

3 COMMENTS AND RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT EIR

This section of the Final EIR contains comment letters received during the 45-day public review period for the Recirculated Draft EIR, which concluded on September 11, 2017.

In conformance with CEQA Guidelines Section 15088(a), the LAFCo has prepared written responses to all comments that addressed environmental issues related to the Recirculated Draft EIR. The focus of the responses to comments is on the disposition of significant environmental issues that are raised in the comments, as specified by Section 15088(c) of the CEQA Guidelines.

3.1 LIST OF COMMENTERS ON THE RECIRCULATED DRAFT EIR

Table 3-1 identifies a number for each comment letter received, the author of the comment letter, and the date received. Each comment letter is included in its entirety for decision maker consideration before each response.

Table 3-1 Comments Received on the Draft EIR		
Letter #	Commenter	Date Received
Agencies/Tribes		
RA-1	Sacramento Area Council of Governments (SACOG)	August 25, 2017
RA-2	United Auburn Indian Community of the Auburn Rancheria	August 25, 2017
RA-3	Cosumnes Fire Department	September 7, 2017
RA-4	Sacramento Municipal Utility District (SMUD)	September 11, 2017
RA-5	City of Elk Grove	September 11, 2017
RA-6	California Office of Planning and Research, State Clearinghouse and Planning Unit	September 13, 2017
Organizations		
RO-1	Environmental Council of Sacramento (ECOS)	September 11, 2017
RO-2	Friends of the Swainson's Hawk (FOSH)	September 11, 2017
Individuals		
RI-1	Lynn Wheat	September 5, 2017
RI-2	Michael Monasky	September 11, 2017
RI-3	Applicants: Martin Feletto and Gerry Kamilos	September 11, 2017

3.2 COMMENTS AND RESPONSES ON THE RECIRCULATED DRAFT EIR

The written comments received on the Recirculated Draft EIR and the responses to those comments are provided in this section. Similar comments are provided with a categorical response. Each comment letter is reproduced in its entirety and is followed by the response(s) to the letter. Where a commenter has provided multiple comments, each comment is indicated by a line bracket and an identifying number in the margin of the comment letter. The Final EIR considers comment letters shown in Table 3-1 and provides text changes, where appropriate, shown in ~~striketrough~~ for deleted text and underline for corrected and/or clarified changed text.

3.2.1 AGENCIES/TRIBES

Letter RA1 – Sacramento Area Council of Governments (SACOG)

Sacramento Area
Council of
Governments

1415 L Street,
Suite 300
Sacramento, CA
95814

tel: 916.321.9000
fax: 916.321.9551
tdd: 916.321.9550
www.sacog.org



August 25, 2017

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

Re: Comments on the Recirculated Draft Environmental Impact Report for the
Proposed Kammerer Road/Highway 99 Sphere of Influence Amendment (State
Clearinghouse #2016032015)

Dear Mr. Lockhart:

Thank you for inviting SACOG's comments on the Recirculated Draft Environmental Impact Report (DEIR) for the Proposed Kammerer/99 Sphere of Influence Amendment (SOIA) to the City of Elk Grove dated July 28, 2017. As you are aware, SACOG has commented multiple times in the past on documents relating to previous Sphere of Influence Amendment applications for the City of Elk Grove. The majority of our previous comments are still applicable to this analysis and are therefore briefly reiterated in this letter and we are attaching our previous letters for your reference. From a regional perspective, the key issues around such an expansion are the timing of urbanization and conditions for development (like jobs-housing balance).

The basis for our comments is the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and Blueprint. SACOG's primary responsibility is developing and implementing the MTP/SCS, a document that establishes transportation spending priorities throughout the region. The MTP/SCS must be based on the most likely land use pattern to be built over the 20+ year planning period, and it must conform with federal and state air quality regulations. The foundation for the MTP/SCS land use forecast is local government general plans, community plans, specific plans, and other local policies and regulations. Other market and regulatory/policy variables that are considered help refine the sum of the local plans in order to determine the most likely future development pattern for a specific period of time. The Blueprint vision is based on the principles of smart growth and is intended to give general direction on how the region should develop to reap the benefits of the Blueprint Preferred Scenario (and related MTP/SCS). Implementation of the Blueprint vision depends greatly on the efforts of cities and counties to implement that vision through local plans and projects. The MTP/SCS and Blueprint are in alignment with each other because of these local efforts.

The current Metropolitan Transportation Plan/Sustainable Communities Strategy (2016 MTP/SCS) was adopted in February 2016. The land use forecast for the 2016

Auburn
Citrus Heights
Colfax
Davis
El Dorado County
Elk Grove
Folsom
Galt
Isleton
Live Oak
Lincoln
Loomis
Marysville
Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

RA1-1

Donald J. Lockhart, AICP
August 25, 2017
Page 2

MTP/SCS projects housing and employment growth expected through 2036. As noted in the DEIR, the MTP/SCS assumes no housing or employment growth by 2036 in the SOIA area. To be clear, the purpose of the MTP/SCS is to forecast what is likely to be constructed during the planning period. This is different from a land supply contingency needed to support a healthy land market. Additionally, the 2016 MTP/SCS does include a number of transportation capacity projects in the southern portion of the City, including widening and extending Kammerer Road before 2036. We agree that Elk Grove may need additional land outside of the current city limits at some point beyond 2036 to support additional job growth to help the City's current imbalance of jobs and housing. However, given the very large supply of housing entitlements in the rest of the region, and Elk Grove's current high ratio of housing to jobs, we do not foresee a need for land in the SOI for housing for very long time.

