whole action as defined in the California Code of Regulations, title 14, section 15000 et seq. (CEQA Guidelines) section 15378 and should include appropriate detailed exhibits disclosing the project area.

As required by section 15126.6 of the CEQA Guidelines, the EIR should include appropriate range of reasonable and feasible alternatives that would attain most of the basic project objectives and avoid or minimize significant impacts to resources under CDFW's jurisdiction.

CONFLICT WITH THE SOUTH SACRAMENTO HABITAT CONSERVATION PLAN

Although the South Sacramento Habitat Conservation Plan (SSHCP) is not yet finalized, any growth not currently identified within the SSHCP planning area, including the proposed project, will make it unlikely that the SSHCP will be able to meet the mitigation standards required by Fish & G. Code § 2080 et seq., rendering the SSHCP impossible to implement. Please review the attached comment letter that CDFW sent on May 20, 2013, in response to the previously proposed amendment to the City of Elk Grove's SOI.

ENVIRONMENTAL SETTING

CDFW recommends that the EIR includes a complete assessment of the existing biological conditions within the project area including but not limited to the type, quantity and locations of the habitats, flora and fauna. Adequate mapping and information regarding the survey efforts should be included within the CEQA document. All surveys as well as the environmental analysis should be completed by qualified personnel with sufficient experience in the work performed for the project.

To identify a correct environmental baseline, the EIR should include a complete and current analysis of endangered, threatened, candidate, and locally unique species. CEQA guidelines section 15125, subdivision (c) requires lead agencies to provide special emphasis to sensitive habitats and any biological resources that are rare or unique to the area. This includes, but is not limited to vernal pools, streambeds, riparian habitats, and open grasslands that are known to be present within the project boundaries or its vicinity.

CDFW recommends that the California Natural Diversity Database (CNDDDB), as well as previous studies performed in the area, be consulted to assess the potential presence of sensitive species and habitats. Recent surveys for the different species that have the potential to be present within the project limits and its vicinity shall be included within the CEQA document. Additional information regarding survey protocols can be obtained by contacting CDFW.

Species-specific surveys should be conducted in order to ascertain the presence of species with the potential to be present within the project vicinity. CDFW recommends that the lead agency use survey protocols previously approved by CDFW and that an assessment for rare plants and rare natural communities follow CDFW's 2009 Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities. The guidance document is available here: http://www.dfg.ca.gov/biogeodata/cnddb/pdfs/protocols_for_surveying_and_evaluating_impacts.pdf.

IMPACT ANALYSIS AND MITIGATION MEASURES

The EIR should clearly identify and describe all short-term, long-term, permanent, or temporary impacts to biological resources under CDFW's jurisdiction, including all direct and foreseeable indirect impacts caused by the proposed project.

The EIR should define the threshold of significance for each impact and describe the criteria used to determine each threshold (CEQA Guidelines, § 15064, subd. (f).) The EIR must demonstrate that the significant environmental impacts of the project were adequately investigated and discussed and it must permit the significant effects of the project to be considered in the full environmental context.

CDFW recommends the use of survey and monitoring protocols and guidelines available at:

http://www.dfg.ca.gov/wildlife/nongame/survey_monitor.html. CDFW also recommends that the environmental documentation provide scientifically supported discussion and adequate avoidance, minimization, and/or mitigation measures to address the project's impact upon fish and wildlife and their habitat. CDFW recommends that the environmental documentation identify natural habitats and provide a discussion of how the proposed project will affect their function and value.

The EIR should incorporate mitigation performance standards that would ensure that significant impacts are reduced as expected. Mitigation measures proposed in the EIR should be made a condition of approval of the project. Please note that obtaining a permit from CDFW by itself with no other mitigation proposal may constitute mitigation deferral.

Threatened, Endangered, Candidate Species

The proposed project area contains mostly agricultural lands, and these lands mostly contain suitable foraging habitat for the Swainson's hawk (SWHA; *Buteo swainsoni*). CDFW considers these mixed agricultural lands to be of the highest quality of foraging habitat. The potential impact to the SWHA as a result of the increase of the City's SOI is significant. Avoidance, minimization and mitigation measures should be included in the EIR to reduce the level of impact to less than significant.

If during the environmental analysis for the project, if it is determined that the project may have the potential to result in "take", as defined in the Fish and Game Code, section 86, of a State-listed species, the EIR shall disclose an Incidental Take Permit (ITP) or a consistency determination (Fish & G. Code, §§ 2080.1 & 2081) may be required prior to starting construction activities. The EIR must include all avoidance and minimization to reduce the impacts to a less than significant level. If impacts to listed species are expected to occur even with the implementation of these measures, mitigation measures shall be proposed to fully mitigate the impacts to State-listed species (Cal. Code Regs., tit. 14, § 783.2, subd.(a)(8)).

Jurisdictional Delineation and Wetlands

The EIR should identify all the areas under CDFW's jurisdiction per section 1602 of the Fish and Game Code. These areas include all perennial, intermittent, and ephemeral rivers, streams, and lakes in the State and any habitats supported by these features such as wetlands and riparian habitats. If these jurisdictional features are found within the project limits or its vicinity, the EIR should identify any potential impacts to these resources. The EIR should include a delineation of lakes, streams, and associated habitat that will be temporarily and/or permanently impacted by the proposed project including an estimate of impact to each habitat type. Please note that the CDFW definition of wetlands as well as extent of the jurisdictional areas differ from other agencies such as the U.S. Army Corps of Engineers or the Regional Water Quality Control Board. The EIR should identify the different jurisdictional areas present within the project limits under each agency.

If it is determined that the project would impact areas under CDFW's jurisdiction the EIR must propose mitigation measures to avoid, minimize, and mitigate impacts to these resources.

Migratory Birds and Birds of Prey

Migratory nongame native bird species are protected by international treaty under the Federal Migratory Bird Treaty Act (MBTA) (16 U.S.C., §§ 703-712). CDFW implemented the MBTA by adopting the Fish and Game Code section 3513. Fish and Game Code sections 3503, 3503.5 and 3800 provide additional protection to nongame birds, birds of prey, their nests and eggs. Potential habitat for nesting birds and birds of prey is present within the project area. The proposed project should disclose all potential activities that may incur a direct or indirect take to nongame nesting birds within the project footprint and its close vicinity. Appropriate avoidance, minimization, and/or mitigation measures to avoid take must be included in the CEQA document. Measures to avoid the impacts should include species specific work windows, biological monitoring, installation of noise attenuation barriers, etc.

GENERAL

The proposed project may have an impact to fish and/or wildlife habitat and should be evaluated in such a manner to reduce its impacts to biological resources. Assessment of fees under Public Resources Code §21089 and as defined by FGC §711.4 is necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code §21092 and §21092.2, the Department requests written notification of proposed actions and pending decisions regarding the proposed project. Written notifications shall be directed to: California Department of Fish and Wildlife Region 2, 1701 Nimbus Road, Rancho Cordova, CA 95670.

Thank you for considering our concerns for the proposed project and providing the opportunity to comment. I am available for consultation regarding biological resources and strategies to minimize impacts. If you have questions please contact me by e-mail at Tanya.Sheya@wildlife.ca.gov or by phone at (916) 358-2953.

Sincerely,

Tanya Sheya
Environmental Scientist



North Central Region | Habitat Conservation
1701 Nimbus Road | Rancho Cordova, CA 95670
Phone 916.358.2953 | Fax 916.358.2912
Tanya.Sheya@wildlife.ca.gov

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State of California – Natural Resources Agency
DEPARTMENT OF FISH AND WILDLIFE
North Central Region/Region 2
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670
www.cdfw.ca.gov

EDMUND G. BROWN JR., Governor
CHARLTON H. BONHAM, Director



May 20, 2013

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

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APR 05 2016

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Dear Mr. Lockhart:

The California Department of Fish and Wildlife (DFW) has reviewed the Recirculated Draft Environmental Impact Report (RDEIR) for the City of Elk Grove (City) Proposed Sphere of Influence Amendment Project (proposed project; State Clearinghouse No. 2010092076). The Sacramento Local Agency Formation Commission's (LAFCo) RDEIR analyzes the potential environmental effects of the proposed City of Elk Grove Sphere of Influence Amendment (SOIA) project (LAFC # 09-10), immediately south-southwest of the City of Elk Grove, California. The City has proposed to amend its current Sphere of Influence (SOI) boundary to be able to, once approved, comprehensively plan for the logical future growth of the City.

The proposed SOIA for the City is an important policy instrument used in implementing the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). A SOI is defined by Government Code Section 56425 as "a plan for the probable physical boundary and service area of a local governmental agency, as determined by LAFCo...." The SOIA area represents territory adjacent to the service area of a jurisdiction where services might reasonably be expected to be provided in the next 20 years. Although the proposed SOIA would amend the City's Sphere of Influence boundaries, property within the amended SOI would not be within the City's jurisdiction until future requests for annexation of property are approved by LAFCo. If and when future requests for annexation are approved, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. Approval of the SOIA project does not commit the City to development of any particular uses or the maximum amount of development described for this Recirculated Draft EIR. If the SOIA project is approved, future development will be driven by market conditions and future planning decisions by the City, in terms of timing and type and intensity of development.

As trustee for the State's fish and wildlife resources, the DFW has jurisdiction over the conservation, protection, and management of fish, wildlife, native plants, and habitat necessary for biologically sustainable populations of such species. As a responsible agency, the DFW administers the California Endangered Species Act (CESA), the Native Plant Protection Act (NPPA), and other provisions of the California Fish and Game Code that affords protection to the State's fish and wildlife trust resources. The DFW also considers issues as related to the Migratory Bird Treaty Act of 1918, as amended (16 U.S.C. 703-712) (MBTA). As such, the DFW offers the following comments:

Biological Resources

The RDEIR identifies the proposed project area to contain mostly agricultural lands, and describes that these lands mostly contain suitable foraging habitat for the Swainson's hawk (SWHA; *Buteo swainsoni*). The DFW agrees with this assertion and considers these mixed agricultural lands to be of the highest quality of foraging habitat. The RDEIR further depicts

numerous nests to occur within a 5 mile distance of the proposed project area. The nests depicted in chapter 3.4 of the RDEIR are simply nests that are known to occur and likely only represent a portion of population within the vicinity of the project has not been conducted. An inventory of all nests within the vicinity of the project, and the database used to portray these nests (the California Natural Diversity Database; CNDDB) is not an exhaustive and comprehensive inventory of all rare species and natural communities statewide. The DFW recently conducted a study to estimate the SWHA nesting population for a portion of northern California, including the proposed project area. As a result of this study, we found the proposed project area to contain a high population of nesting SWHA (Gifford et al., 2012).

The RDEIR acknowledges that approval of the SOIA area could result in urbanization of the SOIA area at an undetermined future time, and furthermore describes the potential impact to the SWHA as potentially significant. The RDEIR describes several mitigation measures to lessen this impact, including MM Bio-1a through 1c.

MM Bio-1a requires that: a) a reconnaissance level survey for special-status species be conducted prior to land being annexed, b) avoidance of special-status species and their habitats shall be addressed during project design, and if avoidance is infeasible, mitigation of special-status species shall occur pursuant to Measure C, and c) the City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan (SSHCP) or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. Item c further requires that the HCMP be developed in consultation with the DFW, and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). We agree that these measures are necessary to lessen impacts to special status species, and in addition recommend that the RDEIR be revised to state that the HCMP shall require approval by the DFW and USFWS rather than simply consulting with these agencies, since a consultation in itself does not necessarily: 1) result in effective mitigation measures to protect these species and their habitats, or 2) result in achieving the standards necessary under Fish and Game Code (FGC) § 2080 et seq.

MM Bio1-b requires that prior to the submittal of any application to annex all or part of the SOIA (and as a means to provide protection for the SWHA and other nesting raptors), a pre-construction survey to identify active nests shall be conducted, and if active nests are discovered, impacts to nesting raptors shall be avoided by establishing protective buffers around such nests. The DFW believes that the language in the three bulleted items of MM Bio-1-b are possibly too vague and could be interpreted as a suggestion, and therefore recommends that the RDEIR be revised to include the following language to provide protection for nesting raptors:

"In order to avoid take (FGC § 86) of protected raptors (FGC § 3503.5), a pre-construction raptor nest survey shall be conducted within a quarter-mile (1320 feet) of the project site, and within 15 days prior to the beginning of construction activities by a California Department of Fish and Wildlife approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to the city of Elk Grove and the DFW. If active nests are found, a quarter-mile initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the DFW to determine the best course of action necessary to avoid nest

with the ERA selected would then be much closer to the 15% acquisition rate experienced with the SJHCP.

General

This project may have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 may be necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency.

Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFW requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to this office.

Thank you for the opportunity to review this project. If the DFW can be of further assistance, please contact Todd Gardner, Staff Environmental Scientist, at (209) 745-1968 or e-mail at todd.gardner@wildlife.ca.gov.

Sincerely,



Tina Bartlett
Regional Manager

cc: Mike Thomas
Terry Adelsbach
U.S. Fish and Wildlife Service

Jeff Drongesen
Jenifer Navicky
Todd Gardner
Department of Fish and Wildlife

Literature Cited

Gifford, D. L., P. S. Hofmann, A. A. Truex and D. H. Wright. Monitoring distribution and abundance of nesting Swainson's hawks in the Sacramento Valley and Sacramento River Delta, California. California Fish and Game 98(1):7-18. California Department of Fish and Game; 2012.

abandonment or take of individuals. Work may only be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the DFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the quarter-mile buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior."

Alternatives to the Proposed Project

The RDEIR describes the proposed project (which will result in approximately 7,900 acres of impacts to habitat), and three alternatives to the proposed project, including: 1) the No Project Alternative (which represents no additional impacts to habitat), 2) the Alternative SOI Boundary Alternative (which would entail the expansion of the City's SOI to the northeast of the existing City limits and would encompass an area that is larger than the currently proposed SOI area), and 3) the Enhanced Regional Alternative (which would entail the expansion of the City's SOI over 2,775 acres immediately to the south of the current City limits, and approximately 1,575 acres in the area east of SR 99 that is currently within the County General Plan Urban Services Boundary, for a total of 4,350 gross acres).

As our comment for MM Bio-1a describes above, the RDEIR requires that the City shall participate in the SSHCP or shall require the preparation and implementation of a HCMP for all affected special status species and habitats. It is important to note that currently the draft SSHCP requires that mitigation for mixed agricultural croplands in the western portion of the planning area must occur within the western portion of the planning area. In order to accommodate the level of impacts to habitat that the plan currently depicts (which includes the RDEIR's proposed project of the full urbanization of 7,900 acres in the proposed SOIA area), approximately 40% of all farmlands in the western portion of the planning area must be acquired. The DFW does not believe that the acquisition of 40% of all farm lands in this region is possible considering that the acquisition of these lands would be based on a "willing-seller" basis. The DFW has experienced willing seller acquisition rates to be closer to 15% for the ongoing San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJHCP), which has been implemented for approximately 12 years. In an effort to reduce the needed acquisition rate to the current approximately 40% rate associated with the SSHCP, the County of Sacramento (Sacramento Regional County Sanitation District), and City of Galt recently made significant contributions to reduce their impacts to habitat. As we describe above, the DFW does not believe that the acquisition of 40% of all farm lands in this region is possible, and therefore believes that with the current level of impacts to habitat (including the full urbanization of 7,800 acres associated with the proposed project), the SSHCP likely will not be able to meet the mitigation standards required by FGC § 2080 et. seq. rendering the SSHCP impossible to implement.

The DFW believes that the SSHCP, if revised to reduce the level of impacts to habitat in the mixed agricultural croplands in the western portion of the planning area, will be cumulatively and regionally the best biological scenario for achieving the standards required by FGC § 2080 et. seq. Therefore, we do not recommend selection of the proposed project for reasons described above. We do support the RDEIR's no project alternative, which we believe would best allow for successful implementation of the SSHCP. We also believe that with the current draft of the SSHCP, it may be possible to implement the SSHCP successfully if the RDEIR's Enhanced Regional Alternative (ERA) were selected, since the ERA is limited to 4,350 acres, and assuming that the acquisition of farm lands in the western portion of the SSHCP planning area

Department of
Community Development
Michael J. Penrose, Interim Director



Divisions
Administrative Services
Building Permits & Inspection
Code Enforcement
County Engineering
Economic Development & Marketing
Planning & Environmental Review

April 8, 2016

Mr. Don Lockhart, AICP
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836



SUBJECT: COMMENTS ON THE NOTICE OF PREPARATION (NOP) OF A DRAFT ENVIRONMENTAL IMPACT REPORT (DEIR) AND NOTICE OF PUBLIC SCOPING MEETING FOR THE PROPOSED KAMMERER ROAD/HIGHWAY 99 SPHERE OF INFLUENCE (SOI) AMENDMENT TO THE CITY OF ELK GROVE (LAFC 07-15)

Dear Mr. Lockhart:

Thank you for the opportunity to review the Notice of Preparation for the proposed Kammerer Road/Highway 99 Sphere of Influence Amendment to the City of Elk Grove (Project). The proposed Project would facilitate future urbanization on the approximately 1,156-acre project area that is outside the County's Urban Services Boundary and currently in agricultural use. Sacramento County's interests in the proposed Project relate to the ongoing South Sacramento Habitat Conservation Plan (SSHCP) process and a recent application to the County (Control Number PLNP2015-00266) for what is known as the South of Grant Line (SoGL) land use visioning process for approximately 1,070 acres on the east side of Highway 99. We are providing these comments from both perspectives.

SSHCP

The majority of the SSHCP Covered Activities will be implemented within the region of the Plan Area designated as the Urban Development Area (UDA), the boundary of which is coterminous with the location of the County's Urban Services Boundary (USB) in the vicinity of the Project. The SSHCP effects analysis assumes that all undeveloped parcels located within the UDA boundary will be developed during the 50-year SSHCP Permit Term, with some exceptions that are not applicable to the Project. Outside the UDA boundary, the draft SSHCP contemplates a Conservation Strategy that includes provisions for habitat preservation as well as restoration activities for the benefit of covered species habitats and individuals. The EIR for the Project should include analysis of potential impacts on the proposed SSHCP. County staff are available to assist with any information needs related to the SSHCP as it continues to move forward.