RA1-1
cont.

We understand that there are no land use changes proposed as part of this project and that the conceptual land use scenario presented in the DEIR is only to facilitate environmental analysis for this SOIA request. However, in the conceptual land use scenario, roughly 45 percent of the SOIA land area is residential. If the SOIA is approved and eventually a land use plan is created and/or annexation is requested, we suggest LAFCO and the City include strong policies around the timing and phasing of development in this area. Policies that require phased growth encourage a complete neighborhood and can be used to help the City ensure its goal of more employment is being met before a significant number of new homes are added in this area. We have several examples of policies like this throughout the region and would be happy to discuss this further at the appropriate time.

We are encouraged to see that the size and general location of the proposed SOIA is generally consistent with the Blueprint. The small variance that exists between the Blueprint and proposed SOIA footprint is to be expected since the Blueprint is a conceptual map and not intended to be interpreted or implemented in a literal, parcel-specific manner.

RA1-2

Thank you again for the opportunity to comment and for continuing to engage us in this important process. Please don't hesitate to contact me if you have further questions.

Sincerely,



Kacey Lizon
Planning Manager

Comments RA1-1: *The commenter states that SACOG has commented in the past on documents relating to the previous SOIA application. The commenter provides background information on the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) and Blueprint. The commenter states that the purpose of the MTP/SCS is to forecast what is likely to be constructed, not to determine a land supply contingency. The commenter states that additional land may be needed outside of the current Elk Grove city limits to support additional job growth. The commenter states that SACOG does not foresee a need for land for housing for a very long time. The commenter states that LAFCo and the City include strong policies to ensure that employment is prioritized and indicates that SACOG has plenty of examples to assist.*

The comment introduces the letter and attachments and provides background information. LAFCo has reviewed the attached comments on the previous SOIA application for relevance. As the commenter states, there are no land use changes and the conceptual land use scenario was only developed to facilitate environmental analysis. If the SOIA is approved and annexation to the City of Elk Grove is subsequently proposed, land use planning would occur under the City's jurisdiction. The comment does not specify additional information needed in the Recirculated Draft EIR. The comment is noted and published in this Final EIR for decision maker consideration.

Comment RA1-2: *The commenter states that the size and general location of the proposed SOIA is generally consistent with the Blueprint and that small variances are to be expected.*

The comment does not specify additional information needed in the Recirculated Draft EIR. The comment is noted and published in this Final EIR for decision maker consideration.

Letter RA2 – United Auburn Indian Community of the Auburn Rancheria

RA2



MIWOK United Auburn Indian Community
MAIDU of the Auburn Rancheria

Gene Whitehouse
Chairman

John L. Williams
Vice Chairman

Calvin Moman
Secretary

Jason Camp
Treasurer

Gabe Cayton
Council Member

August 8, 2017

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



Subject: Notice of Availability of the Recirculated Draft EIR for the Kammerer Road/ Highway 99
Sphere of Influence Amendment (LAFC#07-15)

Dear Don Lockhart,

Thank you for requesting information regarding the above referenced project. The United Auburn Indian Community (UAIC) of the Auburn Rancheria is comprised of Miwok and Southern Maidu (Nisenan) people whose tribal lands are within Placer County and whose service area includes El Dorado, Nevada, Placer, Sacramento, Sutter, and Yuba counties. The UAIC is concerned about development within its aboriginal territory that has potential to impact the lifeways, cultural sites, and landscapes that may be of sacred or ceremonial significance. We appreciate the opportunity to comment on this and other projects in your jurisdiction. The UAIC would like to consult on this project.

We would like to receive copies of any archaeological reports that are completed for the project in order to ascertain whether or not the project could affect cultural resources that may be of importance to the UAIC. We also request copies of future environmental documents for the proposed project so that we have the opportunity to comment on potential impacts and proposed mitigation measures related to cultural resources. The information gathered will provide us with a better understanding of the project and cultural resources on site and is invaluable for consultation purposes. Finally, please contact us if you know of any Native American cultural resources within your project area or if you discover any.

Thank you again for taking these matters into consideration, and for involving the UAIC early in the planning process. We look forward to reviewing the documents requested above and consulting on your project. Please contact Marcos Guerrero, Cultural Resources Manager, at (530) 883-2364 or email at mguerrero@auburnrancheria.com if you have any questions.