As described in the NOP, the SOIA Project area is estimated to accommodate 18,000 to 20,000 jobs in office, industrial, and commercial settings as well as a broad array of housing types, with a total of 4,000 to 5,000 dwelling units. The proposed project area is located immediately south of the Urban Services Boundary (USB). If the Project is approved, an amendment to the Sacramento County General Plan will be necessary to move the USB to incorporate the project

area. As stated in the Sacramento County General Plan, the USB is a growth boundary intended to protect the County's natural resources from urban encroachment. Given the SSHCP and General Plan policy goals, the EIR should include an alternative that provides a buffer between urban development and the potential future USB location. This buffer could be used for habitat restoration or agricultural activities.

South of Grant Line (SoGL) Visioning

The County has begun a land use visioning process with property owners of approximately 1,070 acres inside the USB northeast of Highway 99 and the City of Elk Grove's proposed Multi-Sport Park Complex. This planning effort is intended to 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 the proposed Multi-Sport Park Complex and other surrounding land uses.

The Project will result in development pressure on surrounding properties, not just on the site itself. Such impacts may be considered growth-inducing impacts, and must be addressed in the EIR. Please refer to CEQA Guidelines Section 15126.2 for more information.

CEQA requires that an EIR discuss cumulative impacts when they are significant and the project's incremental contribution is "cumulatively considerable" (CEQA Guidelines Section 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" (CEQA Guidelines Section 15065(a)(3)). The SoGL land use visioning process area clearly falls within the definition of "probable future projects," and must be considered in the EIR's analysis of cumulative impacts.

Thank you for the opportunity to submit these comments. We look forward to further dialogue on the proposed Project. County staff are available to meet and discuss these comments and our interests should the need arise. Please contact Todd Smith, Principal Planner, at smithtodd@saccounty.net or (916) 874-6918 if you have any questions.

Sincerely,



Leighann Moffitt, AICP
Planning Director

cc: Rich Radmacher



ADMINISTRATIVE SERVICES DEPARTMENT

9355 E Stockton Blvd, Suite 205
Elk Grove, CA 95624

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April 6, 2016

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

Re: Notice of Preparation of a Draft Environmental Impact Report for the Kammerer/HWY 99 Sphere of Influence Amendment

Dear Mr. Lockhart:

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report (EIR) for the Kammerer/HWY 99 Sphere of Influence Amendment.

The Cosumnes Community Services District (CCSD) currently provides all parks, recreation, fire protection and emergency medical services within Elk Grove's current city limits as well as the proposed Sphere of Influence expansion area. As outlined in your notice under Project Description, there are no proposed changes to current land uses as part of the Sphere of Influence Amendment application; therefore, there would be no impact on the services provided by the CCSD. However also as noted in your notice under Land Use Scenario, there are preliminary estimates of future commercial, office, industrial and residential development that this area could accommodate. This future potential development will have an impact on parks, recreation and fire services provided by the Cosumnes Community Services District.

The CCSD requests that these potential development impacts be considered within your Draft EIR. In addition, to assist in your development of the Draft EIR, I have attached our recommended changes to the language from the City of Elk Grove's previous SOI application that reference Fire Protection services within the SOI area.

Thank you for the opportunity to comment on the Notice of Preparation of a Draft Environmental Impact Report for the Kammerer/HWY 99 Sphere of Influence Amendment.

Sincerely,

Jeff Ramos
General Manager

Attachment

4.6 Fire Protection and Emergency Medical Response

The proposed SOIA Area is within the service boundary of the Cosumnes Community Service District. Any future annexations by the City are not anticipated to change the fire protection service provider. Figure 4.6-1 shows the current boundaries of the nearby fire protection service providers.

EXISTING LEVELS OF SERVICE AND INFRASTRUCTURE

Cosumnes Community Service District, Fire Department

The Cosumnes Community Service District (CCSD) provides fire protection, emergency medical, and rescue services to the cities of Elk Grove and Galt, as well as unincorporated areas in the region covering over 157 square miles. In the Elk Grove area, CCSD currently operates six fire stations, with two additional stations in the City of Galt, and a state-of-the-art fire training facility. The fire stations are currently located in Elk Grove, East Franklin, East Elk Grove, Laguna Creek, Lakeside, and Elk Grove - West Vineyard area. There are three additional stations planned in the Elk Grove Area, two of which would directly serve the SOI area.

Service Response

The Fire Department responds to various emergencies dispatched throughout the community including fires, vehicle collisions, hazardous materials spills, and medical and public assistance calls. The Department has approximately 150 personnel in the Operations Division, which has units devoted to Fire Suppression, Training, and Emergency Medical Services. The Department currently staffs ~~six~~eight engine companies, one ladder truck company, ~~four ambulances~~six ambulances, and a command vehicle each day on a 24 hour basis. Also in the Elk Grove area, six grass engines and other specialty apparatus are also staffed using these personnel as seasons and emergency circumstances dictate their use. Specialty apparatus includes one heavy foam unit, a Heavy Rescue, a mass decontamination trailer, a mass casualty incident trailer, a swift water rescue boat, and four flood boats.

The Department provides ambulance transportation and pre-hospital care for the cities of Elk Grove, Galt, and portions of the unincorporated area. The Department employs over 80 paramedics and an additional 60+ emergency medical technicians (EMTs). Four medic units operate around the clock and are based in East Elk Grove, Laguna, East Franklin, Central Elk Grove, and two medic units in Galt.

Service Standards

CCSD is currently handling more emergency response calls than the state average, due to substantial growth and increases in traffic volumes and traffic congestion. The District has established a response time goal of arriving on scene in six minutes or less 90 percent of the time in the urbanized portions of the City. Additionally, the District has adopted a standard response time of 12 minutes or less 90 percent of the time in the rural areas. A majority of the proposed SOIA Area is considered rural.

The Cosumnes Community Service District has been given an Insurance Services Office (ISO) rating of 23 in "watered" areas and 2Y9 in "unwatered" areas, such as the proposed SOIA Area. The ISO rating is the

recognized classification for a fire department or district's ability to defend against major fires. According to the ISO, newly developing urban areas should have a fire station opened within 1½ miles of all commercial development and 2 ½ miles from all residential development when “build-out” exceeds 20 percent of the planned area. A rating of 10 generally indicates no protection, whereas an ISO rating of 1 indicates high firefighting capability. A majority of the proposed SOIA Area is considered “unwatered”.

~~In response to current economic difficulties, the CCSD has implemented a temporary “Brownout” practice of closure of one Engine Company per day in the City of Elk Grove. This will enable the District to cut costs and help to reduce the CCSD’s annual structural budget. The Brownout policy is anticipated to remain in place through FY 2013/14, however it may be reviewed with the mid-year budget revise. The Brownout policy is not being implemented in the City of Galt.~~

4.0 SERVICES, INFRASTRUCTURE, AND FACILITIES

City of Elk Grove Sphere of Influence Amendment Area

May 2008 Final Municipal Service Review

(Rev. March 2012 & July 2013)

August, 2013

4.0-29

~~While the CCSD acknowledges the current policy as cited, it should be noted that this is only a near-term policy that is not intended to become a service standard going forward. The MSR is a long-term planning document that addresses both the current service providers within the City of Elk Grove and what agency is the preferred service provider within the proposed SOIA Area. The CCSD is currently providing fire protection and emergency medical and rescue services within the City boundary, and throughout the entire District, including the City of Galt. The CCSD adopted service goal, as noted above, is to arrive on scene in six minutes or less 90 percent of the time. The CCSD has not recorded any consistent deviation for the response standard, even with the current temporary brownout policy. The CCSD remains committed to continue to meet the response time goal throughout the entire service area.~~

The CCSD is the primary fire protection and emergency medical response service within the area of the proposed Sphere of Influence (SOI) amendment. Sacramento Metro Fire District (SMFD), [City of Sacramento Fire Department \(SFD\)](#) and the CCSD share common jurisdictional boundaries and participate in a regional mutual aid agreement. If the proposed SOIA is approved, the area may develop over time. As the recognized primary service provider for fire protection and emergency medical and rescue services, the CCSD and the City will be encouraged to work together closely to identify fire station locations, equipment and personnel needs to support any increased demands on the CCSD. The development review process should minimize service impacts to joint responder agencies, such as SMFD and SFD.

Map could be updated to address planned station location for 77, 78, and 79. I am not sure who prepared the map. If necessary, we can ask that dispatch plot the stations on the map.

Aid from Other Agencies

Fire and emergency services in Sacramento County have developed a Joint Powers Authority (JPA) for a unified dispatch system. Under the JPA, the closest unit available is dispatched to an incident and fire district boundaries are not an issue when an incident occurs.

The Sacramento Regional Fire/EMS Communications Center, a Joint Powers Authority, is comprised of the following:

- Sacramento Fire Department ISO Class 2 Rating
- Sacramento Metropolitan Fire District ISO Class 3 Rating
- Cosumnes Community Service District, Fire Department ISO Class 2 ~~3~~ Rating
- Folsom Fire Department ISO Class 3 Rating

The ISO Class Ratings listed above are for their respective service areas with established water distribution systems and hydrants.

PLANS AND REGULATIONS AFFECTING SERVICE PROVISION

State

California Occupational Safety and Health Administration

In accordance with California Code of Regulations, Title 8 Sections 1270 “Fire Prevention” and 6773 “Fire Protection and Fire Equipment”, the California Occupational Safety and Health Administration (Cal OSHA) has established minimum standards for fire suppression and emergency medical services. The standards include, but are not limited to, guidelines on the handling of highly combustible materials, fire hosing sizing requirements, restrictions on the use of compressed air, access roads, and the testing, maintenance and use of all firefighting and emergency medical equipment.

California Fire Code ~~Uniform Fire Code~~

The ~~Uniform Fire Code~~ California Fire Code (CFC) contains regulations relating to construction, maintenance, and use of buildings. Topics addressed in the code include fire department access, fire hydrants, automatic sprinkler systems, fire alarm systems, fire and explosion hazards safety, hazardous materials storage and use, provisions intended to protect and assist fire responders, industrial processes, and many other general and specialized fire-safety requirements for new and existing buildings and the surrounding premises. The CFC ~~UFC~~ contains specialized technical regulations related to fire and life safety.

California Health and Safety Code

State fire regulations are set forth in Sections 13000 et seq. of the California Health and Safety Code, which includes regulations for building standards (as set forth in the California Building Code), fire

protection and notification systems, fire protection devices such as extinguishers, smoke alarms, high-rise building, childcare facility standards, and fire suppression training.

Local

Sacramento LAFCo Policies, Standards, and Procedures

Sacramento Local Agency Formation Commission (LAFCo) Policies, Standards and Procedures require that proposed annexations are consistent with applicable service elements of the Sphere of Influence of the City or affected agency, and that adequate services be provided within the time frame needed for the inhabitants of the annexation area (Section I, Standard Number 4).

City of Elk Grove General Plan

The following City of Elk Grove General Plan fire protection policies are applicable.

PF-1: Except when prohibited by state law, the City shall require that sufficient capacity in all public services and facilities will be available on time to maintain desired service levels and avoid capacity shortages, traffic congestion, or other negative effects on safety and quality of life.

PF-2: The City shall coordinate with outside service agencies—including water and sewer providers, the [Cosumnes Elk Grove](#) Community Services District, and the Elk Grove Unified School District—during the review of plans and development projects.

SA-32: Cooperate with the [Elk Grove Cosumnes](#) Community Services District ([EGCCSD](#)) Fire Department to reduce fire hazards, assists in fire suppression, and promotes fire safety in Elk Grove.

PF-7: The City shall require that water flow and pressure be provided at sufficient levels to meet domestic, commercial, industrial, and firefighting needs.

SPHERE OF INFLUENCE AMENDMENT AREA PLANNED LEVEL OF SERVICE AND IMPROVEMENTS

The proposed SOIA Area currently requires minimal fire protection and emergency medical response services, as the area remains primarily agricultural. As no specific land use plan has been defined, existing uses are expected to remain the same. Existing service providers are expected to continue the current service level. If approved, the proposed SOIA would cause no additional immediate demand for fire protection and emergency medical service.

Growth of the area will require adequate planning for long term growth. If approved, the proposed SOIA will provide direction to fire protection service providers about the location and extent of the City's growth. This will allow the provider to conduct long term planning to ensure adequate services and infrastructure are available.

CCSD has [purchased land for three new growth fire stations in the Elk Grove area. Station 77 is located on Poppyridge Road. Station 78 is off of Lotz Parkway near the planned mall, and Station 79 is located near Bradshaw and Grantline Roads.](#) ~~not estimated the need for additional facilities, equipment, or~~

~~staff, as future land uses are unknown.~~ Urbanization of the proposed SOIA Area would require an enhanced level of fire protection and emergency medical services. Possible improvements ~~could~~ will include a fair share contribution towards the construction of additional fire stations, purchase of additional fire engines and equipment, hiring of additional firefighters and EMTs, and the installation of appropriate fire hydrants as a part of development consistent with development agreements, CCSD fee programs and property tax revenues collected. CCSD would remain the most appropriate fire protection and emergency medical response service provider for the SOIA Area when growth occurs.

Lockhart. Don

From: CHARLENE McGHEE <CMcGHEE@airquality.org>
Sent: Tuesday, April 05, 2016 11:06 AM
To: Lockhart. Don
Cc: Paul Philley
Subject: NOP for Kammerer Road/Hwy 99 SOI (LAFC#07-15)

Hello Don

The NOP for the Kammerer Road/Hwy 99 SOI appears to be complete in its scope, as it pertains to air quality. However, SMAQMD staff looks forward to the opportunity to review and comment on the Draft EIR when it is released.

Regards,

Charlene McGhee

Sacramento Metropolitan AQMD

desk: 916.874.4883

reception: 916.874.4800



Members of the Board:

Beth Albiani
Nancy Chaires Espinoza
Carmine S. Forcina
Chet Madison, Sr.
Dr. Crystal Martinez-Alire
Anthony "Tony" Perez
Bobbie Singh-Allen

Robert L. Trigg Education Center
9510 Elk Grove-Florin Road, Elk Grove, CA 95624

Robert Pierce
Associate Superintendent
Facilities and Planning

(916) 686-7711
FAX: (916) 686-7754

April 7, 2016

Don Lockhart, Assistant Executive Officer, AICP
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836



**Re: Notice of Preparation of a Draft Environmental Impact Report for the
Kammerer/Hwy 99 Sphere of Influence Amendment_(LAFCO 07-15)(SOIA)**

Dear Mister Lockhart:

The Elk Grove Unified School District (EGUSD) appreciates the opportunity to review the Notice of Preparation (NOP) for the Draft Environmental Impact Report (DEIR) for the Kammerer/Hwy 99 Sphere of Influence Amendment_(LAFCO 07-15).

While approval of the SOIA would not change EGUSD boundaries, mission or obligations it is clear that any future intensification of land use within the proposed SOIA would have an impact on the EGUSD. Though the SOIA does not include any land use plans other than the applicant's estimates, it is critical to note that any future residential development in the subject area has not yet been considered in EGUSD long-range facilities master planning. The applicant's estimate of development of 4,000 to 5,000 dwelling units would have the most direct impact on the EGUSD. Therefore, it is imperative that the EGUSD be included in the preparation of the DEIR, in particular the analysis of the increased demand on public services, specifically schools. Additionally, we strongly recommend that transportation and traffic analysis in the DEIR include impacts related to school siting and supporting infrastructure. This will ensure that proper school sites, facilities, and education are provided to future families that may reside in the area.

EGUSD appreciates LAFCO's consideration of these comments, and looks forward to contributing to the DEIR process.

Sincerely,

Robert Pierce
Associate Superintendent



April 5, 2016

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



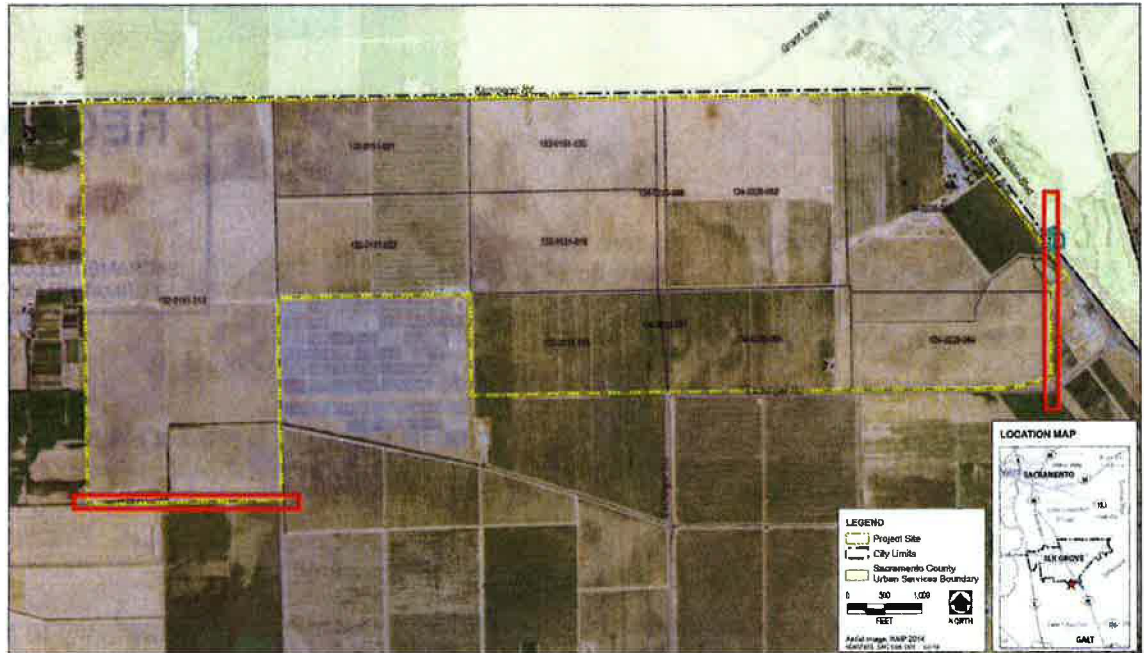
SUBJECT: Notice of Preparation (NOP) For an Environmental Impact Report (EIR) on the Proposed Kammerer Road/ Highway 99 Sphere of Influence Extension Project

Dear Mr. Lockhart,

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the NOP for the proposed Kammerer Road/ Highway 99 Sphere of Influence Extension Project EIR. SMUD is the primary energy provider for Sacramento County and the proposed project location. As a Responsible Agency, SMUD aims to limit the project's potential for significant environmental effects on SMUD facilities, employee and customers.