Sincerely,

Gene Whitehouse,
Chairman

CC: Marcos Guerrero, CRM

RA2-1

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

Comment RA2-1: *The commenter states that the United Auburn Indian Community (UAIC) has no additional comments. The commenter requests that a complete cultural inventory report be provided if one is available. The commenter states that UAIC should be contacted if any cultural resources are discovered on the project site.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the Recirculated Draft EIR. The comment is noted and published in this Final EIR for decision maker consideration.

Letter RA3 – Cosumnes Fire Department

RA3

Lockhart, Don

From: Mike McLaughlin <MikeMcLaughlin@csdfire.com>
Sent: Thursday, September 07, 2017 6:56 AM
To: Lockhart, Don
Subject: RE: Kammerer EIR



Good morning – me again.

I opened the incorrect version. I have reviewed the amended version and everything looks great.

Please disregard my previous email.

Michael W. McLaughlin, CFO
Fire Chief

Cosumnes Fire Department
10573 East Stockton Blvd., Elk Grove, Ca 95624
Phone: (916) 405-7100
Cell: (916) 601-6619
MikeMcLaughlin@csdfire.com
www.yourcsd.com

From: Mike McLaughlin
Sent: Thursday, September 7, 2017 6:39 AM
To: don.lockhart@saclafco.org
Subject: Kammerer EIR

Good morning Mr. Lockhart,

I am writing to provide comments on the draft EIR for the Kammerer SOIA.

To streamline our comments, I have attached the marked-up MSR that we submitted earlier this year, which includes the same language changes that are needed for the draft EIR. Overall, the information about the Cosumnes CSD in the draft document is not accurate.

I am happy to meet with you and/or your staff to help reconcile the needed changes.

Thank you for the opportunity to weigh in.

Respectfully,

Mike



Michael W. McLaughlin, CFO
Fire Chief
Cosumnes Fire Department
10573 East Stockton Blvd., Elk Grove, Ca 95624
Phone: (916) 405-7100
Cell: (916) 601-6619

Comment RA3-2: *The commenter states that the amended version of the document is acceptable.*

LAFCo appreciates the commenter's review of the Recirculated Draft EIR. The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the Recirculated Draft EIR. The comment is noted and published in this Final EIR for decision maker consideration.

Powering forward. Together.



Sent Via E-Mail

September 11, 2017

Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836
Don.Lockhart@SacLAFCo.org

RECEIVED

SEP 11 2017

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Subject: Recirculated Draft Environmental Impact Report for the Kammerer Road/Highway 99 Sphere of Influence Amendment (LAFC#07-15)

Dear Mr. Lockhart:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the Recirculated Draft Environmental Impact Report (RDEIR) for the Kammerer Road/Highway 99 Sphere of Influence Amendment (Project). SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

SMUD appreciates the inclusion of its April 5, 2016 and March 31, 2017 comment letters (attached) in the RDEIR. We only have one comment to offer at this time, beyond those articulated in our previous letters:

- **Table 3.6-2, Regarding SMUD's Power Mix** – The power mix identified in the table does not add up to 100% and the information used to populate the table is outdated. The following link provides a more accurate breakdown of SMUD's power mix: <https://www.smud.org/assets/documents/pdf/Power-Content-Label-full.pdf>.

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this RDEIR. If you have any questions regarding this letter, please contact Kim Crawford at kim.crawford@smud.org or (916)732-5063.

Sincerely,


Angela C. McIntire
Regional & Local Government Affairs
Sacramento Municipal Utility District
6301 S Street, Mail Stop A313
Sacramento, CA 95817
angela.mcintire@smud.org

Cc: Kim Crawford, SMUD

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

RA4-1



Sent Via E-Mail

March 31, 2017

Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836
Don.Lockhart@SacLAFCo.org

Subject: Draft Environmental Impact Report (DEIR) for the Kammerer Road/Highway 99 Sphere of Influence Amendment (LAFCo#07-15)

Dear Mr. Lockhart:

The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on Sacramento Local Agency Formation Commission's (LAFCo) the Draft Environmental Impact Report (DEIR) for the Kammerer Road/Highway 99 Sphere of Influence Amendment. SMUD is the primary energy provider for Sacramento County and the proposed Project area. SMUD's vision is to empower our customers with solutions and options that increase energy efficiency, protect the environment, reduce global warming, and lower the cost to serve our region. As a Responsible Agency, SMUD aims to ensure that the proposed Project limits the potential for significant environmental effects on SMUD facilities, employees, and customers.

RA4-2

Recognizing that the Project area is one of several new growth areas being considered in the region, it is our desire that the DEIR for the Kammerer Road/Highway 99 Sphere of Influence Amendment will acknowledge any Project impacts related to the following:

- Overhead and or underground transmission and distribution line easements. Please view the following links on smud.org for more information regarding transmission encroachment:
 - <https://www.smud.org/en/business/customer-service/support-and-services/design-construction-services.htm>
 - <https://www.smud.org/en/do-business-with-smud/real-estate-services/transmission-right-of-way.htm>
- Utility line routing
- Electrical load needs/requirements
- Energy Efficiency
- Cumulative Impacts

Based on SMUD's review of the DEIR for the Kammerer Road/Highway 99 Sphere of Influence Amendment, we refer LAFCo to the same transmission and distribution electrical requirements identified in the letter SMUD previously submitted on April 5, 2016 (see attached).