As you know, it is the responsibility of the project proponent to evaluate and analyze the environmental impacts associated with any new or relocated electrical service needs that may require SMUD to construct facilities; including but not limited to substations, distribution lines and the possible effect on current or future transmission line routing. SMUD has reviewed the Kammerer Road/ Highway 99 Sphere of Influence NOP and has the following comments:

1. The proposed Kammerer Road/ Highway 99 Sphere of Influence Project will have a significant impact on SMUD's electrical system. This increase in the load could require a new substation site in the vicinity.
2. The following specific electrical requirements should be considered for the Kammerer Road/Highway 99 Sphere of Influence Amendment Project NOP and project design:
 - Maintain existing PUE on Kammerer Road for existing and future 12/69KV overhead electrical facilities.
 - Provide new PUE if SMUD facilities are relocated.
3. SMUD has 230kV overhead transmission lines and structures located inside and within the immediate vicinity of the proposed project. Please see the approximate locations of SMUD transmission lines and structures in the areas outlined in red on the following map.



4. Any proposed SMUD transmission facilities modifications/relocations by the project owner shall be performed under an executed cost recovery agreement. Project owner shall provide 18 months' timeframe to allow for design and construction of identified facilities.
5. Project owner shall provide detailed engineering drawings for any improvements that are proposed within the SMUD transmission line easement. SMUD engineering will review the plans and provide comments as required.
6. Under no circumstance shall any grading or construction activities be permitted within SMUD's transmission line easements without the conveyance of rights from SMUD's real estate department. Should applicant be found performing unapproved improvements, the applicant will be responsible for returning the property to its original condition at their expense.
7. Project owner or contractor shall comply with the clearance requirements between the proposed rail tracks and SMUD overhead transmission lines per G.O 95. Project owner or contractor shall abide the clearance requirements from all CAL-OSHA Title 8 approach distance as stated in Subchapter 5, Group 2, Article 37, during project construction.
8. SMUD reserves the right to construct new or move existing facilities as necessary within its legal easement. Any developments installed by owner or assignees within this easement may need to be removed or modified as a result of the new or existing installed facilities.



9. SMUD reserves the right to use any portion of its easement and shall not be responsible for any damages to the developed property within said easement.

Please ensure that the information included in this response is conveyed to the project planners and the appropriate project proponents. 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 the NOP. If you have any questions regarding this letter, please contact Kim Crawford, SMUD Environmental Specialist at (916) 732-5063 or at kim.crawford@smud.org.

Sincerely,



Rob Ferrera
Environmental Specialist
Environmental Management
Sacramento Municipal Utility District

Cc: Kim Crawford
Tina Tran
Wenjie Chen
Joseph Schofield
Steve Johns

March 31, 2016

Sacramento Local Agency Formation Commission
Attn: Don Lockhart, Assistant Executive Officer
1112 I Street, Suite 100
Sacramento, CA 95814-2836

RE: Notice of Preparation for Proposed Kammerer
Road/Highway 99 Sphere of Influence Amendment (LAFC#
07-15)



Dear Mr. Lockhart:

The following comments are submitted by the Friends of Stone Lakes National Wildlife Refuge ("Friends of Stone Lakes") on the Notice of Preparation for Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment (LAFC# 07-15)—the "Project". Friends of Stone Lakes is a volunteer non-profit organization dedicated to the conservation, protection, enhancement and promotion of the Stone Lakes National Wildlife Refuge ("Stone Lakes NWR or Refuge").

In 1994 the USFWS established Stone Lakes NWR in southern Sacramento County within the Morrison Creek, Cosumnes River and Mokelumne River watersheds. The Congressionally authorized project boundary is 17,640 acres. Currently, the USFWS manages 6,550 acres. To date, over eight million dollars of private and public funds have been devoted to protect the ecosystem within the Stone Lakes NWR boundary.

The Refuge is a vital part of the Pacific Flyway and an integral player in meeting the goals set forth in the North American Waterfowl Conservation Plan. For example, at Stone Lakes NWR, between 2001 and 2014, the greater sandhill crane population has gone from zero to over 700 birds while the greater white-fronted goose count increased from 30 to over 16,000 birds.

The Refuge, together with nearby Cosumnes River Preserve (Cosumnes Preserve or Preserve), represents a significant public commitment to protect and enhance important wildlife habitat in Southern Sacramento County. Several vital wetland roosting sites are included with the protected areas of the Refuge and Preserve. The surrounding farmland, much of which provides major foraging habitat for the roosting species is also essential to continued wildlife productivity within the Refuge. The Refuge borders the western edge of Interstate 5, just west of the Project area. The Refuge will therefore be directly impacted by the Project.

The EIR Must Identify and Analyze Significant and Unavoidable Impacts on the Biological Resources of the Refuge.

The Refuge is the single largest complex of natural wetlands, lakes and riparian areas remaining in the Sacramento-San Joaquin Delta and provides critical habitat for waterfowl and migratory birds of international concern, as well as a number of endangered plant and animal species. Stone Lakes NWR and the surrounding agricultural areas are home to several special status species, including the tri-colored blackbird, greater sandhill crane, white-faced ibis, long-billed curlew, Swainson's hawk, burrowing owl, giant garter snake and valley elderberry longhorn beetle.

It is important to note that the Refuge has been identified as one of the most threatened refuges of the over 560 refuges within the whole national system. Primary among the factors for that ranking is the real and potential impact of urbanization. Since that ranking, potential threats to the Refuge have only increased both as a result of the industrial-scale development of the proposed "California Waterfix" project, including but not limited to the proposed intake facilities and tunnels, the forebay, and multifarious associated transmission lines, and the potential for additional urbanization in the area, such as the Project.

The Project area includes significant acreages of important agricultural lands. These lands provide a vital foraging area for many waterfowl and raptor species. Shorebirds, geese and waterbirds, including sandhill cranes, greater white-fronted geese and long-billed curlews, move daily from between seasonal wetlands on the Refuge where they roost at night to adjacent uplands to forage throughout the day. Conversion of upland foraging habitat to urban or industrial development threatens the success of wintering birds. As suitable habitat diminishes and becomes fragmented, wintering birds are constricted to smaller areas located farther apart. Removing viable uplands near managed wetlands increases the distance migratory birds have to travel each day to forage, thereby taxing their energy reserves and exposing them to additional hazards. Loss of these agricultural lands and conversion of upland foraging habitat to urban or industrial development threatens the success of wintering birds and therefore the viability of the Refuge.

The EIR Must Identify and Analyze Significant and Unavoidable Impacts on Water Quality and Potential Flooding

The annexation and development of additional land within the watershed draining into the Stone Lakes NWR could impact flood flow patterns and water quality of water entering the Refuge. The environmental document needs to identify these potential impacts and recommend mitigation measures that could be incorporated as a requirement for project annexation. An example would be a requirement that Elk Grove demonstrate prior to annexation that its proposed development plan will not change the amount, timing and quality of water entering the Refuge.

The EIR Must Identify and Analyze Significant and Unavoidable Growth Inducing Impacts and Cumulative Impacts

Under CEQA, the environmental document must look at the growth inducing impacts of the project and cumulative impacts including other proposed projects in the area. In addition to this project, the County of Sacramento and the City of Elk Grove are collaborating on the Kammerer Road Extension Project, which will bring more traffic (including from this proposed project) and the potential demand for additional development closer to the actual Refuge boundaries. Also, the Wilton Rancheria Fee-to-Trust and Casino Project has now identified the Lent Ranch SPA as one of the potential sites for the Casino, which is located just north of the Project area. Finally, the environmental document should consider an environmentally superior alternative or mitigation measure that would require that any annexation proposal include provisions for securing the acquisition of development rights for a buffer.

The EIR Must Identify and Analyze Conflicts with the Refuge's Comprehensive Conservation Plan

Approval of the Project will conflict with the Refuge's Comprehensive Conservation Plan. Development of the Project area would impact the ability of the Refuge to implement its mandate to protect and enhance wildlife resources elsewhere within the legislative boundary of the Refuge since it would increase land values for surrounding land, including land within the Refuge boundary, reduce the opportunity to acquire fee title and conservation easements, and increase urban use conflicts with resource management activities. It is these large scale impacts that create the great potential for conflict with the Refuge's Comprehensive Conservation Plan.

Thank you for the opportunity to comment on the NOP for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment. Please keep us informed of the Project as it progresses toward a hearing date.

Respectfully submitted,

Scott Finley

Scott Finley, President
Friends of Stone Lakes NWR



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April 7, 2016

Don Lockhart, AICP
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 94814



Dear Mr. Lockhart:

These are comments regarding the NOTICE of PREPARATION of a DRAFT ENVIRONMENTAL IMPACT REPORT for the KAMMERER/HWY 99 SPHERE OF INFLUENCE AMENDMENT_(LAFC 07-15) APPLICATION.

Land Use and Agricultural Preservation

The Draft Environmental Impact Report (DEIR) must demonstrate a need for this Sphere of Influence Amendment (SOIA). The previous SOIA (LAF#09-10) was withdrawn in lieu of denial by LAFCo primarily because Elk Grove could not demonstrate a need for the expansion. We do not see that this situation has changed. A detailed accounting of Elk Grove's holding capacity must be included in the DEIR with thorough justification for the need for expansion. This would obviously also include a thorough investigation and discussion of alternatives to the proposal.

Farmland of Local Importance is land of importance to the local economy. These lands meet that category as defined by the Sacramento County Board of Supervisors. Therefore, the DEIR must address these Farmlands of Local Importance and provide appropriate mitigation.

These lands also lie outside the Urban Services Boundary established by the County of Sacramento. While Elk Grove will argue that this boundary does not apply to it, we must argue that the boundary was established for specific reasons, especially the protection of farmland, open space and habitat protection. The DEIR should justify why the reasons for establishing this boundary are no longer appropriate and applicable, and not just dismiss them out of hand. After all, one of the primary charges of LAFCo is to guide development away from open space and agricultural lands.

This DEIR must clearly establish that this SOIA is inconsistent with the Metropolitan Transportation Plan / Sustainable Communities Strategy (MTP/SCS) and the Air Quality Attainment Plan (AQAP). If this property were to be developed, achieving or maintaining greenhouse gas reductions or federal ozone standards would be seriously impaired. The DEIR must not only address these two plans, but it must also quantify impacts to greenhouse gas reductions targets and federal ozone standards, and provide appropriate mitigation.

Water

Water supply is also an issue. Environmental review for the previous SOIA did not adequately address water provision, instead stating that "No new water infrastructure is proposed because no new development is proposed." Any adequate review pursuant to the California Environmental Quality Act (CEQA) on an SOIA must address the Sacramento County Water Agency's ability to provide water to the any subsequent project.

Water provision is essential to any development, and a critical threshold consideration in the LAFCo approval process. Under current drought conditions, jurisdictions have an especially serious responsibility to demonstrate that water provision for any planned or projected development can meet the competing needs of habitat, agriculture, and urban uses.

Growth-inducing Effects

Any subsequent project would have significant growth-inducing effects. The DEIR must, therefore, include an analysis of the SOIA's potential for both direct and indirect growth inducement if it is to adequately fulfill CEQA's requirement to inform decision makers and the public about the potential environmental impacts. This analysis should quantify projected economic, population, and housing growth inducement using all available modeling tools appropriate to the Sacramento region. To be complete, this analysis must also address the Memorandum of Understanding between the City of Elk Grove and the County of Sacramento that specifically proposes transitional land uses to mitigate for growth inducing impacts.

City may argue that this proposal is consistent with its General Plan. But even if it is, that General Plan need not be, and is not, consistent with the MTP/SCS. The burden rests with the City to show how the proposal relates to the MTP/SCS.

Kammerer Road is a segment of the Southeast Connector Project and therefore this DEIR must be consistent with the FPEIR for the Southeast Connector and the Settlement Agreement reach by the Connector JPA and ECOS.

Biological Resources

The environmental impact report should consider the unique geographic placement of this site in relation to both the Stone Lakes National Wildlife Refuge to the West and the Cosumnes River Preserve to the South. The EIR should consider impacts to the many species that roost, or spend the night, in these large protected areas that then forage in the site under consideration for at least some portion of their natural history.

The EIR should consider the significance of the site as upland forage for species displaced during the cyclical flooding events that occur every seven to ten years in and around the Cosumnes River Preserve. For many species, such as the greater sandhill crane, a large proportion of the habitat conserved for them will be temporarily unavailable during these stochastic events. Roosting is not such a concern because the cranes can utilize the shallow water along the margins of the floodplain. However, much of their traditional foraging grounds will be inaccessible. The upland areas, then, in any reasonable proximity to the floodplain take on significant importance. The EIR should analyze the impact on species from the loss of this important upland foraging area.

The EIR should consider the effect of climate change on the North Delta, specifically the need for species displaced by sea level rise to find new higher ground if they are to survive. The land being considered in this NOP is a prime example of an upland area that would provide refuge for displaced species.

We would caution against using any portion of the biological resource chapter from the discredited Brandman and Associates' DEIR and RDEIR for the recently withdrawn (in lieu of denial) Elk Grove SOIA application to LAFCo. The chapter had so many flaws and inaccuracies that it should be completely avoided. As well, given the scandal over the Grasslands Solar debacle in Davis that relied upon what was characterized as a fraudulent EIR prepared by Brandman and Associates, any reuse of their work would be imprudent.

We would also caution on relying too heavily upon the California Natural Diversity Database (CNDDB) for species occurrences in the site under consideration. The CNDDB is a notoriously incomplete database, and particularly for avian species it is weighted heavily towards nesting data rather than foraging or simple

occurrence data. There are many listed species and species of concern that regularly occur in and in the vicinity of the site under consideration that do not nest there. It would be prudent to balance the CNDDDB with data from eBird and the local Christmas counts in the area, as well as the species lists for both the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve. If a species occurs in either of those protected areas and uses the equivalent land cover types as those present in the site under consideration, chances are good that it is present in the land under consideration.

The NOP indicated that the data from the SSHCP would be utilized for purposes of the DEIR. We are assuming that this means that the same approach to determining impacts will also be utilized. The EIR should explain how the mitigation for impacts to the development of this land will impact the conservation strategy of the SSHCP. Of particular interest is how the removal of this land, and the subsequent removal of an equivalent amount of land (assuming a 1:1 mitigation ratio) for the mitigation of this land being developed, from the inventory of the SSHCP will affect the "feasibility for acquisition" for acquiring the needed preserve lands in the conservation strategy of the SSHCP.

Conclusion

We request that all of the above identified issues are specifically addressed and mitigated by any proposed MMRP, and that they are taken into account when exploring feasible alternatives. We have also attached a copy of our comments on the DEIR for the previous SOIA (LAFC #09-10) to further elaborate on our previous concerns, most of which we believe are still relevant.

Sincerely,



Brandon Rose, Board President
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ECOS

ENVIRONMENTAL
• COUNCIL •
OF SACRAMENTO

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Via Electronic Mail

18 November 2011

Don Lockhart, Assistant Executive Officer
Sacramento Local Agency Formation Commission
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Sacramento, CA 95814
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Re: Comments on Elk Grove Sphere of Influence Amendment Draft Environmental Impact Report (LAFC #09-10)

Dear Mr. Lockhart,

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS) on the Elk Grove Sphere of Influence Amendment (EG-SOIA or Project) Draft Environmental Impact Report (DEIR), dated 29 September 2011. ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. Our mission is to achieve regional and community sustainability and a healthy environment for existing and future residents.

Although the DEIR states in several places that it is not intended to be tiered from and that no construction is planned for under this DEIR, the DEIR does serve as: (1) a document to inform the public and LAFCo as to whether Elk Grove's SOIA request should be approved; and if so what conditions must be applied to future annexation requests; and (2) as an informational foundation for future programmatic and project level DEIR's that may result from this process. ECOS has written its comments with these points in mind.

ECOS has identified numerous flaws in the analysis contained in this DEIR, specifically in the areas of biological resources, agricultural resources, water supply, greenhouse gases, growth inducement and cumulative impacts. These specific concerns are addressed below.

BIOLOGICAL RESOURCES

Given the large number of errors and omissions in this section, large overarching comments will be laid out initially, followed by a more in depth illustrative examination of the treatment of a single species as a demonstration of how far from complete this report is. Similar levels of re-examination and research will need to be undertaken for all potential species by the EIR preparers in order to meet a good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA Guidelines, 15003(i) and 15151). As well this DEIR needs to substantially support its conclusions with evidence (CEQA Guideline, 15064(f)(5)).

General Comments

- Impact determinations are faulty. The biological resource section misuses the California Natural Diversity Database (CNDDDB) throughout by indicating that the data base is a record of absence (i.e. by assuming that if a species does not show up in the CNDDDB, then it's not there). The CNDDDB has a clear disclaimer for users on this point. This does not constitute a good faith effort at full disclosure (see CEQA Guidelines, 15003(i) and 15151).
- The misuse of the CNDDDB leads to bizarre results such as the conclusion that, for example, there are no northern harriers within 5 miles of the project site (and a listing of the potential for such as "moderate" based on habitats), no recorded occurrences within 5 miles and low potential for occurrence of white tailed kite, no recorded occurrence within 5 miles and moderate potential for occurrence of greater sandhill cranes. For all of these species (and many more), there is real data available (Audubon Christmas counts, Cosumnes River Preserve surveys, the South Sacramento Habitat Conservation Plan (SSHCP) mapping and incidence of occurrence data, as well as resources from the Stone Lakes National Wildlife Refuge surveys) that should be used. All discussed species must be re-examined using the more complete resources available.
- While the DEIR mentions the proximity of Stone Lakes, but only as a geographical fact; no mention is made of the Cosumnes River Preserve. No discussion is included of the habitat relationships (the SOIA area as buffer and foraging area for species using those core protected areas), cumulative public investment, uniqueness, etc. Again, this does not constitute a good faith effort at full disclosure (see CEQA Guidelines, 15003(i) and 15151).
- The DEIR fails to use or reference any of the data or analysis developed for the SSHCP draft. It concludes (without support) that there's no conflict between the SSHCP and the SOI expansion. This information is clearly inaccurate and does not constitute "substantial evidence" (see CEQA Guidelines, 15064(f)(5)) of a less than significant impact.
- The conclusion that there is no conflict between the SOI expansion and the SSHCP is unsupportable based on the flooding issue with the greater sandhill crane that is discussed further below (see CEQA Guidelines, 15064(f)(5)). Additional conflicts exist with the Swainson's hawk habitat.
- Mitigation measures are inadequate. MM LU-3, which requires participation in the SSHCP when it is completed, is deferred mitigation and not acceptable to mitigate potentially significant and unavoidable impacts to a less than significant impact. CEQA Guideline 15126.4(a)(1)(B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." In this instance, formulation of mitigation measures for biological impacts is clearly deferred to the future development of a "habitat conservation plan" whose contents are presently unknown. Notably, this mitigation measure contains NO performance standard. The requirement that such a plan be developed "in consultation with" US Fish and Wildlife Service (FWS) and California State Department of Fish and Game (DFG) does not require that the plan and its mitigation strategy be approved by those agencies--only that the City consults with these agencies. Mitigation is thus improperly deferred. Substantial evidence does not support the proposed Finding of the DEIR that the "plan" will mitigate biological impacts to less than

significant, because the measures of the plan are not known. In a situation nearly identical to the proposed Elk Grove SOIA DEIR, the Court of Appeal found a violation of CEQA where a mitigation measure called for development of an undefined habitat management plan developed by a biologist in consultation with the appropriate agencies, including FWS and DFG, *San Joaquin Raptor Rescue Center v County of Merced (Jaxon Enterprises, Inc.)* (2007) 149 Cal.App.4th 645, 669, 670; see also Kostka & Zischke, Practice under the California Environmental Quality Act (2nd ed.) Cal CEB 2008, January 2011 update, §14.12, pp, 696 - 700, and the numerous cases cited therein

- Mitigation measures MM BIO 1a and MM BIO 1b are also deferred mitigation and as such not acceptable to mitigate potential significant and unavoidable impacts to a less than significant level (CEQA Guidelines 15126.4(a)(B)).
- Beyond the inadequacy of MM BIO 1a and 1b, the wording of these measures is also imprecise and confusing.
- There is an implicit argument in this section that actual impacts cannot be determined or analyzed because the land use patterns are as yet undetermined. However, annexation and eventual build out are the inevitable goals of the applicant in this process, as SOI is "a plan for the probable physical boundaries and service area of a local agency." (Gov. Code 56076.) Since the annexation process may occur slowly over time, this DEIR is potentially the only opportunity to analyze the SOIA expansion area in its totality for impacts on biological resources. This DEIR must examine the potential impact on special status species and biological resources as a whole in the context of the entire SOIA expansion area being built out. Only this examination can determine the biological viability of this SOIA expansion area being developed. What would it mean to special status species if this entire area was lost as habitat? The greater sandhill crane comments that follow are one example of what this could potentially mean to at least one species. This is another example of a bad faith effort (CEQA Guidelines, 15003(i) and 15151).