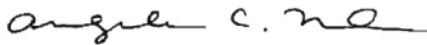
SMUD CSC | 6301 S Street | P.O. Box 15830 | Sacramento, CA 95852-0830 | 1.888.742.7683 | smud.org



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

Environmental leadership is a core value of SMUD and we look forward to collaborating with you on this Project. Again, we appreciate the opportunity to provide input on this DEIR for the Kammerer Road/Highway 99 Sphere of Influence Amendment. If you have any questions regarding this letter, please contact Rob Ferrera at rob.ferrera@smud.org or (916)732-6676.

Sincerely,



Angela C. McIntire
Regional & Local Government Affairs
Sacramento Municipal Utility District
6301 S Street, Mail Stop A313
Sacramento, CA 95817
angela.mcintire@smud.org

Cc: Rob Ferrera, SMUD

RA4-2
cont.

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



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,

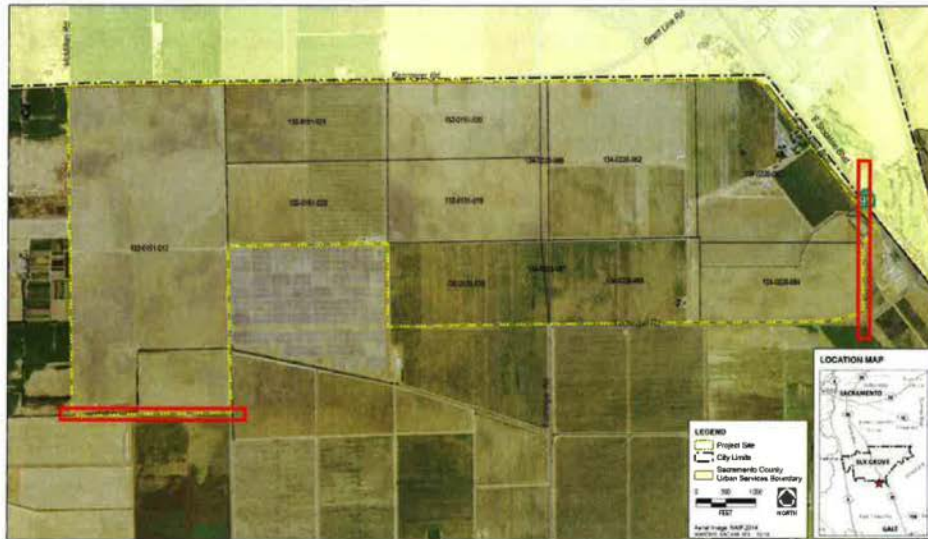
The Sacramento Municipal Utility District (SMUD) appreciates the opportunity to provide comments on the NOP for the proposed Kammerer Road/ Highway 99 Sphere of Influence Extension Project EIR. SMUD is the primary energy provider for Sacramento County and the proposed project location. As a Responsible 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.

RA4-3





RA4-3
cont.

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

RA4-3
cont.



Comment RA4-1: *The commenter provides an update to Sacramento Municipal Utility District (SMUD) power mix numbers and includes their previous comment letters.*

SMUD's previously submitted letters are summarized and responded to in Chapter 2, 'DEIR Comments and Responses.' Table 3.6-2 and the associated text has been revised, consistent with SMUD's information. This edit does not change the analysis or conclusions of the Recirculated Draft EIR.

As shown in Table 3.6-2, in 2014~~6~~, SMUD received ~~25~~41 percent of its electricity from natural gas-fired power plants; 0 percent from nuclear generation; ~~27~~20 percent from eligible renewable resources, such as biomass, solar, wind, geothermal, and small hydroelectric power plants that generate 30 megawatts (MW) or less of electricity; ~~40~~23 percent from large hydroelectric power plants; and ~~23~~16 percent from other unspecified power sources (i.e., electricity that is not traceable to specific generation sources by any auditable contract) (SMUD 201~~6~~5b).¹

Table 3.6-2. SMUD Electrical Power Mix, 20146	
Electrical Sources	Percent
Natural Gas	25 <u>41</u>
Nuclear	0
Renewable ¹	27 <u>20</u>
Large Hydroelectric	40 <u>23</u>
Other Unspecified ²	23 <u>16</u>
Notes:	
¹ : Renewable energy sources include biomass & waste, geothermal, solar, wind, and small hydroelectric power plants that generate 30 MW or less of electricity. These energy sources are considered eligible to meet California's renewable portfolio standard of 33 percent renewable energy generation by 2020.	
² : Other unspecified sources refer to electricity that is not traceable to specific generation sources by any auditable contract.	
Source: SMUD 201 6 <u>5b</u>	

SMUD. 2016. 2016 Power Content Label. Sacramento Municipal Utility District. Available: <https://www.smud.org/assets/documents/pdf/Power-Content-Label-full.pdf>. Accessed September 15, 2017.