An illustration of the General Level of Inaccuracy Using the Greater Sandhill as an Example

The Habitat description for greater sandhill crane in table 3.4.2 states: "Found in open, freshwater wetlands, particularly habitats that contain open sedge meadows in wetlands that are adjacent to short vegetation wetlands." This description portrays what would constitute one example of acceptable ROOSTING habitat for greater sandhill crane, but is by no means instructive as to what constitutes viable greater sandhill crane habitat, particularly when it comes to the Fall and Winter habitat they utilize in our region. There are several important habitat factors that must be included in an accurate habitat description. For roosting habitat, the water must be 3"- 8" deep with open sight lines, which means low or no vegetation – of which sedge would be an example of low vegetation. So a flooded agricultural field at the right depth and the right acreage (20 acres or more) would be just as suitable as an actual wetland. This is easily evidenced on Staten Island and in the Cosumnes River Preserve where greater sandhill cranes routinely roost in flooded corn fields. Thus, the availability of row crop fields in the SOIA expansion area that can be artificially flooded to 3"-8" constitutes suitable available habitat for roosting.

Greater sandhill cranes require grist for their crops (the expanded muscular pouch near the gullet or throat) so they can grind up their food, particularly waste grain which is abundant in harvested agricultural fields. So, nearby bare ground uplands that have suitable grist matrix are

important, and these are not uncommon in agricultural areas with berms or where the crops have been harvested, which is the Fall and Winter condition for much of the SOIA expansion area. Greater sandhill crane use foraging habitat within a two mile diameter of their roosting sites (Gary Ivey, unpublished research for Phd). Greater sandhill crane in our area forage extensively in harvested row crop fields and irrigated cropland. They consume the residual waste grain and whatever small animals they can find. Freshly flooded fields also result in the flushing out of small animals which makes them popular forage sites as well.

The majority of the SOIA expansion area would make very suitable foraging habitat for greater sandhill crane as long as some roosting sites are established which could be easily accomplished by shallowly flooding some harvested fields.

The SSHCP has a very good species account that could be utilized to improve table 3.4.2 and the treatment of greater sandhill crane in general in this DEIR. Given that the SOIA expansion area is within the plan area for the SSHCP, it is somewhat surprising that SSHCP mapping and species accounts were not relied upon. The entire area of the SOIA expansion is included in the primary conservation area for greater sandhill cranes in the most recent draft of the SSHCP (see attached figure 7-20: Primary Conservation Area for Greater Sandhill Crane in the SSHCP Plan Area). An examination of the primary conservation area map included as figure 7-20 clearly indicates "consolidated species occurrences" well within 5 miles of the SOIA. Given this and the availability of all habitat components and the fact that there are regularly greater sandhill cranes in the vicinity (both to the south and to the west), the "potential for presence" status needs to be changed from moderate to HIGH. Interestingly, in the special status species impact analysis (3.4-36) the DEIR states: "State fully protected greater sandhill crane and state threatened Swainson's hawk have a high potential to occur within the project area." This appears to be an admission that our assertion is indeed correct. Moreover, in addition to being fully protected the greater sandhill crane is also a state listed "threatened" species. Greater sandhill crane is listed by DFG as a fully protected species (which means that a special statute was passed at some time to protect it:

http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#Birds. Greater sandhill crane was also listed under CESA in 1983

http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#Birds.

Further substantiation for the change in the status of "potential for presence" to HIGH is found in the fact there are recorded occurrences of greater sandhill cranes in the SOI expansion area. Dr. John Trochet worked for the Nature Conservancy and Gary Ivey in 2005 between January and March and documented greater Sandhill crane usage of the SOIA expansion area during a flood event (Ivey, "Mitigating Loss of Sandhill Crane Habitat in South Sacramento County", March 25, 2005). The greater sandhill crane does not at present use this area during "normal" water conditions, but these upland areas like the SOIA expansion area are critical for the long term health of the greater sandhill crane population because they allow for foraging areas above water during the frequent periodic flood events in the lower Cosumnes basin.

The SOIA expansion area has provided critical upland foraging habitat for the greater sandhill crane during the frequent flood events in the lower Cosumnes basin. Beyond the fact that portions of the added inventory are at or below sea level, no investigation or scientific analysis has been made as to the impact of removing so much upland foraging habitat for the greater sandhill crane, given its importance during flood episodes. Most of the preservation of sandhill crane habitat has been within the floodplain, and significant areas that are not technically within the floodplain, such as Staten Island, are at risk of catastrophic failure during significant flood events if their antiquated levees fail – this nearly happened to the Staten Island levees during such an event in the last decade and it was only emergency repairs that kept it from becoming a

lake. Greater sandhill crane can't swim. A significant flood episode with inadequate upland foraging habitat remaining could have catastrophic consequences for the greater sandhill crane. Before so much upland foraging habitat is removed for urban/suburban/commercial development within the SOIA expansion area, a scientific study must be undertaken to determine how significant the impacts on the crane are, as well as create a regional management plan to ensure that adequate upland habitat is available during flood events. Such a study should list mitigations for the greater sandhill crane. This is also an issue that needs to be addressed by the SSHCP if this expansion is approved and its eventual development after annexation is to be given incidental take coverage.

It is not acceptable to claim that this issue can be resolved at the time of annexation(s) as this may be the only opportunity to consider the totality of the landscape being considered for development. The SSHCP had always assumed, until a last minute maneuver by Elk Grove, that all of the land in the SOIA expansion area would be part of the "receiving" side of the SSHCP. This relatively new change of use has not been either fully or properly vetted within the SSHCP. It is in fact a point of major contention. Concerns have been frequently expressed that adjusting the math between the "take" and the "receiving" side of the SSHCP by increasing the plan area to the west of I-5 does not constitute a scientifically defensible position. This is one of a list of contentious issues that need to be worked out. It is not at all accurate to say that the SOIA expansion is not in conflict with the SSHCP. THIS STILL NEEDS TO BE DETERMINED! It also needs to be determined if the SOIA will undermine the conservation strategy of the SSHCP.

We would like to reiterate that the preceding examination of how the DEIR handled the greater sandhill crane is presented to demonstrate not just the deficiencies in the DEIR as pertains to the crane, but also as indicative of the poor handling of species and biological resources in general and the project's potential impacts in general within the DEIR. All other species will need to be re-examined in the light of more complete data resources, and the impacts on them will need to be determined looking at the totality of habitat removal due to the eventual annexation of the SOIA. Anything less would be a bad faith effort at informing the public and decision makers about the environmental impacts on these species (CEQA Guidelines, 15003(i) and 15151). A failure in this regard would also mean the conclusions are unsupportable and without "substantial evidence" (CEQA Guidelines, 15064(f)(5)).

A Closer Examination of MM LU-3, and MM BIO 1a and 1b

As already indicated, the greater sandhill crane is briefly mentioned here as solely a "fully protected" species, and then is basically dropped. All further information provided pertains to the Swainson's hawk or the burrowing owl. Given the complexity of crane habitat requirements and the flood related issues involved, it is necessary to have a similarly full discussion of cranes here as well.

As for mitigation measure LU-3, though commitment to participation in the SSHCP is important, this does not actually constitute mitigation point since the Plan has not been completed. And, given that it has been in preparation for almost 20 years and there is no accurate timeline for completion, it is unclear if and when it will be available. We refer you to the comments that FWS made about using the SSHCP as the mitigation strategy in the DEIR for the Sacramento County General Plan update. Whereas we acknowledge that MM LU-3 would be the primary mitigation measure when and if the SSHCP is completed, it is not actual mitigation until the SSHCP is completed. The approach in the DEIR constitutes impermissible deferral of mitigation (CEQA Guidelines, 1526.4(a)(1)(B)).

Moving on to MM BIO 1a, we see this section as an explication of mitigation in the absence of the SSHCP. If the SSHCP is completed, then all of these measures would be fulfilled, but in the

absence of the SSHCP they need to be considered for adequacy, with the SSHCP as the exemplar. The way that the DEIR structurally handles this section in relation to the SSHCP requires such an approach. The SSHCP is offered as the preferred mitigation and the following measures are offered as back up in the absence of the SSHCP.

For MM BIO 1a Part A, it is unclear who is intended as the lead agency. Is this indicating LAFCo would be the lead agency in accepting annexation request? If so this is an inaccurate and misleading use of "lead" agency because in the annexation process LAFCo would be a responsible agency and Elk Grove would in fact be the lead agency. The fact that, for annexations, Elk Grove would be the lead agency potentially means that the SOIA process is the only venue to consider the totality of impacts to species if the entire SOIA eventually was developed. Given the technical nature of the relationship between an SOIA and expansion, the use of "lead" agency should be fully defined, identified and explicated such that it is understandable to the public.

It is also unclear how a reconnaissance level biological survey will allow the "lead" agency to track impacts on special status species on a regional basis, rather than on a project by project basis. For starters, such a survey, if done well, would establish a baseline. The baseline should be determined at the outset of CEQA review (CEQA Guidelines, 15125). Tracking would be another matter altogether. Is it being suggested that an ongoing effort is considered here to track ongoing impacts based upon development and other changes on the ground? How would this work exactly? What is the specific plan for such tracking, and how is it to be financed? Is the as yet unclear "lead" agency responsible for the management of the tracking?

It is also unclear how this will allow the as yet unclear "lead" agency to track impacts on special status species on a regional basis. Since the survey is a base level assessment of biological resources, how does this translate into regional tracking? Is it being suggested that the reconnaissance survey is to inform an EIR that can be tiered off of for biological resource impacts for projects in the expansion area during annexations? This needs to be fully explained. The use of "when feasible" to complete MM BIO 1a Part A further adds to the confusion. So this survey and the tracking will be used by the as yet unclear "lead" agency for handling impacts on special status species on a regional basis when it is feasible. What is feasibility based on? Is the tracking where feasible as well? With a reconnaissance level survey and ongoing tracking of impacts, it would seem that a regional perspective of the impacts on special status would be available. Not using such a resource because it is not feasible seems to suggest that feasibility relates to monetary aspects of a particular project rather than the limitations of the resource. Is it then the case that "when feasible" means when it is "affordable?" If so, who determines when it is affordable? What does "affordability" do to the ability to properly identify and mitigate for the impacts on special status species?

For MM BIO 1a Part B, the entirety of the SOIA expansion area is considered habitat for the Swainson's hawk and the greater sandhill crane in the SSHCP. Any development in any area of the proposed SOIA expansion would be a failed attempt at avoidance and would necessitate mitigation. Any development would make avoidance "infeasible" and require mitigation. The DEIR should disclose these facts.

For MM BIO 1a Part C, the requirement that a Habitat Conservation Management Plan (HCMP) be prepared is equivalent to MM LU-3 in that what is being offered for mitigation as of now does not exist and as such cannot be analyzed for effectiveness or completeness. The measure basically states that the mitigation will be handled by as yet undetermined mitigation. This is not acceptable and makes it impossible to assess the effectiveness of the eventual mitigation measures. Basically, what is set up here is an argument that potentially significant impacts on special status species will be adequately mitigated by an as yet to be completed SSHCP, and in the absence of the SSHCP on as yet to be developed HCMP. As there are no performance

standards, this is an impermissible deferral of mitigation and not acceptable per CEQA (see CEQA Guidelines, 15126.4(a)(1)(B)).

Relying on a future agreement with the DFG for appropriate Swainson's hawk mitigation is also unacceptable because such an agreement does not at this point in time exist, and as such the suitability of such agreement cannot be ascertained. It is also deferred mitigation and not acceptable per CEQA.

Additional General Biological Resources Comments

In the Agricultural Cropland section 3.4.1, the list of species expected to occur is quite incomplete and seasonally skewed. It does not include any of the winter complement of migratory waterfowl that use cropland for winter forage. It is also so incomplete that the inclusion of the few species listed appears to indicate that this habitat is hardly to barely utilized by wild species, which is untrue. This error is exacerbated, as previously explained, by the misuse of the CNDDB database throughout the biological resources section.

The same is also true of the Irrigation ditches and Irrigated Cropland sections that follow. For Wetlands this trend is broken and no species are listed at all. From a practical perspective, the erratic incomplete listing of potential species that occur or might occur in a given habitat type is more confusing than helpful and falls far below the minimum disclosure requirements of CEQA.

AGRICULTURAL RESOURCES

Farmland of Local Importance Discussion is Inadequate

Farmland of Local Importance is land of importance to the local economy, as defined by each county's local advisory committee and adopted by its Board of Supervisors. Farmland of Local Importance is either currently producing, or has the capability of production, but does not meet the criteria of Prime Farmland, Farmland of Statewide Importance, or Unique Farmland.

Sacramento County has defined Farmland of Local Importance as follows:

Lands which do not qualify as Prime, Statewide, or Unique designation but are currently irrigated crops or pasture or non-irrigated crops; lands that would be Prime or Statewide designation and have been improved for irrigation but are now idle; and lands which currently support confined livestock, poultry operations, and aquaculture.

The primary intent of this definition was to ensure that land that at one time was Prime or Statewide in Importance but has been removed from those designations because the land was no longer being irrigated (as per requirement of the Farmland Mapping Act), was captured by the Farmland Mapping and Monitoring Program. This is a reflection of the trend in rapidly urbanizing counties for landowners to cease irrigated crop production in anticipation of future urban development.

The data in Table 3.2-1 indicates that 1929 acres or 26% of the project area is now classified as Locally Important. It is a reasonable assumption that most of this acreage was previously classified as Prime or Statewide in Importance. The Sacramento definition and its purpose are important to fully understand the appropriate mitigation and needs to be included in the document under the discussion of Farmland Classifications on page 2.3-2. A review of the prior classification history of these locally important lands would be informative.

Mitigation Measure AG-1 Inadequate

The measure inaccurately refers to open space and conservation easements in conjunction with farmland mitigation. More importantly, the mitigation measure should utilize at least a 1:1 mitigation ratio for farmland lost. This mitigation ratio is more appropriate for the following reasons:

- One of the primary charges of LAFCo is to guide development away from open space and prime agricultural lands
- The DEIR finds that the project is inconsistent with LAFCo Policy III.E.1 (page 3.10-48)
- DEIR finds that the project is inconsistent with Sacramento County General Plan Policies AG-1, AG-5 and AG-19 (page 3.10-23)
- It is more consistent with the past practice of mitigation for agricultural land loss in Sacramento County.

The recently adopted mitigation policy AG-5 in the Sacramento County General Plan provides important guidance for agricultural mitigation. The policy requires that conversion of more than fifty acres of prime, statewide importance, unique and local importance farmlands located inside or outside of the Urban Service Boundary (USB) be mitigated for inside Sacramento County at a ratio of 1:1 with in-kind or similar resource value protection.

The Mitigation Measure should be modified as follows:

MM AG-1: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will identify lands to be set aside in permanent agricultural easements at a ratio of at least one acre of prime, statewide importance, unique and locally important agricultural land converted to urban land uses to one acre of in-kind or similar value of farmland preserved. The easements shall include an adequate endowment to be provided to manage the easement in perpetuity and be held by a qualified land trust or conservation entity, such as the Central Valley Farmland Trust or the Sacramento Valley Conservancy. Stacking of mitigation values, where acceptable to the land trust, will be permitted in order to serve multiple overlapping conservation purposes. The preserved farmland shall be located inside Sacramento County and within five miles of the SOIA Area.

WATER SUPPLY

Overview

The DEIR makes that statement: "No new water infrastructure is proposed because no new development is proposed. SCWA is the water service provider and would need to provide for water services. However this is not part of the subject SOIA and is beyond scope of the EIR" (page 2-28). This is a confusing and inaccurate statement in that the ability of the Sacramento County Water Agency (SCWA) to provide water with minimal environmental impact and consistent with existing agreements IS within the scope of the DEIR. It is a reflection of the careless and inadequate discussion of water supply in the document.

Water is an essential service for prospective urban development and an important factor in the LAFCo approval process. The availability of water to meet the competing needs of habitat, agriculture and urban uses is an ongoing and increasingly acute issue in the Sacramento region and elsewhere in the state. This is one of the threshold issues facing LAFCo. It presents itself at three levels:

- 1) Is there adequate water supply to the area to meet potential urban needs?
- 2) If so, where would it come from, and how does its withdrawal from the ecosystem impact the environment?
- 3) How does the project impact the ability of water providers to meet the cumulative demand of growth from approved land use plans consistent with existing agreements, notably the Water Forum Agreement?