Comment RA4-2: *This comment is a reproduction of a comment submitted on the Draft EIR.*

Please see the Response to Comments A11-1 through A11-5.

Comment RA4-2: *This comment is a reproduction of SMUD's NOP comment letter.*

The NOP comment letter is addressed in the Draft EIR and Recirculated Draft EIR.

¹ Renewable energy sources for the purposes of California's renewable portfolio standard of 33 percent renewable energy generation by 2020 include biomass, solar, wind, geothermal, and small hydroelectric power plants that generate 30 MW or less of electricity.



8401 LAGUNA PALMS WAY • ELK GROVE, CALIFORNIA 95758
TEL: 916.683.7111 • FAX: 916.691.3175 • www.elkgrovecity.org

September 11, 2017

VIA USPS and EMAIL

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



RE: Recirculated Draft Environmental Impact Report for the Kammerer Road/Highway 99 Sphere of Influence Amendment (LAFC#07-15)

Dear Mr. Lockhart,

Thank you for providing the Kammerer Road/Highway 99 Sphere of Influence Amendment (K/99 SOIA, the proposed Project) Recirculated Draft Environmental Impact Report (RDEIR) for the City's review and comment. The proposed Project envisions the amendment of the City of Elk Grove (City's) Sphere of Influence (SOI) to add 1,156 acres just south of, and adjacent to, the City's current City limits. The Project is being proposed by private land interests; the City is not a party to the application. As stated in our letter of July 29, 2015, the Project is within the area identified in the 2003 General Plan as "Urban Study Areas."

In reviewing the DEIR, the City has identified a number of concerns and questions, which are attached. We request that LAFCo consider these as it finalizes the environmental review and considers action on the Project.

Should you have any questions, please feel free to contact me.

Sincerely,

//s//

Christopher Jordan, AICP
Assistant to the City Manager
City of Elk Grove

Enclosures:

- Comments, September 2017
- Comments, March 2017
- General Plan Notice of Preparation, June 2017

RA5-1

The following are comments/questions from the City regarding the above referenced project.

General Comments

1. As previously commented, the analysis in the document is speculative, based upon a conceptual land use capacity as provided in the SOIA application, which has not be reviewed and approved by the City. The final land use plan, should the property move forward for annexation to the City, could take a different form. Therefore, we continue to request flexibility in the mitigation measures so that the ultimate measures (to be approved by the City with annexation) reflect the final plan and the regulatory framework in place at the time of adoption. For example, mitigation measures 3.4-1 (Special-status plants) and 3.4-2 (Special-status raptors and other nesting raptors) could be simplified to state that prior to annexation, LAFCo shall ensure that impacts to special-status plans and raptors have been analyzed based upon the specifics of the annexation project and that mitigation for potential impacts have been adequately incorporated. This approach would align better with LAFCo's role as a Responsible Agency in considering the annexation project's EIR.

RA5-2

2. Comments have been provided in the record by other parties about the availability of land in the existing City limits to support development demand. As the Commission is aware, the annexation and development process requires extensive lead time (see Folsom South of US-50 SOI and Annexation). Additionally, as reported by several major news outlets over the past months, including the Sacramento Bee, there is a severe housing shortage in the State of California. This is something worth considering in the Population and Housing section of the RDEIR.

RA5-3

The City sees continued demand for growth and has recently invested over \$34 million in Community Facilities District bond financing, local Roadway Impact Fee, and General Fund Reserves to advance infrastructure in the area south of Whitelock Parkway and north of Kammerer Road (referred to as the New Growth Area) for backbone infrastructure (roads, water transmission mains, sewer trunk lines and lift station, trunk drainage, and dry utilities), opening up over 1,600 acres. Much of this area has approved tentative subdivision maps that are preparing to move forward to construction concurrently with delivery of this infrastructure. Therefore, LAFCo should consider modifying the project objectives in Section 2-11 to include addressing the State's housing crisis and responding to market conditions for continued growth.

RA5-4

3. Several of the mitigation measures have been updated from the original Draft EIR to require "coordination" with third-party agencies, such as the California Department of Fish and Wildlife (CDFW) and Caltrans. While the City has a cooperative relationship with these agencies, it cannot consent to a transfer of its authority as Lead Agency under a future land use entitlement and annexation application, especially considering prior Court decisions on this terminology. Therefore, please correct the draft mitigation measures throughout the document to require "consultation" with these agencies, rather than "coordination." (see *California Native Plant Society v. City of Rancho Cordova* (2009) 172 Cal.App.4th 603 [discussing the distinction between "coordination" and "consultation"].) Specific measures the City desires to see modified to "consult" are:

RA5-5

- 3.4-1 (Conduct Special-status Plan Surveys; Implement Compensatory Mitigation for Special-status Plants)
 - 3.4-2a (Avoid Direct Loss of Swainson's Hawk and Other Raptors)
 - 3.4-2b (Avoid Loss of Burrowing Owl)
 - 3.4-2c (Prepare and Implement a Swainson's Hawk Foraging Habitat Mitigation Plan)
 - 3.4-3a (Avoid Direct Loss of Loggerhaed Shrike, Modesto Song Sparrow, and Protected Bird Nests)
 - 3.4-3b (Avoid Impacts on Tricolored Blackbird Colonies) (note, on this measure, the meeting with CDFW should specify consultation with the agency)
 - 3.4-4 (Prepare and Implement a Shandhill Crane Foraging Habitat Mitigation Plan)
 - 3.4-10 (Avoid, Minimize, or Compensate for Loss of Riparian Habitat and Sensitive Natural Communities)
4. In the City's prior comments, the City noted that many of the proposed mitigation measures are inconsistent with the typical approach for addressing project impacts. Since the RDEIR is a partial recirculation, we cannot confirm that all of the measures have been updated. Therefore, we again request that LAFCo reword the mitigation measures to obligate LAFCo to ensure that subsequent project-level analysis addresses the potential impact.
5. For those sections of the EIR that were not recirculated, please see our prior comments dated March 31, 2017, attached hereto for reference.

RA5-5
cont.

RA5-6

RA5-7

Specific Comments

6. Pages 2-2 and 3.11-3 include a discussion of activities near the SOIA. In that vein, the City advises LAFCo of the following:
- a. The City is currently preparing a feasibility study for a future multimodal station. While the eastern Union Pacific Railroad corridor (referred to as the Fresno Subdivision) is a potential option, given capacity constraints along this line, the City is considering other options along the western Union Pacific corridor (the Sacramento Subdivision).
 - b. The area northeast of the proposed Multi-Sports Complex SOIA is part of a pending visioning process with Sacramento County. This should be identified as part of the context for the Project.
 - c. The Bilby Ridge SOIA project is north of the proposed Kammerer Road extension project. Final alignment of this roadway is the purview of the Capital Southeast Connector Joint Powers Authority. Additionally, the alignment of land uses within the West Study Area and how they apply to the Bilby Ridge SOIA is not specifically defined at this time and is generally left to future development applications to address. The characterization of this area should be amended accordingly.
7. Pages 2-8 and 3.11-21 should be corrected to identify that the SOIA Project is located within the South Study Area and is not the entirety of the South Study Area. The entire South Study Area is approximately 3,675 acres, so the SOIA comprises only 31.5%.

RA5-8

RA5-9

8. Swainson's Hawk

- a. As mentioned in our prior comments, page 3.4-25 references the City's Swainson's hawk Impact Mitigation Fee program. While generally accurate, the discussion (and corresponding mitigation measure later in the document) does not reflect the fact that the procedures outlined in the City's Code, as set forth at EGMC Chapter 16.130, may be amended in the future. For example, the City is beginning an update to the Code relative to procedures and appropriateness of mitigation sites, possibly including variable mitigation based upon habitat conditions. Flexibility in the measure will be necessary for future project approvals.
- b. The discussion added on page 3.4-37 states that the City would never allow for fee payment for development of more than 40 acres. While this has historically been true, the City may decide at a future date to modify the program under specific circumstances to allow projects over 40 acres to pay the fee. Therefore, this updated language should either be clarified or removed.

RA5-10

RA5-11

9. Impact 3.4-9 (South Sacramento Habitat Conservation Plan, SSHCP) - The City understands from LAFCo staff comments made at the September 6, 2017 Commission meeting that this section of the RDEIR will be revised in the Final EIR to correct errors on roles and responsibilities of the SSHCP and CDFW. Specifically, the City understands that the third paragraph on page 3.4-51 (beginning "At the time...") will be deleted. The City welcomes these changes. Please make sure that the balance of the section is similarly updated. Specifically, the City would like to see the following:

RA5-12

- a. Please update Mitigation Measure 3.4-9 to read as follows (revised text underlined):

Conflicts with the provisions of an adopted habitat conservation plan. *If there is development in the SOIA Area and associated off-site improvement areas in the future after the SSHCP is adopted, the City of Elk Grove will consult with CDFW regarding acquisition of mitigation lands, as described in Mitigation Measures 3.4-2c and 3.4-4. The City, in consultation with CDFW, would assess whether those projects would compete with, or impede, implementation of the SSHCP Conservation Strategy. In addition, Mitigation Measures 3.4-1 through 3.4-6 and 3.4-11b are consistent with the avoidance, minimization and mitigation measures for covered species described in the draft SSHCP. Therefore, development in the SOIA Area and associated off-site improvement areas in the future are not likely to conflict with the provisions of the SSHCP, if it is adopted prior to annexation and development of the SOIA Area.*

RA5-13

- b. Please revise page 3.4-51, paragraphs 2-4, to read as follows (revised text underlined):

Possible future development of the 1,156-acre SOIA Area, with associated acquisition of mitigation lands in the SSHCP plan area, is unlikely to interfere with the ability to successfully implement the SSHCP Conservation Strategy given the extensive acreage (250,038 acres) of the SSHCP area outside of the UDA boundaries. The SSHCP does not categorize specific properties to acquire for