On the first point, the SOIA Area west of Highway 99 could potentially annex to the SCWA Zone 40 area, water distribution tie-ins are reasonably close, and water could be pumped from the aquifer. The remaining issues are more complicated and here the analysis in the DEIR falls considerably short of appropriately informing the City and LAFCo of the environmental consequences of increased water demand associated with putting the SOIA Area on the path of urban development,

Environmental Impact of Increased Water Use

With regard to the second point, the primary direct environmental impact would come from increased withdrawal of groundwater from the project area. Yet the analysis in the DEIR on water demand is very limited. The Agricultural Lands chapter presents data on the number of acres of prime, unique, statewide importance and local importance farmland but there is no data on crop acreage in the report. The analysis is based solely on Tables 3.9-1 and 2.9-2. The first table presents annual consumption per acre of three crops—table grapes, corn and stone fruit—without any reference to their relative abundance in the project area. In fact there are no table grapes grown in the project area, although there are plenty of wine grapes, and there is very little, if any, acreage devoted to stone fruits. The second table lists the demand for water consumption based on broad regional *per capita* averages. The document states on page 3.9-27 that the “Central Basin is not adjudicated and is not considered to be in overdraft according [sic] the DWR Bulletin 118 (DWR, 2011)”, but it does not include any information from the Central Sacramento County Groundwater Management Plan indicating the presence of a large cone of depression in the project area. From this sparse data the DEIR concludes that “future development indirectly resulting from the proposed project may result in increased consumption volume over what is currently drawn from the groundwater basin.” (page 3.9-27)

This vague and tentative conclusion is inadequately supported by minimal, generalized data not specific to the project area. As such it does not meet the good faith effort standard for informing the public and decision makers about the true nature of the environmental impacts to be considered (CEQA 15003(i) and 15151) nor does substantially support the conclusion with evidence (CEQA 15064(f)(5)).

Habitat 2020 and ECOS recommended both in oral testimony and written communication in response to the project NOP that:

The EIR on the EG SOI Request needs to carefully evaluate the water impacts of urban development within the SOI. To do this it must consider the potential water demand from a reasonably likely development scenario that would have a high demand for water, such as low-density residential use throughout the proposed SOI. Assumptions regarding water conservation should be in line with targets established by the Water Forum Agreement.

The potential demand for water needs to be compared with the historic pumping of groundwater and any diversion of any Cosumnes River water for irrigation within the SOI. The EIR must look at the range of irrigated acreage over the last 20-30 years, crops grown on that acreage and their associated water demand, and pumping data to

arrive at a reasonable estimate of average or typical consumption of water within the SOI for agricultural purposes. (email from Rob Burness of Habitat 2020 to LAFCo, dated October 27, 2010 and included in the DEIR appendix)

The DEIR must incorporate essential elements of the above recommendations in order to adequately disclose the impact of urbanization on groundwater withdrawals. This analysis is feasible. Acreage estimates of crops under cultivation over a reasonable time period in the study can be derived from aerial data and information from the County Agricultural Commissioner's office. Industry accepted standards for water consumption for those crops can yield a reasonable estimate of agricultural water use patterns. The analysis of urban water demand needs to include more nuanced evaluation based on the proposed land use projections within the SOIA Area set forward in Table 2-6 of the document. The water demand analysis needs to distinguish between that portion of the SOIA Area west of Highway 99 from the area east of Highway 99 as the hydrologic issues are different for each area.

Cumulative Water Demand and Water Forum Agreement Consistency

The third point, specifically the ability of water providers to meet the cumulative demand of growth from approved land use plans consistent with existing agreements, notably the Water Forum Agreement, is critically important to understanding the impact of SOIA Area expansion on a potentially limiting factor affecting the region's growth.

The SCWA is the water provider for much of the rapidly growing area within the City of Rancho Cordova, Elk Grove and unincorporated south Sacramento County. SCWA is signatory to the groundbreaking Water Forum Agreement, a document that allows the region to meet its needs in a balanced way by ensuring adequate water to meet in-stream flow habitat requirements and maintain safe yield groundwater withdrawals in the long term. The Agreement establishes a safe groundwater yield of 273,000 Acre Feet per Annum (AFA) from Central Sacramento County Groundwater Basin and allocates up to 78,000 AFA surface water from the Sacramento River for SCWA use.

The EIR for the Sacramento County General Plan Update (adopted November 9, 2011) examined the environmental impacts associated with the incorporation the Jackson Highway and Grantline East Growth Areas, together comprising approximately 20,000 acres, in the County's plan for urban growth through 2030. The document identified the SCWA as one of three water purveyors that have an inadequate supply of water to meet demand by new growth (Summary of Impacts, page 1-13). For SCWA Zone 40 the demand for water at buildout, including the new growth areas, would exceed the projected supply by 4913 AFA (Sacramento County General Plan Update FEIR, page 6-47).

The Jackson Highway and Grantline East Growth Areas are within the USB of the Sacramento County General Plan. The USB is the area within which urban services are planned to be provided over the long term. They were included within the ultimate growth projections that were part of the Water Forum Agreement.

The newly adopted General Plan does not include the Jackson Highway and Grantline East Growth Areas within its Urban Policy Area identifying lands planned for development by 2030. However, it does include criteria which, if met, would allow development of these areas to proceed prior to 2030. In fact, one application for development has already been accepted and is undergoing environmental review, two other requests for entitlements have been presented to the County for acceptance and a third is anticipated in the near future. It is therefore likely that planned growth in the SCWA Zone 40 area and within the USB will lead to water demands which exceed the projected safe yield water supply.

The portion of the Elk Grove SOIA application east of Highway 99 is inside the USB, but the area west of Highway 99 is beyond the USB. Growth in that area was not included within the ultimate water demand projected by the Water Forum. It is therefore reasonable to conclude that the annexation and development of the Elk Grove SOIA Area will lead to additional water demand, which when combined with water demand associated with approved general plans inside the USB and pending applications for development under the new growth management criteria of the Sacramento County General Plan, could very well exceed the projected safe yield water supply for the Central Sacramento County Groundwater Basin.

This possibility represents a threshold decision for Sacramento LAFCo in considering the approval of Elk Grove's request. It is essential that the EIR's analysis for the project provide a clear understanding of how the potential urban development of the area would impact the SCWA's capacity to provide sufficient surface water and maintain safe groundwater yields.

The DEIR fails completely to provide that analysis. It provides data from the SWCA Urban Water Management Plan that indicates that 2030 water demand will be within the annual water supply (page 3.16-2). The document states that the "SCWA is capable of expanding infrastructure and services to provide adequate municipal water services in the SOI Area...SCWA can conduct master planning for adequate infrastructure during its next master plan update for Zone 40." (page 3.16-23). It does not address at all the question of whether SCWA can provide water to the area, in addition to other development that is part of approved general plans, in a manner that assures maintenance of safe groundwater yields.

The matter of surface water also needs to be more thoroughly examined, since delivering surface water is the SCWA's primary strategy for providing water to meet demands while maintaining safe groundwater yield, and by extension is an important means of mitigating adverse impacts on groundwater. However it is not entirely clear that the SCWA can deliver any surface water to the area. All, if not most, of the project area is outside the American River Place of Use. This raises the question as to whether American River water pumped through the Freeport Diversion facility can be utilized outside the place of use. The Draft EIR needs to assess whether there are constraints on delivering surface water to the SOIA Area to mitigate for increased groundwater pumping for urban uses. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 432 ("CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies").)

Proposed Mitigation Measure HYD-2 also constitutes impermissibly deferred mitigation. It states that:

Prior to annexation of any or part of the Sphere of Influence Amendment (SOIA) Area, the city of Elk Grove demonstrate provide [sic] a Plan for Services that demonstrates that sufficient, sustainable potable water supplies adequate for projected demand needs are available and would not result in depletion of groundwater quantities greater than that under the without project baseline.

This mitigation measure is similar to that stuck down in *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 427-447. Mitigation in that case required that "entitlements for development within the Sunrise Douglas project shall not be granted without firm proof of available water supplies, assures that water will be available for later phases of the project." (*Id.* at 444.) As explained in the opinion, the EIR relied "on a provision for curtailing later stages of development if water supplies do not materialize without disclosing, or proposing mitigation for, the environmental effects of such truncation." Similarly,

this DEIR may not assume that future impacts will be mitigated by development of a future plan for services.

The analysis and mitigation in this DEIR must be corrected to comply with water analysis, mitigation and planning requirements.

GREENHOUSE GASES

Good Faith Effort to Inform Decision-Makers and Public Is Inadequate

The DEIR is woefully inadequate and incomplete at informing decision-makers and the public regarding the impacts of this project and cannot be considered a good faith effort at disclosure of environmental impacts (per CEQA 15003(i) and 15151). The analysis of alternatives is not adequate and incomplete; the impact analysis is flawed; there is no analysis of how SOIA greenhouse gas (GHG) emissions will affect Sacramento County's overall ability to meet State GHG reduction targets; and flooding impacts due to climate change are not addressed.

Analysis of Alternatives Is Incomplete

ECOS accepts the range of alternatives selected for the DEIR, however ECOS' primary concern with the alternatives was that a good faith effort at discussing "comparative merits" and "fostering informed decision-making" (per CEQA 15126.6) regarding environmental impacts was inadequate. This included the lack of a discussion of how this project effects meeting Sacramento Area Council of Government's (SACOG) regional greenhouse gas (GHG) reduction goals.

SB375 was passed in 2008 to better integrate local land use planning with regional transportation needs. As part of the process, SACOG was assigned the task of reducing transportation related GHG levels by 7% per capita by 2020 and 16% per capita by 2035.

Although these goals are identified in section 3.7, there is no discussion or analysis of how the different alternatives would comply with the SACOG targets. As a minimum, the following should be answered in the DEIR:

- If SACOG was contacted and no information was available, the DEIR could explain that "SACOG reviewed the alternatives and indicated that there is insufficient data to be able to inform decision makers about any alternatives ability to help meet 2020 and 2035 targets"
- If possible, provide quantitative information such as:
 - Has SACOG modeled the Chapter 5 alternatives to see how well they might comply with meeting GHG reduction goals?
 - If so, what are the results?
 - If data quality is sufficient, DEIR should state that the preferred alternative results in EG's per capita emissions to drop by x% by 2020 and y% by 2035 whereas the ERA is a bit better at c% and d%.

Impact Analysis Is Flawed

Section 3.7.6, page 3.7-20 discusses two GHG Impacts; the GHG emissions for the SOIA; estimates how Air Resource Board (ARB) measures might reduce those gross emissions; and how the Elk Grove Sustainability Element and Climate Action Plan (SECAP) process is trying to develop a plan to reduce GHG emissions by 15% by 2020. The DEIR conclusion was that if MM-GHG-1 were implemented, GHG levels would be less than significant. ECOS believes that

important information and analysis is missing from the DEIR that is important to assessing the significance of the impact.

Table 3.7-7 indicates that SOIA GHG emissions will be 553,992 Metric Tons/year (MT/yr) for 2020. This is an admittedly large number. However the analysis provides no indication as to how the potential development of the SOIA area would impact the ability of Elk Grove, Sacramento County and the SACOG region to meet emission reduction targets. One way to provide perspective is through comparison of emission reduction thresholds. A threshold of significance more easily allows a lead agency to determine whether an environmental impact is significant. The degree to which a project meets or exceeds the threshold provides a measure of the scale of significance. A large project that would generate GHG emissions well above the threshold may make it difficult or impossible for a jurisdiction to meet GHG reduction targets.

The State of California has developed an estimate of per capita or per service population significance thresholds for year 2020 by dividing statewide GHG emission targets for that year by projected population plus employment as illustrated in the following table. The populations and GHG Emission Levels are in millions.

Table 1- GHG Emissions Metrics

Year	Population	Work Force	Pop + WF (sp)	GHG Emissions (MT/yr)	Allowable Emissions (MT/yr-sp)
2020	44.1	20.2	64.3	295.5	4.6

Population + Work force = Service Population (sp)

The Bay Area Air Quality Management District (BAAQMD) has subsequently adopted the 4.6 MT/yr-sp threshold for project level developments in the Bay Area. Santa Barbara has adopted the Bay Area's significance threshold of 4.6 MT/yr-sp knowing that the evidence used by the Bay Area is substantial and thus per CEQA is reasonable to use. More locally, the Folsom Specific Plan, realizing that data from Table 1 indicates that GHG thresholds need to be reduced over time, developed two separate thresholds: 4.4 MT/yr-sp for projects permitted before 2020 and 3.7 MT/yr-sp for projects permitted after 2020.

Table 3.13-2 and Table 3.13-3 assume for analysis purposes that employment and households within the EG SOIA Area at buildout will respectively total 35,500 and 20,685. The population, based on a 2035 average household size of 2.78 (Population and Housing Estimates, 2005-2035, SACOG, 2008), would total 57,500. The service population of the project at buildout would be 35,500 plus 57,500, or 93,000. The resulting GHG efficiency metric for the SOIA is therefore:

$553,992 \text{ MT/yr} / 93,000 \text{ service population} = 5.96 \text{ MT/yr-sp}$

That is 30% greater than the 4.6 MT/yr-sp 2020 threshold referenced above and 61% greater than Folsom Specific Plan's 2035 threshold of 3.7 MT/yr-sp. This information needs to be included in the DEIR analysis.

The above numbers suggest that it will be a considerable challenge for Elk Grove to reconcile the SOIA Area GHG emissions with their need to meet 2020 and subsequent emission reduction targets. The question is just how might that be accomplished? The DEIR offers no perspective on the reasonableness of attaining these targets, nor does it offer any perspective on how the alternatives to the project would impact the City's ability to meet GHG reduction targets. This information is essential in order to assess the assumption that the mitigation

measure can in fact succeed in reducing the impact to less than significant levels, as blithely assumed in the DEIR.

The above numbers also suggest that the development of SOIA Area may well conflict with the draft 2035 MTP and Sustainable Community Strategy scheduled for adoption in Spring 2012, possibly before LAFCo takes action on the Elk Grove SOIA. Yet the DEIR only casually mentions the MTP/SCS on page 3.7-20 and there is no discussion of consistency/conflict potential with that draft plan, which is now available for public review. The DEIR must review the project for consistency with this draft plan.

ECOS Recommended GHG Reduction Mitigation Measures

The GHG reduction mitigation measure should more specifically state the need for consistency with SACOG's Metropolitan Transportation Plan and Sustainable Communities Strategy. Thus, ECOS suggests that the mitigation measure be revised as follows:

MM-GHG-1: Prior to annexation of any or part of the SOIA, the City of Elk Grove shall amend or augment the City's greenhouse gas emissions inventory projections to account for development of the SOIA area. Emission factors used by the City shall be submitted for public review and concurrence to the SMAQMD and the ARB. The City shall assess the potential emission reductions from development of the SOIA area consistent with the City's Sustainability Element, Climate Action Plan; other applicable General Plan policies, and applicable city, county, and/or state programs that reduce GHG's. The City shall demonstrate that development of the SOIA will be consistent with the SACOG MTP/SCS, any future GHG thresholds adopted by the Sacramento Metropolitan Air Quality District, and with SB97, AB32, S-3-05, and SB375 regional emission reduction targets, or other emission reduction targets adopted by the State of California or regional agencies in effect at the time of application for annexation.

Impact on Sacramento County Greenhouse Gas Targets Is Not Provided

LAFCO decision makers and the public need to understand the GHG emissions of not only Elk Grove and the SOIA area, but the County as a whole. The DEIR needs to include a section on the County inventory (and 7 incorporated cities) that was completed in June 2009 and how the SOIA will affect the baselines of the unincorporated County and Elk Grove and of the County's ability as a whole to meet 2020 and subsequent GHG reduction targets. As a minimum, the discussion should include:

Pertinent facts and inferences that County inventory was 13,938,537 metric tons per yr (MT/yr) in 2005; that the County's target for 2020 needs to be approximately 11,847,000 MT/yr (2005 -15%) and by 2050; 2,370,000 MT/yr (2020 – 80%).

Pertinent facts and inferences that if the County's GHG emissions must follow this trajectory, then the 7 incorporated cities must also.

Concerns over how GHG reductions are handled by "growing communities" versus "built-out communities" have been heated over the past 4 years- centering on per capita (or per sp) vs. gross reductions. ECOS believes that since Elk Grove and Sacramento

County are still “growing communities”, it would be reasonable to achieve the LEAST restrictive of the following metrics:

- Gross emissions identified above
- Per service personnel (sp) emissions per significance threshold discussion

The City of Elk Grove with the SOIA area included need to develop an overall strategy to live within the budget of: (1) 842,971 MT/yr identified for Elk Grove in the County inventory (as amended by Table 3.7-4) and (2) the transferred allocation from unincorporated County for the SOIA area.

Flooding Impacts Due to Climate Change Is Not Addressed

DEIR pages 3.7-5 and 3.7-6 discuss sea level rise, sea-level storm surge, rain, and Sierra snowpack. Other references, not found in DEIR, discuss: (1) rapid climate change in which ice shelves in Greenland and Antarctica degrade quickly and cause sea levels to rise faster than predicted and (2) annual rainfall levels per month. All of these items are pertinent to a discussion on flooding.

DEIR section 3.9.2 (page 3.9-7) and to a lesser extent section 6.3.1 discusses flood plains and issues associated with flooding, but ECOS could find no discussion of the following climate change related issues. The questions below should be included in DEIR to better inform decision makers and the public:

- Discuss rapid climate change
- Discuss annual rain fall probabilities
- Provide 100 year flood maps for 2100 if NO upgrades were made to levees or water reservoirs- i.e. NO water infrastructure upgrades except maintenance of existing systems
- Discuss the present value of the cost of the water infrastructure that will be required to address expected climate change impacts.
 - And the per capita cost to Elk Grove residents if these infrastructure upgrade costs are fully recovered

GROWTH INDUCEMENT

Inaccurate Information in Population and Housing Section

The growth inducement impacts of the project are considered in the Population and Housing Section. The section begins with the recitation of basic population data and projections. This section fails to provide accurate and up-to-date projections. Section 3.13.1 includes the statement that Elk Grove will reach a population of 192,889 by 2035 based on SACOG 2008 numbers. These numbers are outdated and inconsistent with the 2035 population projection of 177,500 in the Municipal Service Review prepared by Elk Grove for submittal to LAFCo with their SOI Amendment application (Municipal Service Review, Revised August 18, 2010, Table 3.0-3).

The same section also includes the statement that based on SACOG projections, employment land uses could more than double and housing land uses could almost double by 2035. (3.13-4). This statement is inaccurate and needs to be revised with the most current available data and the supporting data included in the document.