RA5-14

preservation lands and would rely on purchasing suitable land from willing sellers anywhere within the undeveloped portions of the plan area. While it is possible that a specific parcel in the south County may be targeted for acquisition by both the SSHCP and a proposed project within the SOIA Area, the overall availability of land is not likely to limit overall achievement of conservation goals (36,282 acres out of 250,038 acres or 14 percent of land in the area outside the UDA; 9,750 of 67,120 or 14.5 percent of available acres in Preserve Planning Unit 6). Furthermore, if a parcel was acquired for mitigation for Swainson's hawk (or other covered species) by a project in the SOIA Area, it would contribute to the overall preservation of land in the south County and the overall conservation of the species in the area. Even though the parcel would not be counted towards the SSHCP preserve area, it would not "preclude" the SSHCP from achieving its goals, which is the long-term conservation of covered species. From an impact perspective, Mitigation Measures 3.4-1 through 3.4-6 and 3.4-11b are consistent with the avoidance, minimization, and mitigation measures for covered species described in the draft SSHCP. Therefore, development in the SOIA Area and associated off-site improvement areas in the future is not likely to conflict with the provisions of the SSHCP, if it is adopted prior to annexation and development of the SOIA Area.

The City will further analyze future annexation projects in the SOIA for conflicts with the provisions of the SSHCP (once adopted).

- c. The City also believes that additional language is needed to clarify that the SSHCP is not a land plan and that it does not preclude activities from occurring outside of the Urban Development Area, provided they obtain the legally required local, State, and Federal permits and approvals otherwise and customarily required, including mitigation for impacts to the environment caused by those activities. In other words, development outside of the Urban Development Area is not provided any direct benefits from the HCP. Any required mitigation should also include a consult with the HCP's Implementing Entity for maximum species benefit, but the final decision shall be made by the applicable Lead Agency to complete pursuant to their thresholds and regulations. The City believes that this additional language will help support LAFCo's determination that the potential impact is less than significant.

10. As mentioned in our prior comments, Page 3.11-5 references data from the Center for Strategic Economic Research regarding jobs-housing data for the City. This data is not accurate and underrepresents jobs available in the City. Please see more current and complete information available at this link:

http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/cityclerk/citycouncil/2016/attachments/03-23-16_10.1.pdf

11. Pages 3.11-1 and 4-4 make reference to the General Plan Update NOP and two land plan program scenarios for the South Study Area. This reference is actually to interim draft concepts presented to the City Council in spring 2017. Since then, the Council has directed a specific program that is reflected in the General Plan NOP (attached for reference). The public draft General Plan, due in early 2018, will identify the specific program and acreage ranges. These sections should be updated accordingly.

RA5-14
cont.

RA5-15

RA5-16

RA5-17



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March 31, 2017

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

VIA USPS and EMAIL

RE: Draft Environmental Impact Report for the Kammerer Road/Highway 99 Sphere of Influence Amendment (LAFC#07-15)

Dear Mr. Lockhart,

Thank you for providing the Kammerer Road/Highway 99 Sphere of Influence Amendment (K/99 SOIA, the proposed Project) Draft Environmental Impact Report (DEIR) for the City's review and comment. The proposed Project envisions the amendment of the City of Elk Grove (City's) Sphere of Influence (SOI) to add 1,156 acres just south of, and adjacent to, the City's current City limits. The Project is being proposed by private land interests; the City is not a party to the application. As stated in our letter of July 29, 2015, the Project is within the area identified in the 2003 General Plan as "Urban Study Areas."

In reviewing the DEIR, the City has identified a number of concerns and questions, which are attached. We request that LAFCo consider these as it finalizes the environmental review and considers action on the Project.

Should you have any questions, please feel free to contact me.

Sincerely,

Christopher Jordan, AICP
Assistant to the City Manager
City of Elk Grove

Enclosure

RA5-18



Kammerer Road/Highway 99 Sphere of Influence Amendment
Draft Environmental Impact Report (DEIR)
Comments from the City of Elk Grove

The following are comments/questions from the City regarding the above referenced project.

General Comments

1. Overall, the analysis in the document is speculative, based upon a conceptual land use capacity as provided in the SOIA application, which has not be reviewed and approved by the City. The final land use plan, should the property move forward for annexation to the City, could take a different form. Therefore, there should be some sort of flexibility in the mitigation measures so that the ultimate measures (to be approved by the City with annexation) reflect the final plan and the regulatory framework in place at the time of adoption.
2. The City is in the process of completing a comprehensive General Plan Update. The document should reflect that the policies of the City could be updated at that time.
3. Many of the proposed mitigation measures call upon the City to undertake a specified action. Examples include, but are not limited to, imposing conditions on the removal of trees, implementing the Citywide Design Guidelines, and preserving agricultural land. However, while the City has a role in the future development of the area (if ultimately annexed to the City), it is not a party to the Project. Therefore, we suggest that the mitigation measures be universally revised to read similar to the following (adapted from proposed measure 3.1-2, Reduce Light and Glare):

"Prior to approval of an application for annexation within the SOIA area, LAFCo shall ensure that subsequent project-level analysis addresses potential impacts of daytime glare and nighttime lighting."