The document also includes the following statement: "In addition, because the project includes more jobs than housing, it would have, by definition, a beneficial effect on the jobs/housing balance and would provide additional opportunities for the City/County to improve jobs to housing ratio (page 3.13-5)." This statement is based on growth assumptions from Fehr and Peers (Table 3.13-2) that are wildly optimistic and not supported by the historic record of job development within the Sacramento Region. The analysis needs to be grounded in some degree of reality and not based on self-serving employment growth data.

Analysis of Growth Inducing Impacts is Inadequate

The DEIR fails to adequately examine the growth inducing impacts of the project. It states that there are no direct growth-inducing impacts associated with the project and that the only indirect growth-inducing impacts are those within the SOIA area itself:

In summary, the proposed project would maintain existing land use designations and zoning and would not result on [sic] the construction of new homes, businesses, roads, or utilities. Therefore, the proposed project would not directly induce substantial population growth and impacts; however, the project may indirectly induce substantial population growth (page 3.13-5)."

This conflicts with the conclusion later on the same page that the "proposed project could lead to eventual development of the area and direct and indirect population growth." The DEIR should be revised to characterize growth within the SOIA Area as direct growth inducement and the potential for growth beyond the project area as indirect growth inducement.

Yet the DEIR does not even consider the more important growth inducing impact beyond the SOIA project area. It is a historically demonstrable fact that new development on the fringe of a metropolitan area generates land speculation, ownership changes and economic circumstances that lead to land use requests to extend development beyond established boundaries. The current application is itself an example of the growth inducing effects of developing to the edge of the current Urban Service Boundary west of Highway 99. Yet incredibly, there is no analysis of the potential for this project to introduce growth on land adjacent and beyond the proposed SOIA boundary--in spite of the fact that Elk Grove City and Sacramento County have drafted a Memorandum of Understanding that specifically proposes an agricultural residential buffer to mitigate for the project's growth inducing impacts. We can find no reference to this MOU anywhere in the DEIR.

Growth Inducement is also a concern on the west side of the SOIA boundary across Interstate 5 at the southwest corner of the interchange of Hood Franklin Road and the freeway. This property is located at the planned western terminus of the Southeast Connector, a major expressway that would link Interstate 5 and Highway 50 between Elk Grove and Rancho Cordova. The interchange would be the first urban interchange entering the Sacramento urban area for northbound traffic on Interstate 5. Although the property at the southwest corner of the interchange is inside the legislative boundary of the Stone Lakes National Wildlife Refuge, it is not subject to conservation easements or other restrictive covenants (unlike the property at the northwest corner, which is publicly owned), and the USFWS exercises no authority over the property. Inclusion of the land on the east side of the freeway within the SOIA for the purpose of urban development, together with the construction of the Southeast Connector will make it particularly attractive for commercial development, and greatly increase the likelihood of requests to Sacramento County for development of travel related commercial uses that would not need public sewer and water connections. The DEIR must discuss this growth inducement potential.

Despite the very limited and incomplete analysis in the DEIR, the document does conclude that “even with mitigation, the proposed project could lead to eventual development of the area and direct and indirect population growth, rendering impacts significant and unavoidable. (page 3.13-5)”

The Recommended Mitigation Measure is Inadequate

The DEIR recommends mitigation measure MM POP-1 to deal with growth-inducing impacts:

“At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the city of Elk Grove will consult with the Sacramento Area Council of Governments (SACOG)s regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan (3.13-6).”

The proposed mitigation is inadequate for two reasons. First it simply requires a consultation, not consistency, with the Regional Blueprint and therefore does nothing to actually mitigate, contrary to the requirement that mitigation be fully enforceable (CEQA Guidelines 15126.4(a)(2). The Mitigation Measure should be revised to be enforceable mitigation as follows:

At the time of submittal of any application to annex territory within the Sphere Influence Amendment (SOIA) Area, the city of Elk Grove shall demonstrate consistency with the Sacramento Area Council of Government’s Metropolitan Transportation Plan and Sustainable Communities Strategy.

Secondly, it does not recognize other potential mitigation measures to reduce the indirect growth inducement impacts of the project. The proposed Memorandum of Understanding between Sacramento County and Elk Grove City suggests one strategy--that growth be mitigated by providing a buffer of agricultural residential land south of Kammerer Road. This is by no means the only potential strategy. The environmental document should consider an environmentally superior mitigation measure that would require that any annexation proposal include provisions for securing the acquisition of development rights for a ½ to 1 mile buffer south of Kammerer Road and for the property at the southwest corner of Hood Franklin Road and Interstate 5. Although ECOS supports the environmentally superior option, the DEIR should identify both these mitigation options and at the very least require that Elk Grove demonstrate compliance with one of them at the time of annexation.

CUMULATIVE IMPACTS

The Cumulative Impacts Analysis is Inadequate and Incomplete

The EG SOIA is a request to annex 7869 acres for future urban development. Development of this land will significantly increase the holding capacity of the region. In addition, most of the acreage (the DEIR never bothers to identify how much) is west of Highway 99 and outside the County USB, meaning that long range plans to provide water, wastewater treatment and other services have not taken into account the potential that this land will become urban and require services. This makes the cumulative impacts of the project particularly important for evaluating and deciding on the merits of the proposed project.

Yet the cumulative impact discussion is overly general, incomplete, and inadequate.

First, the DEIR does not rely on proper basis for selection of a list of cumulative projects. According to the DEIR, “The Proposed project was considered in conjunction with other

proposed and approved projects that concern or involve some level of authority or involvement with LAFCo.” (DEIR, p. 4-1.)

The list of projects relevant for analysis of cumulative projects does not include the Folsom Annexation request. Since this land also is outside of the County Adopted USB and since it will also add to the holding capacity of the region, it must be included in the cumulative analysis of impacts.

The list also does not include the Bay Delta Conservation Plan (BDCP). The BDCP is a major water diversion and conveyance project in the area just west of the SOIA. The BDCP includes construction of 5 new water intakes, a one-mile square forebay, a canal or tunnel with a capacity of 15,000 cubic feet per second, and over one-hundred thousand acres of habitat restoration/creation. This project of an unprecedented scale in the region would cause significant construction and operational impacts, which in combination with the SOIA, would create cumulative impacts ignored by the DEIR.

When revising the list of cumulative projects and the nature of resources being examined, the location of the project and its type should be considered. (CEQA Guidelines 15130(b)(2).)

The analysis of cumulative impacts also makes no attempt to describe or quantify how the identified projects will cumulatively create environmental impacts. Moreover, for several impacts, the analysis simply says that either the SOI project impacts will be less than significant, or with mitigation measures, will be reduced to less than significant. For example, in section 4.2.9 the DEIR states that mitigation will reduce water quality, groundwater, flooding and drainage impacts to less than significant, and that other projects that result in similar impacts would be required to mitigate for their impacts. It therefore concludes that the project would not have “a related cumulative considerable impact.” The same reasoning is applied in section 4.2.7, Greenhouse Gas Emissions, 4.2.11, Mineral Resources and, 4.2.13 Population and Housing. This approach is not acceptable under CEQA, as “the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence.” (CEQA Guidelines 15130(b).)

Comments specific to particular sections of the Cumulative Growth chapter of the DEIR are as follows:

- The cumulative impact on Agricultural Resources (4.2.2) is incomplete. The project mention’s the impact that the Southeast Connector will have on farmland but does not include impacts from other projects in the list, particularly the 20,000 acres of land that will be made available for urban development in the newly adopted Sacramento County General Plan. The DEIR includes no cumulative agricultural land loss data of these projects and the proposed project.
- The cumulative impact on Air Quality (4.2.3) analysis incorrectly assumes that a 35% reduction in precursor emissions associated with an Air Quality Mitigation Plan would mitigate the air quality impacts to less than significant and be consistent with the SMAQMD’s Air Quality Attainment Plan. Likewise, the cumulative impact on Greenhouse Gas Emissions (4.2.7) initially identifies the wrong air basin and then incorrectly concludes that this and other projects would mitigate their impacts to less than cumulatively significant. How can this conclusion be reached?
- The cumulative impact on Biological Resources (4.2.4). The statement that “generally biological resource impacts tend to be localized depending on the species or habitat to

be considered; therefore, a 2-mile buffer around the SOIA Area provides for a conservative evaluation of cumulative impacts” is confusing, unfounded, and untrue. No substantiation is provided for this statement. It is also unclear if a “conservative evaluation” is one that examines a buffer that is minimal or maximal in terms of its relevance to impacts. Either way, the 2 mile buffer in this specific case is arbitrary and inappropriate. The SOIA is in geographic proximity to both the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, and species from both these locations use the SOIA for foraging. Impacts must be considered using the boundaries of these conserved areas as buffers and not an arbitrary mileage.

The comments presented in the Biological Resource section detailed the problems with, and the inadequacy of, the suggested mitigation measures. They did not meet the CEQA standard to achieve a less than significant impact.

Structurally, the treatment of the cumulative impacts here is identical to that of “significant impacts” in the Biological Resources section. As explained in our Biological Resources comments:

There is an implicit argument in this section that actual impacts cannot be determined or analyzed because the land use patterns are as yet undetermined. However, annexation and eventual build out are the inevitable goals of the applicant in this process. The annexation process could proceed in a piece meal fashion. This DEIR is potentially the only opportunity to look at the SOI expansion area in its totality for its impacts on biological resources. This EIR must examine the potential impact on special status species and biological resources as a whole in the context of the entire SOI expansion area being built out. Only this examination can determine the biological viability of this SOI expansion area being developed. What would it mean to special status species if this entire area was lost as habitat? See the greater sandhill crane comments to follow for one example of what this could potentially mean to at least one species. This is another example of a bad faith effort (CEQA 15003(i) and 15151).

- Cumulative impacts need to be examined and analyzed as if the entire SOIA area was going to be developed. This is the intent of the SOIA effort and the inevitable outcome in terms of development. This is potentially the only opportunity to look at the “cumulative impact” on species of the entire SOIA area being developed. The cumulative impacts need to be determined on a species by species basis and using the scenario that all of the SOIA will be lost as viable habitat.
- The cumulative impact on hydrology and water quality (4.2.9) is inadequate in that the analysis does not take into account the cumulative impact of the project on water demand and the ability for water providers—particularly the SCWA—to provide water to the project to meet the cumulative demands of the project. (See also comments in water section.)

With respect to stormwater runoff, the analysis does not identify whether any of the projects under consideration for their cumulative impacts will also impact the drainage systems within the project area.

- The cumulative impact on Population and Housing (4.2.13) reaches a similar conclusion as with the other sections, i.e. “because the proposed project can mitigate all of its population and housing impacts to a level of less than significant, it would not have a related cumulative considerable impact.”

This is an incredibly narrow and inadequate analysis of a critical threshold question related to the approval of the SOIA, specifically, how does the inclusion of the SOIA relate to regional (or at least Countywide) projections of population and job growth, and how does the approval of the SOI for potential urban expansion affect the cumulative holding capacity of the region (or County) to provide for that growth?

The analysis of cumulative impacts on population and housing must look at holding capacity data for unincorporated Sacramento and its cities, as well as the holding capacity of the 20,000 acres included within the scope of the newly adopted Sacramento County General Plan, the proposed Folsom annexation and the Galt SOI. The analysis must compare this holding capacity with projected population for the region (or County) and consider the degree to which cumulatively the proposed project contributes to the over-commitment of undeveloped land to urban uses.

CONCLUSION

In closing, the Environmental Council of Sacramento has significant concerns regarding the adequacy of the DEIR. Numerous impacts were not adequately addressed as required by CEQA. The document is fatally flawed, inadequate and incomplete and must be redrafted and recirculated.

If you wish to discuss any of these issues and concerns, please contact Rob Burness rmburness@comcast.net, Sean Wirth wirthsoscrales@yahoo.com, Keith Roberts keitheroberts@aol.com, or Ron Maertz ronmaertz@sbcglobal.net.

Yours very truly,



Jonathan Ellison, President
Board of Directors

Cc: Mike McKeever, SACOG Executive Director
Lisa Trankley, Deputy Attorney General

Date: March 17, 2016

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



From: Salen Singh
9261 Survey Road
Elk Grove, CA 95624

Subject: Notice of Preparation of a Draft Environmental Impact Report for the
KAMMERER/HWY 99 SPHERE OF INFLUENCE
AMENDMENT_(LAFC 07 - 15) APPLICATION

Dear Mr. Lockhart:

We have lived in Elk Grove for a couple of decades and have witnessed the changes over these decades. We actively participated in the incorporation of the City of Elk Grove. We have supported City of Elk Grove's SPHERE OF INFLUENCE efforts in the past.

We own land APN: 132-0300-024 fronting on the east side of Rau Road. East boundary of our parcels abuts the land included in the above noted SOI Amendment Application. We have talked to most of our neighbors on the east side of Rau Road and a desire to be part of the above noted SOI Amendment Application appears to be a common theme. Our neighboring parcel numbers fronting on east side of Rau Road are: 132-0300-025, 132-0300-050, 132-0300-028, 132-0310-009 and 132-0310-010.

Regardless of whether our land, at this time, is included or not in the present private SOI Amendment Application, we fully support the effort by Martin Feletto and Gerry Kamilos. We wish them nothing but the best.

It is our hope that someday all of the land fronting on the east side of Rau Road will also be incorporated into the City of Elk Grove.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Salen Singh", written over a circular flourish.

Salen Singh

Date: March 17, 2016

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



From: Dr. Verghese Mathew, Dr. Elisabeth Mathew
6633 Palm Drive
Carmichael, CA 95608

Subject: Notice of Preparation of a Draft Environmental Impact Report for the
KAMMERER/HWY 99 SPHERE OF INFLUENCE
AMENDMENT__(LAFC 07 – 15) APPLICATION

Dear Mr. Lockhart:

We have owned land in Elk Grove for a couple of decades and have witnessed the changes over these decades. We actively participated in the incorporation of the City of Elk Grove. We have supported City of Elk Grove's SPHERE OF INFLUENCE efforts in the past.

We own land APN: 132-0310-009 and APN: 132-0310-010 fronting on the east side of Rau Road. East boundary of our parcels abuts the land included in the above noted SOI Amendment Application. We have talked to most of our neighbors on the east side of Rau Road and a desire to be part of the above noted SOI Amendment Application appears to be a common theme. Our neighboring parcel numbers fronting on east side of Rau Road are: 132-0300-024, 132-0300-025, 132-0300-050, 132-0300-028 and 132-0310-024.

Regardless of whether our land, at this time, is included or not in the present private SOI Amendment Application, we fully support the effort by Martin Feletto and Gerry Kamilos. We wish them nothing but the best.

It is our hope that someday all of the land fronting on the east side of Rau Road will also be incorporated into the City of Elk Grove.

Thank you.

Sincerely,

Dr. Verghese Mathew, Dr. Elisabeth Mathew

Testimony of Michael Monasky
Before the Sacramento Local Agency Formation Commission
April 6, 2016



Re: Item 9; EIR/Notice Of Preparation, Kammerer Road Sphere Of Influence Application

At the recent Sacramento LAFCo workshop, I asked Commission staff to more completely and properly describe this application and the effect of integrating it with the city's soccer facility SOI request, as well as the city's General Plan Update schema to eventually and ultimately absorb four additional "study areas" into its urban boundaries. To date there is no clear explanation of how and why these three projects are fractionated. I can only explain this disjointed approach to land planning as a Caesarian attempt to divide and conquer Mother Nature.

It is hypocritical for the Sacramento Local Agency Formation Commission in this notice to argue against study of certain environmental elements in boundary expansion proposals by the City of Elk Grove and landowners outside the city limits. It's time for LAFCo to put on its critical-thinking cap and get to work in response to this and other, recent applications by land speculators.

The Commission claims there are no changes to land uses proposed as part of this Sphere of Influence Amendment application. Yet the applicant has a pipe-dream: that the project site could accommodate development that could provide 18,000 to 20,000 jobs in office, industrial, and commercial settings near the Grant Line Road/SR 99 interchange and along the Kammerer Road (future Capital Southeast Connector) corridor; that the project site could accommodate a total of 4,000 to 5,000 dwelling units [Land Use Scenario].

The application is for areas where services might be expected in the next 20 years, yet the city has vacant, undeveloped land within its boundaries, and many shuttered businesses. Despite the fact that the proposed project does not include an annexation request, the city's very next step will be to begin building homes. The Commission has erroneously declared that there will not be any change to the land use or taxation jurisdiction in the event of the approval of the proposed SOI Amendment [Project Background].

The Commission has erroneously declared that the project could result in indirect effects associated with probable future urbanization of the area; the effects would be direct and immediately follow home building activities [Potential Environmental Effects].

Although the EIR will evaluate the potential of the proposed SOI Amendment Area to support special-status plants, animals, and habitats considered sensitive, rare, threatened, or endangered, the most endangered species of all, *homo sapiens*, will not be included in the Commission's reports [Biological Resources].

It is patently absurd that the Commission has already decided that the EIR will not include a water supply assessment, since, it argues, no specific land use change is proposed [Utilities].

This Notice Of Preparation does not consider the health and well-being of human beings. Humans are endangered by our own activities, including the obliteration of farm lands, species-extinction, air/soil/water pollution, elimination of green space buffers and wildlife corridors. The NOP/EIR does not but should include a Health Impact Analysis.

The Commission errs in declaring that there is no land use plan, thus the EIR will not analyze

any impacts associated with the location of any particular buildings or uses in any particular location, as it has said most of the development will occur along the Capital Connector corridor [re: hazards and hazardous materials].

The same can be said about hydrology and water quality effects, as the anticipated development area is already described in the NOP document. Furthermore, the Commission has prematurely decided that it will not perform even the most minimal of studies on hydrology and water quality, depending instead upon existing drainage and water quality conditions of the SOI Amendment Area based on existing information and studies.

But where will the project obtain water for 18,000-20,000 employees, and 4,000-5,000 homes?

The Commission appears to be purposefully unclear when it states that, since the project does not include any land use plan, the analysis of policy consistency will necessarily be conceptual, but will be based upon probable land use scenarios [re: land use].

And, despite the large number of proposed employees and homes for this project, the Commission is being completely irresponsible when it declares that, since there is no land use plan, it is not possible to estimate traffic generated within the proposed SOI Amendment Area along any particular transportation facility [Transportation/Traffic].

In addition to the No Project Alternative, and because the city of Elk Grove has proven itself regionally uncooperative in abandoning its participation in the South County Habitat Conservation Plan, the NOP/EIR should study a consideration of this and the other "study areas" in development for wildlife and farmland buffers dedicated to such uses in perpetuity. Such development should include but not be limited to commercial farming, eco-tourism, wildlife research, recreation, establishment of refuges, and agricultural education programs. An economic study describing and investigating the viability of such development endeavors, including Regional Conservation Partnerships, should be included in the EIR.

Finally, I recommend that the Commission review biologist E. O. Wilson's remarks about "Half Earth," where he proposes setting aside entire swaths of land, as contiguous preserves on half of all our lands, that allow wildlife to prevail. Wilson also includes a total ban on fishing. This is necessary not just to save life on Earth, but to save mankind himself.

"What you can do, though, conservationists say, is ensure biodiversity on private property by paying landowners to protect present and future forests; in technical terms this is known as a "conservation easement." Approaching thousands of individual landowners about this, one at a time, could defend and define natural corridors so they remain seamless for animals and plants, setting up formal connections between parcels that previously were in a legal sense merely adjacent. Money is an obstacle—though easements cost less than outright land purchases—and another is finding the people to do the paperwork, which traditionally has been handled by small local groups called land trusts; they're now amalgamating themselves into larger associations called RCPs, regional conservation partnerships, so as to take on bigger projects."

<http://www.smithsonianmag.com/science-nature/can-world-really-set-aside-half-planet-wildlife-180952379/?all>



Paul Lindsay

916-685-8071 lindsay@elkgrove.net 8909 Castle Park Dr, Elk Grove, Ca 95624



April 3, 2016

Sacramento Local Agency Formation Commission
Attn: Mr. Don Lockhart, Assistant Executive Officer, AICP
1112 I Street, Suite 100
Sacramento, Ca 95814-2836

Dear Mr. Lockhart:

I would first like to thank you, Mr. Brundage and the Sacramento LAFCO for holding a scoping session for Kämmerer Road/Highway 99 Sphere of Influence Amendment EIR (LAFC#07-15) in Elk Grove on March 22, 2016. It is always appreciated when a Public Agency and its representatives make an effort to reach out to the local communities they serve.

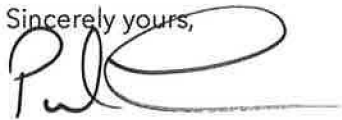
I would like to make the following comments about what should be included in the preparation of the EIR:

- 1) The existing private applicant request for an SOI change should be looked at in context. This application does not exist in a vacuum. The City of Elk Grove is currently reviewing its General Plan and in the discussion to date, it is clear that the City intends to submit piece-meal applications for SOI decisions that basically include the entirety of its previously withdrawn 2013 application. In its staff report, for a Special Joint Meeting of the City Council and Planning Commission, held February 25, 2016, there is a clear indication that the City will continue its efforts to place four areas for consideration (labeled Study Areas 1-4 (pp. 9-11)), for future growth. Further, public workshops held on the General Plan also indicated that the city's intent is to grow beyond its current southern boundaries. **The EIR for this application must look at the city's expressed desires to include this and the other areas designated as Study areas for all potential impacts** in all the listed areas: Aesthetics, Agriculture, Air Quality, Biological Resources, Cultural Resources, Geology and Soils, Minerals, and Paleontological Resources, Greenhouse Gas Emissions, Hazards and Hazardous Materials, Hydrology and water Quality, Land Use and Planning, Noise, Population, Employment, Housing, and Environmental Justice, Public Services and Recreation, Transportation/Traffic, and Utilities and Service System

- 2) The Sacramento LAFCO memo dated March 7, 2016 titled Notice of Preparation of a Draft Environmental Impact Report and Notice of Public Scoping Meeting for the Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment (LAFC#07-15) contradicts itself on numerous occasions. For instance the sections on Aesthetics, Air Quality, and Energy, all indicate some review of effects of the potential development of the SOI area. Remarkably, the Memo takes the opposite approach to the availability of Water, stating that **"the EIR will not include a water supply assessment, since no specific land use change is proposed"** (p. 9, under the heading "Utilities and Service Systems"). It can be reasonably argued that the applicant has plans to develop this area. In fact, in private conversations, the applicant has stated his desire to mirror the proposed development in the City's South East Planning Area (SEPA), to the North of Kammerer Road. The EIR for this application must be rigorous and detailed about potential water impacts for any and all new SOI applications, as well, as the likelihood of development is inherent in any SOI application. Similarly, in the Transportation/Traffic section (again on page 9), the Memo makes the statement that "As there is no land use plan, it is not possible to estimate traffic generated within the proposed SOI Amendment Area along any particular transportation facility." Again, context is lacking. The EIR must take into consideration the proposed use of Kammerer as a backbone in the I-5 to US 50 connector and to take into consideration the applicant's expressed desire to develop the SOI area to mirror SEPA plans directly to the North.

To fully achieve the mandate of the EIR to address the direct, indirect, and cumulative effects of the application, as stated in the memo dated March 7, 2016, I would urge that the Draft EIR fully consider the context in which this application appears, as mentioned above, and that a full and rigorous review of the potential effects of a developed area be considered, especially with the vital aspects of Water Availability and Transportation/Traffic concerns

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Paul Lindsay', with a long horizontal flourish extending to the right.

Paul Lindsay



"A BETTER ELK GROVE IS WITHIN OUR GRASP"

ELK GROVE GRASP

April 4, 2016

Mr. Don Lockhart, Assistant Executive Director, AICP
Sacramento Local Agency Formation Commission
1112 I St, Suite 100
Sacramento, Ca 95814-2836

Dear Mr. Lockhart:

We are writing to respond with comments regarding the scope of the EIR for Kammerer Road/Highway 99 Sphere of Influence Amendment EIR (LAFC#07-15).

First, we believe that this request and the EIR prepared for it must look at the broader context of developments in Elk Grove. While this is a private application for a SOI change, a broader review of current Elk Grove City actions indicate that it is only one piece in a series of Study Areas that the City contemplates developing in future SOI applications. The City is in the process of revising its General Plan and includes 4 separate Study Areas that mirror the failed attempt in 2013 to establish an SOI for approximately 8000 acres on its southern border. In a sense, we consider the current application to be a stalking horse for a greater action by the City of Elk Grove.

The memo prepared for the Scoping Session held in Elk Grove was contradictory on its face and failed to address larger issues that must be considered. In some sections, development was assumed and the EIR was "scoped" to include this development. In other sections, development was not assumed and the EIR was not "scoped" to include development. Two such items were Water availability and Transportation/Traffic considerations.

It is almost self evident, especially given a private application for a SOI change, that the applicant's intent is to develop the land. In these last several years, the state has suffered severe drought conditions and every community has had drastic water reduction mandates. Given this reality, it

is imperative that the EIR discuss the critically important issue of water availability using a model that assumes full development. The statement in LAFCO's Scoping Session memo, dated 3/7/2016, that the "EIR will not include a water supply assessment, since no specific land use change is proposed...." can only be seen as a fatal flaw in the manner and ultimate usefulness of the application's EIR. We urge that the Scoping for the EIR be consistent and consider full development of the land in question for all listed aspects of review.

Similarly, we feel that the Transportation/Traffic scoping direction, as shown in the Scoping Memo, cited above, does not fully address issues that are of vital importance and must be discussed to make this EIR and adequate planning and discussion document.

As reported in the 2015 National Citizen survey 65% of Elk Grove resident's main mode of transportation is the automobile. Elk Grove's General Plan allows for LOS D as acceptable through overriding considerations.

Elk Grove's public transportation system (E-Tran) has found it necessary to cut back on services and eliminate some routes in an effort to reduce the deficit and balance the budget. The commuter buses have demonstrated the highest ridership with less than half rating the system favorably.

On numerous occasions, including a quote from the city's public works director on October 9, 2013 the city lacks the financial capacity to maintain its existing roadways and is experiencing an 8 million dollar deficit each year.

According to the applicant's project description, as quoted in the July 31, 2015 Sacramento Business Journal, he intends to urbanize the proposed SOI area with homes and retail. The residential portion would have about 5,000 housing units, while the commercial would generate 20,000 jobs.

Recognizing the mobility habits of the majority of Elk Grove residents and the budget constraints of the E-Tran service it is not realistic to assume that transit can serve as a mitigation.

In addition, any discussion that does not consider the proposed usage of the Corridor (i.e., Kammerer Road) as the potential I-5 to US 50

connector does not take a full and complete look at the effects that this SOI change can bring to the City of Elk Grove.

The EIR should classify the proposed SOI expansion as having an unavoidable significant impact on the city's fiscal ability to provide and maintain urban roadways in the project area.

Thank you for the opportunity to submit comments.

Sincerely yours,

Lynn Wheat, Allenya Kirby for Grasp

Lockhart. Don

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APR 11 2016

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Subject:

FW: Public comments on NOP for KammererRoad/Hwy 99 SOIAA EIR

From: Suzanne [mailto:slpecci@aol.com]

Sent: Friday, April 08, 2016 6:17 PM

To: Lockhart. Don

Subject: Public comments on NOP for KammererRoad/Hwy 99 SOIAA EIR

LATE
2

7. Municipal Services C Annexation Plan

The applicant indicated "None" both as current and proposed agent for water service when in fact this proposed project is in Sacramento County Water Agency SCWA Zone 40 . It should also have been disclosed that the application area is also within the 2030 Water Study Area. The current water agency for this project is SCWA. The answer of "none" in my opinion is misleading although there is no public water service to the proposed application area at this time, the domestic and agricultural wells that exist in the area at this time fall under SCWA's regulatory authority to charge fees, tax and fine.

Furthermore A Letter of Agreement from SCWA in my opinion should be filed in order to reflect that the proposed water agency will be served by SCWA. This omission on the part of the applicant is more than misleading as is It should be noted that a Bruce Kamilos is on the Advisory Committee of Florin Resources Research and Conservation District /Elk Grove Water District and was appointed 8-27-10 by Resolution of the Elk Grove City to SCWA and. The Elk Grove Water District who is also a member of SCWA. In my conversation with Mark Madison Manager of the Elk Grove Water District in January of this year, he stated that the city planned to remain in SCWA did not have plans to form a separate local water agency.

Note that one of the applicants for this project is Gerry Kamilos Companies LLC. I feel the relationship between the two Kamilos' should be a matter of inquiry by LAFCo to dispel any appearance of a conflict of interest in this application regarding water service and written clarified be provided by LAFCo as a matter of public document.

The Groundwater Sustainability Management Act (SGMA) became law in 2014. This act, as you may know, places the regulatory authority for water management under local agencies called Groundwater Sustainability Agencies GSAs which can be any local agency with responsibility for water supply, for water management or land use authority . In March 2016 two water districts in Sacramento County with prior affiliation with SCWA , Omochumne-Hartnell Water District OHWD and Sloughhouse Resources Conservation District filed water basin boundary modification requests with Dept. of Water Resources for their review and approval, as well as filing resolutions by their boards to become local GSAs. Note that Portions of OMHD lie within SCWA Zone 40, 2030 water study area. The deadline for boundary modifications and formation of GSAs has passed. By 2017 all water districts must be under a GSA, Elk Grove will be under the SCWA who will be the GSA by default and any land annexed to Elk Grove will be under SCWA as well.

The effect of this boundary change on local sustainable water management in adjacent water basins is not known at this time. It will cause, however, SCWA to be split and require modification to existing groundwater management plans water balance. The boundary change on existing state programs will require existing groundwater management plans be modified . SGMA will establish local groundwater sustainability agencies and basin-wide sustainability plans.

Groundwater Sustainability Plans for all high and medium priority basins are required to have a Plan or alternative management in place by 2020 or 2022, which applies to SCWA and OHWD and SRCD and all must coordinate plans for sustainable water management . It is the objective that the management and use of groundwater be done in a sustainable manner during the planning and implementation phase without causing undesirable results, such as significant and unreasonable depletion over the planning and implementation phase which applies to water allocation for the proposed application.

The EIR and the MSRP for this proposed application must be in compliance to the Sustainable Groundwater Management Act of 2014 and the Regulations due to be adopted June 2016 with regard to new development and sustainable groundwater allocation. Any approved boundary modifications and formation of local GSAs by OHWD and SRCD and it's affect on SCWA as a water source must be evidenced by modified plans and supporting hydrology.

RECEIVED
Thank you

Suzanne Pecci
10212 Equestrian Drive
Elk Grove, Ca 95624

PAID
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LAW OFFICES OF
JOHN R. FLETCHER
28925 PACIFIC COAST HIGHWAY
SUITE 210
MALIBU, CALIFORNIA 90265
TELEPHONE (310) 457-4100
FAX (310) 457-4000



Sender's E-Mail:
jfletcher@fwalaw.com

April 2, 2016

VIA FACSIMILE AND EXPRESS MAIL

Don.Lockhart@saclafco.org

Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836
Attn: Mr. Don Lockhart, AICP, Assistant Executive Officer

Re: Suburban Propane's Opposition to the Proposed Kammerer/Highway 99 Sphere of Influence Amendment.

Suburban Propane submits the following written response to the Notice of Preparation of a Draft Environmental Impact Report for the proposed Kammerer/Highway 99 Sphere of Influence Amendment.

The subject proposal is one of two significant proposed amendments to land use policy surrounding the Suburban Propane, Elk Grove Propane Storage Facility. The other significant proposed amendment is the proposed Sports Complex on Grantline Road, to the south and east of Suburban Propane. Suburban Propane prepared and submitted a comprehensive response to the Sports Complex proposal on March 3, 2016. One month later, the community of Elk Grove, and Suburban Propane, are facing another significant proposal which will result in changes to the community and environment which cannot be underestimated. The Environmental Impact Reports, and the two projects, should be reviewed together as the two proposals have significantly greater cumulative impact to the environment and the community, than they would, if considered separately.

History of Suburban Propane's Elk Grove Storage Facility

Suburban Propane, Elk Grove, is a refrigerated propane storage facility which stores approximately 24,000,000 gallons of propane. Propane is transported to the facility via truck and rail with a predominate percentage of product arriving and departing the facility via truck transport. As many as 55 trucks and up to eight railcars will come into the plant during the day within a 24-hour period.

The property for the facility was selected in 1969 and propane was first stored on site in 1971. The facility has operated on an around-the-clock, 365 days per year basis since that time. The facility ships propane to other states and on occasion to Canada and Mexico. A significant percentage of the total propane sold in the State of California comes through, and is stored at the Suburban Propane facility.

The Suburban Propane site was selected for its convenient access to a major rail route, easy access to both I-5 and SR-99 as well as a number of east/west highways. The zoning has always been heavy industrial, (M-2) and Suburban Propane has historically been surrounded by a number of large heavy industries, including Georgia Pacific, Willamette Industries, Paramount Petroleum, The Henry Company and Concrete, Inc. Heavy industry has grown significantly around Suburban Propane over the past 30 years. This growth has been propelled by easy rail and highway access and zoning compatible with heavy industry.

During that same time, there has been tremendous residential growth in and around the City of Elk Grove. Zoning in areas around the plant have been changed, most recently in 2006. Those changes allowed for denser development and residential development into what was once considered to be a one mile protected zone around Suburban.

In Suburban's 46 years of plant operation there has never been an accident on site. Suburban utilizes state of the art security at its facility in recognition of the fact that not all potential dangers at the plant come from within the facility. In 1999 Suburban became the target of two unsophisticated terrorists, who have since been convicted of felonies including intent to use a weapon of mass destruction at the facility. While no events occurred at the plant related to terrorism, the incident sparked a further investigation into the potential of off-site consequences from an accident at Suburban Propane.

It is difficult to understand, 16 years later, that the mood in the community was charged and volatile and public officials and Suburban were held accountable by the community with respect to allowing potentially inappropriate development in close proximity to the facility. Ironically, the proposed amendment to the Sphere of Influence will allow the development of up to 5,000 dwelling units and allegedly put 20,000 new employees in close proximity to the Suburban facility. This is by far the largest proposed development in close proximity to Suburban Propane in the history of the propane storage facility and in the short history of the City of Elk Grove. While the mood in the community may have changed and City officials have changed and/or forgotten, the risks have not changed and City leaders must take into consideration the proximity of 24 million gallons of propane to 5,000 residential units and 20,000 new employees on the proposed site.

While the economy languished from 2007 until very recently, there was little economic incentive and, therefore, very little pressure to develop the agricultural areas around Suburban Propane. With an recovering economy, developers, and others, see opportunity for growth and profit.

There is an obvious pattern to develop the open space areas in and around the southern section of Elk Grove on both the east and west sides of Highway 99, essentially the open space buffer zone around Suburban Propane's storage facility.

Suburban Propane has consistently objected to changes in zoning around its facility which seek to modify the zoning of the surrounding area from agricultural, open space, heavy industry and light industry, to residential or to any other zoning designation which reduces the buffer area around the plant and which foreseeably will bring large numbers of people into close proximity to the propane storage facility. The subject proposal envisions up to 5,000 residential units and the allure of up to 20,000 jobs in the area. If we assume an average household of 3 persons per unit, there will be 15,000 residents in the area at night and up to 20,000 persons working in the area during the day. These figures are significant and represent a population density exposed to risk that cannot be mitigated in the event of a catastrophic event at the propane storage facility.

Proposed Development and the Applicants

The applicants seeking the Amendment to the Sphere of Influence are the Kamilos Companies, LLC and Feletto Development Company. Mr. Martin Feletto is an attorney/developer and the Kamilos Companies website was not up at the time of this writing. Feletto is a small development company. It appears that Kamilos is also small. However, the scope of the proposed development is impressively large. The developers are asking for modifications to land use policy which will change the southern boundary of Elk Grove to such an extent that the area will be unrecognizable. Do not expect the developers to protect the citizens of Elk Grove. Their motivation is, understandably, profit. They are "for profit" companies and their interests are not the same as the interests of the persons who will eventually populate the development. The allure of the development to the City of Elk Grove is the promise of 20,000 jobs and an increased tax base from 5,000 new residential units.

The problem is that the area of the proposed development is too close to the heavy industry of Elk Grove, and specifically, too close to 24,000,000 gallons of refrigerated propane storage.

For years, the Fire Chiefs of Elk Grove voiced their strong opposition to any residential or dense development within one mile of Suburban Propane. Following the failed criminal attempt at Suburban's Elk Grove facility, existing fire chief Meaker reduced the radius around the facility from one mile to ½ mile. However, Meaker, and his successors, continued to advise against dense development within a mile of the facility. The County of Sacramento, the lead agency on all projects submitted for review prior to July 2000, rarely followed the advice of "staff" or the leaders of fire and police services and allowed such development to occur within the one mile radius. In our opinion, a bad precedent was established by allowing dense development and residential development (i.e. Hampton Village) and Triangle Point within that "protected" one-mile radius around the Suburban Propane facility.

Land Use Issues

The Sacramento Local Agency Formation Commission, and by proxy, the City of Elk Grove, have the opportunity to enforce well reasoned land use principles and protect the community within close proximity of the Suburban Propane facility and other heavy industry. The vision and the scope of the proposed project are fantastic for a different location. For the proposed location, the proposed development is a mistake.

Unfortunately, the CEQA analysis can be narrowed to the extent that one can argue that there is no requirement for the analysis to include a review of threat to the development from outside the development itself, such as a threat from Suburban Propane. It is the view of Suburban Propane that a meaningful CEQA analysis requires, at the least, under the heading of Hazards and Hazardous Materials, an analysis of the effect that a catastrophe at Suburban Propane will have on the proposed development.

There is already a large body of experts who have analyzed the consequences of a catastrophic event at Suburban Propane's storage facility. While all are in agreement that the "risk" of such an event is extremely low from an accident, the greater concern should focus on an intentional incident at the plant.

Past Expert Analysis

There have been numerous attempts to develop land, specifically Lent Ranch, immediately adjacent to this proposed project,. The failure to develop Lent Ranch as originally proposed seems to have been influenced more by a poor economy than any analysis provided by the experts who studied and provided their opinions regarding the exposure to the Lent Ranch site from a catastrophic event at Suburban Propane.

Numerous reports were prepared by experts, some of whom were neutral in their analysis, while others were retained by the developer. For the proposed Lent Ranch Mall, it appeared that the City of Elk Grove was influenced by a single report with respect to "Major Hazardous Material Handling Facilities in the Planning Area." The report in question was the "Review of Suburban Propane Hazards Analysis Studies and Evaluation of Accident Probabilities" by Quest Consultants (May 2003). Quest Consultants were initially retained by Lent Ranch for the purpose of documenting that the outdoor mall could be built in close proximity to Suburban Propane and Georgia Pacific. In August of 2000 Quest Consultants reported that the mall was outside the zone of potential hazards from a worst case scenario at the Suburban Propane and Georgia Pacific facilities.

Despite the fact that Quest Consultants were retained directly by a developer whose sole interest was in ensuring that the development proceed, the City of Elk Grove unilaterally rejected the

reports of all other consultants, including the report prepared by the Joint Task Force, paid for by the County of Sacramento, in an effort to support its Draft EIR on the General Plan.

The City of Elk Grove in the Draft General Plan stated in conclusory fashion at page 4.4-28 that:

“Based on technical review of these reports Quest determined that the results of the Dames and Moore reports do not appear to be accurate as it is not consistent with technical studies and large-scale experimental data associated with propane releases. Thus, the conclusions of the Dames and Moore reports regarding these events are not considered appropriate for determination of offsite hazards.”

The fact that the City of Elk Grove relied solely on a consulting firm that was found by and eventually retained by the developer of the largest development of real property in the City of Elk Grove should have been cause for concern. What is even more disturbing was that the City did not consider any information, expert reports, studies or agency findings that were contrary to the findings of the Quest Consultants report.

With respect to the then proposed Lent Ranch Mall it was a concern to Suburban Propane that all other consultants were summarily dismissed by Quest Consultants and therefore by the City of Elk Grove. Other consultants, Jukes and Dunbar, retained by the County, John Jacobus retained by Suburban Propane, Dr. Koopman retained by the FBI, did not agree with the findings of Quest Consultants. However, their findings were mentioned only in passing in the Draft General Plan and clearly there was no consideration given to those experts in the Draft General Plan. The fact that experts retained by the County of Sacramento, in 2000 and 2003 felt that the proposed Lent Ranch Mall was ill advised, should be important here. The Sphere of Influence Amendment has as its subject land that is adjacent to the proposed site of the Lent Ranch Mall.

Two reports, Jukes and Dunbar (1999) and Dr. John Jacobus (1999) comprehensively analyzed potential accident scenarios. Both reports concluded that the area of the proposed mall, 3,500 feet from the Suburban Plant and even closer to the now defunct Georgia Pacific Plant, would be adversely impacted by an accident at the either facility. There was no competent data that suggested otherwise.

Studies Regarding Off-Site Consequences from an Incident at Suburban Propane

There have been a number of studies performed related to accident potentials at Suburban Propane. The County of Sacramento commissioned the first study. The County hired the engineering firm of Dames & Moore in 1992 to study accident consequences relating to an incident at Suburban Propane. That report concluded that the hazards associated with an

unconfined vapor cloud explosion and boiling liquid expanding vapor explosions presented the greatest risk to any potential off-site population within a 1.24 mile radius of the facility. The proposed Sports Complex is considerably closer.

The Lent Ranch developers then hired Dames & Moore to again evaluate the hazards presented by an accident at Suburban Propane. Based on new data relating to the explosive yield of propane, Dames & Moore concluded that the hazards from an unconfined vapor cloud explosion presented a risk to an off-site population only to approximately 2,000 feet away. This report, commissioned by the developers of Lent Ranch Marketplace, made a finding which would not preclude development of the mall based on safety criteria.

Suburban Propane hired a well-respected propane expert, Dr. John Jacobus to study the consequences of worst case scenarios from an accident at Suburban. The county of Sacramento hired two experts, Jan Dunbar and Wally Jukes to study worst case scenarios at the plant. Independently, the three experts concluded that a worst case accident would have off site consequences up to a mile from the plant. While it can be argued that Dr. Jacobus is not objective because of the fact that his work was paid for by Suburban Propane, the same cannot be said of Jukes and Dunbar. The County, not a developer or an interested party in the outcome of the findings, paid for their work. Jukes, Dunbar and Jacobus all concluded that worst case accident scenarios were sufficiently severe to call for a moratorium on all residential building and dense development within one mile of Suburban Propane.

- 1992 Dames & Moore report Paid for by County of Sacramento
Finding: Significant off-site consequences up to 1.24 miles
- 1998 Dames & Moore report Paid for by Lent Ranch Developers
Finding: No significant off-site consequences beyond 2,000 feet.
- 1999 Jacobus report Paid for by Suburban Propane
Finding: Significant off-site consequences up to 1 mile
- 1999 Jukes and Dunbar report Paid for by County of Sacramento
Finding: Significant off-site consequences up to 1 mile

In response to the two reports generated in 1999, the developers of Lent Ranch Marketplace hired the firm of Quest Consulting. Quest was retained to once again examine the consequences of off-site hazards from an accident at Suburban Propane. The City of Elk Grove then hired the Quest firm as its consultant on the Lent Ranch project.

Importantly, the fact that the City of Elk Grove hired Quest presented the appearance of impropriety and appeared to Suburban Propane to be a clear conflict of interest. The City

Council owes a fiduciary duty to its constituents. The City hired the developer's expert in what appeared to Suburban to be a clear breach of the fiduciary duty it owed to the public. That action called into question the motives and objectivity of that City Council. While there may not be any collusion present, the appearance of the impropriety existed and was not addressed.

How could the City independently evaluate this serious issue if it retained the developer's expert? With respect to Lent Ranch the City Council should have turned to the two individuals, Dunbar and Jukes, who were not tainted by affiliation to any interested party and were not tainted by bias or motive. They provided a truly objective analysis of off-site consequences. That report, prepared in anticipation of hearings on the Lent Ranch project, is equally applicable and useful to a consideration of the proposed amendment. I will reiterate, because of its importance, that experts retained by the County of Sacramento opined that there should be a moratorium on all residential development within one mile of the Suburban Propane facility.

The County of Sacramento, through the Sacramento Local Agency Formation Commission, will hopefully be more objective and exacting in its review of this proposed Amendment than was the City of Elk Grove when reviewing the Lent Ranch Mall. The evidence should compel an objective fact finder to the conclusion that it does not constitute prudent land management policy to allow the development of 5,000 residential units, which will place 15,000 residents and an additional 20,000 workers in close proximity to the propane facility.

Based on all of these factors, Suburban respectfully requests that the proposed amendment be rejected and that the record reflect that competent experts previously retained by the County of Sacramento concluded over 10 years ago that it is ill advised to allow any development which bring dense populations within 1 mile of Suburban's facility. The findings of those experts are equally applicable in this instance.

Prior Oppositions by Suburban, Applicable Here

Suburban Propane opposed the 2006 Waterman Park project which was the predecessor to the proposed Triangle Point 75 Project. Additionally, in 2006 Suburban Propane opposed the amendment to the General Plan and Specific Plan which allowed for the potential development of the Triangle Point 75 acre parcel with residential and high density residential components. Because of the close proximity of those proposed developments to Suburban Propane, the density of the proposed housing, as well as the health and safety issues such downwind proximity created, Suburban unequivocally opposed the residential and senior citizen components of the project.

Those oppositions should be read in their entirety by this agency to give context to the current opposition to the proposed Amendment. The arguments made by Suburban and by highly qualified and independent experts, including those retained by the County of Sacramento are equally valid today in opposition to the current project and are not repeated in this opposition.

As stated above, the subject amendment should be reviewed in tandem with the proposed Sports Complex project as the cumulative impact is much greater than impacts from one project. The impacts of the projects will be cumulative, the analysis of the projects should be cumulative as well.

The risk analysis that was relied upon by the representatives of the City of Elk Grove in 2006 to amend the general and special plans and to approve the Waterman Park Project failed to take into account the possibility of intentional acts by criminal elements which have as their goal the creation of a catastrophic event at the Suburban Propane facility. Unfortunately, the fact of intentional acts have only become more apparent since that time. From the standpoint of an industrial accident, this plant is unparalleled in safety mechanisms and redundancies which lower risks from accidents to that of statistical insignificance. However, neither Suburban Propane, nor any other governmental agency including the Sacramento County Sheriff's Department, the Elk Grove Fire Department, the Elk Grove Police Department, the Federal Bureau of Investigation, the EPA and the Department of Homeland Security can guarantee that there will never be an intentional act which impacts the facility. These agencies, excluding DHS, were involved with the Suburban Propane facility beginning in 1999 following the attempted threat against the facility. With the passage of the Homeland Security Act by Congress in November 2002, the Department of Homeland Security formally came into being as a stand-alone, Cabinet-level department to further coordinate and unify national homeland security efforts, opening its doors on March 1, 2003. The involvement of DHS with Suburban Propane's facility began immediately upon its creation. All agencies have given Suburban Propane high marks for its safety and security.

While Suburban Propane is committed to safety, it recognizes that certain developments in close proximity to its facility are incompatible. With respect to Triangle 75, that proposal to place senior citizens who were not fully ambulatory, and who may not have strong cognitive skills immediately adjacent to the Suburban Propane facility was not in best interests of those potential residents or in the best interests of the community. With respect to the Sports Complex, having a youth soccer tournament with over 250 teams in attendance, practically across the street from Suburban is inappropriate. Having the County Fair at that location seems unimaginable because of the risk involved. With respect to the proposed Amendment, building 5,000 residential units on the site is equally ill-advised.

Every fire chief has advised against projects which site residential housing within ½ mile of Suburban Propane. County retained experts advised against building residential units within in one mile of the Suburban facility This amendment which will allow a project which places thousands of residents and thousands of employees within a mile of the facility should be rejected. The community of Elk Grove again faces a situation in which it must seek guidance and protection by its elected officials. County retained experts spoke out against a proposed project immediately adjacent to the proposed project. Those experts would not approve the location of this project.

It is the position of Suburban Propane that allowing the Amendment to proceed, which will result in the significant and dense development of the property, invites an unnecessary risk because of its close proximity to the Suburban Propane facility. Any discussion of this project must focus on safety for members of this community and appropriate land use decisions that foster compatible uses. Consideration must be made of Suburban's location to the proposed property.

Closing

Suburban Propane has been responsible and consistent in its opposition to those projects which present obvious incompatibilities. This is a project which is incompatible with the 24 million gallon storage facility.

Whether outside threats to the plant are greater today than they were a decade ago is impossible to know with certainty. As a society we are certainly more aware today of continued threats to citizens and institutions from persons who wish to harm us. Today's knowledge of such acts and events almost makes us feel like we were naive in 1999 and 2001. The Sacramento Local Agency Formation Committee must seriously consider the inappropriateness of placing thousands of residents in close proximity to a facility which has the potential for significant off site consequences in the event of an untoward act.

As before, Suburban Propane respectfully urges decision makers to reject this project as proposed. What is needed is for leaders to recognize the land use incompatibility in placing thousands of residents and workers on Suburban's doorstep.

Suburban Propane has maintained an exemplary safety record at its Elk Grove facility. However, to ignore the fact that there are 24 million gallons of refrigerated propane stored nearby is not in the public interest..

Very truly yours,

LAW OFFICE OF JOHN R. FLETCHER

John R. Fletcher

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April 7, 2016

Mr. Peter Brundage
Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814



Re: Kammerer Road/Highway 99 Sphere of Influence Amendment –
Comments on Notice of Preparation – Mahon and Kautz

Dear Mr. Brundage:

This office represents Dale and Pat Mahon and the Kautz Family (Mahon and Kautz), owners of property south of Grant Line Road, on the east side of State Highway 99. The Mahon property consists of APNs 134-120-014 and -019, while the Kautz property consists of APNs 134-120-002, and 134-130-010, -011 and -017. On behalf of our clients, we appreciate the opportunity to review the Notice of Preparation for the Environmental Impact Report (EIR) for the proposed Kammerer Road/Highway 99 Sphere of Influence (SOI) Amendment.

The proposed SOI Amendment would facilitate a land use scenario for the approximately 1,156-acre project area that would include a mix of office, industrial, commercial and residential uses on land currently devoted to agricultural use. As such, the proposed SOI Amendment and the development that will follow are major components of future growth south of the existing Elk Grove city limit.

The development anticipated under the SOI Amendment is not proposed and would not be built out in isolation from other development initiatives in the immediate vicinity. On July 29, 2015 the property owners within the South of Grant Line (SoGL) Visioning Area submitted a request to the County of Sacramento, to define future land use and planning efforts within a 701.5-acre area south of Grant Line Road and east of State Highway 99. Our clients are among the property owners within the SoGL Visioning Area. The purpose of the SoGL visioning effort is to permanently define the relationship of urban uses within the County's Urban Services Boundary (USB) with adjacent agriculture and open space uses, which include the City of Elk Grove's proposed Multi-Sport Park Complex.

Mr. Peter Brundage
April 7, 2016
Page 2

Development within the SOI Amendment area and the SoGL Visioning Area may occur within the same or similar timeframes, and given the proximity of these land areas to one another, it can be expected that the environmental impacts of all development south of Grant Line Road (whether east or west of State Highway 99) will coincide and overlap in the form of cumulative impacts. 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).

Land use planning for the SoGL Visioning Area is currently moving forward between the property owners and the County. Accordingly, development within the SoGL Visioning Area is a "probable future project" for purposes of CEQA Guidelines §15065(a)(3). We look forward to future coordination of this proposed SOI Amendment and future development with the SoGL planning effort. We appreciate your consideration of our comments and look forward to the preparation of the EIR.

Very truly yours,

Phillips Land Law, Inc.

A handwritten signature in cursive script that reads "George Phillips".

George E. Phillips *ls*

cc: LeighAnn Moffitt, County of Sacramento
Dale and Pat Mahon
Kautz Family

Lockhart. Don



From: Scott Browne <scott@scottbrowne.com>
Sent: Friday, April 08, 2016 1:08 PM
To: Lockhart. Don
Cc: cypress_abbey@comcast.net; Jeff Terry
Subject: Kammerer Road/99 SOI Amendment EIR Notice of Preparation (LAFC#07-15)
Attachments: Cypress Abbey Property Elk Grove.pdf

I am writing to respond on behalf of Cypress Abbey Company (CAC) to the NOP for the Kammerer Road Sphere Amendment. We have not had the opportunity to fully explore this proposal with LAFCo, the City of Elk Grove and the applicant yet, but do want to keep the door open to possible expansion of the sphere amendment and EIR to include the Cypress Abbey Company property, sometimes referred to as "the Atwood Ranch".

My client's property, Atwood Elk Grove Ranch, is very close to the territory of the proposed sphere amendment. The property is shown in the map attached.

We would like to have Sacramento LAFCo, and the applicants consider expansion of the sphere amendment proposal and EIR to include my client's property—at least the portion above the 100 year floodplain line. The property is adjacent to the railroad tracks with good access to Hwy 99 over the recently upgraded Grant Line Road. It is particularly suitable for employment related business and industrial development which could assist the City in improving its jobs-housing balance. In addition, a substantial portion of the CAC property could be available for consideration for permanent agricultural and habitat conservation as a mitigation for development of other property within the Sphere Amendment territory.

We will follow up this comment with further review with LAFCo and City staff, and the applicant to determine whether inclusion of the CAC property makes sense.

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INTRODUCTION

Property Identification

Located in the unincorporated area of Sacramento to the south of the City of Elk Grove, CA, the subject property is comprised of approximately 676.66 acres of mostly vacant land to the south of Grant Line Road. The site is east of the adjacent Southern Pacific Railroad line and just west of the intersection of Waterman Road and Grant Line Road. It includes 14 contiguous parcels of land, known as Assessor Parcels as listed below.

Subject APN's Acreage

ASSESSOR'S PARCEL NUMBER	ACREAGE
134-0190-013	157.04
134-0190-017	83.60
134-0190-018	44.50
134-0190-019	44.44
134-0190-020	41.06
134-0190-021	40.53
134-0190-022	40.60
134-0190-023	42.54
134-0190-024	83.42
134-0190-025	10.01
134-0190-026	52.02
134-0190-028	18.84
134-0190-029	8.39
134-0190-030	9.67
	TOTAL – 676.66

Source: Sacramento County Assessor's Office

As observed in the above list, the various parcels range in size from 8.39 acres to 157.04 acres, most of which are zoned AG-80 by the County. The most northerly portion of the subject land (APN 134-01900028) is comprised of 18.84 acres and is zoned M-2, Heavy Industrial, Sacramento County. Regarding subject improvements, it contains a residential unit of about 2,500 square feet, a 3,000 square foot workshop structure, and a barn. This area has fencing that allows for limited cattle and equestrian operations. The entire property is further protected with post and wire fencing that facilitates both ranching and farming activities.

The subject is currently included in a planning area identified by the City of Elk Grove/ Sacramento's Local Agency Formation Commission (LAFCO) to explore any future inclusion into the City. This study considers long-term planning efforts to identify appropriate growth areas, agricultural preservation, and open space preservation. At the current time, this process includes the study area within the City's Sphere of Influence (SOI), and a Draft Environmental Impact Report (DEIR) has been completed.