4. Many of the proposed mitigation measures are inconsistent with the City's typical approach for addressing project impacts. For example, the language in Mitigation Measure 3.1-1 calls for the preservation of certain trees and potential off-site preservation or payment of in-lieu mitigation fees if preservation is not an option. Rather than going through this discussion, the City recommends that the measure be reworded as follows:

"Prior to approval of an application for annexation within the SOIA area, LAFCo shall ensure that subsequent project-level analysis addresses potential loss of protected trees."

To guide LAFCo in this review of its proposed Mitigation Measures, attached are typical measures the City uses for larger projects.


Specific Comments

5. On page 3.1-12, the document identifies a Special Sign Corridor within the Elk Grove Zoning Code, and being applied along SR 99. There is no such corridor identified in the Zoning Code.

RA5-18
cont.

6. Figure 3.2-5 does not reflect the City's current zoning layer. Specifically, the zoning for the Southeast Policy Area is not correct. This area has been rezoned to SEPA Special Planning Area, effective July 9, 2014.
7. Mitigation Measure 3.2-1 is not consistent with the City's standard practice. Please see the attached sample measures.
8. Please review impact 3.3-4 and corresponding mitigation measure for consistency with California Building Industry Association v. Bay Area Air Quality Management District (CBIA v. BAAQMD, 2 Cal. App 5th 485 (2016)). There are references in the analysis and measure calling for an analysis of existing facilities, which is not provided for under CEQA.
9. Page 3.4-25 references the City's Swainson's hawk Impact Mitigation Fee program. While generally accurate, the discussion (and corresponding mitigation measure later in the document) does not reflect the fact that the procedures outlined in the City's Code may be amended in the future. For example, the City is beginning an update to the Code relative to procedures and appropriateness of mitigation sites. Flexibility in the measure will be necessary for future project approvals.
10. Impact 3.4-6 makes the conclusion that the Project area is suitable habitat for giant garter snake. Prior to the implementation of the draft mitigation measure, future development should have the opportunity to work with the regulatory agencies to verify the presence of giant garter snake habitat. If the area is determined to not be giant garter snake habitat, no further mitigation should be required.
11. Measure 3.4-7 requires wetland delineations to be conducted under a specific manual. Consider modifying the language to reflect the Corps guidance in place at the time of application in the event the guidance is modified in the future.
12. Chapter 3.5 identifies the requirement for Native American tribal consultation but does not identify if any consultation was conducted and, if any, the conclusions of that consultation. Please advise the City on the results of the AB 52 consultation.
13. Page 3.9-18 makes reference to a private airport in the City (the Mosier Airport). This is incorrect information. No such airport is in operation in the City.
14. Page 3.11-4 references data from the Center for Strategic Economic Research regarding jobs-housing data for the City. This data is not accurate and underrepresents jobs available in the City. Please see more current and complete information available at this link:
http://www.elkgrovecity.org/UserFiles/Servers/Server_109585/File/cityclerk/citycouncil/2016/attachments/03-23-16_10.1.pdf
15. Impact 3.11-2 is listed on page 3.11-20 as being considered significant. However, on page 3.11-23 the impact is considered less than significant. This appears to be an inconsistency.
16. Page 3.11-27 identifies that the Project is outside the City's Planning Area. That is incorrect. The Project is within the City's Planning Area as evidenced by Figure 1 of the General Plan (page 1-4 of the General Plan).

RA5-18
cont.

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17. Page 3.11-29 references 2012 as existing conditions. The Notice of Preparation was released in 2016, so this may not be correct. Additionally, please see previous connect regarding jobs in the City.
18. Mitigation measure 3.12-6 identifies some very specific design requirements for future development. Since a development project is not being considered under this EIR, this level of detail is not necessary. Further, some of the requirements do not provide flexibility for changes in equipment design and efficiency, or other viable design alternatives that achieve the mitigation's goals. Please consider simplifying the measure, leaving the land use agency (potentially the City) to address this at the time a land use application is considered.
19. Pages 3.13-8 and 3.13.9 reference Elk Grove Municipal Code regarding parks and recreation dedication and the Parks and Recreation Master Plan. Both were updated in 2016. The most recent regulations should be referenced in the document.
20. Measure 3.13-1, as drafted, requires the City to make a determination that CCSD facilities are adequate to provide fire protection. Since the City is not the fire services provider for the area it cannot make this determination. See comment no. 3 above. Language relative to this is provided in discussion later in the document. The mitigation measure itself should reflect this.
21. Page 3.13-12 (Impact 3.13-2) identifies the City as the fire protection and emergency medical services provider. This is not accurate. Please update to reflect CCSD Fire as the responsible agency.
22. Table 3.14-2 (Roadway Segment Level of Service – Existing Conditions) lists the daily capacity for Grant Line Road (various segments) incorrectly, and is not reflective of the current level of infrastructure.
23. Impact 3.14-1/Mitigation Measure 3.14-1a: The City is preparing for implementation of SB 743, which will eliminate Level of Service (LOS) analysis in CEQA documents, replacing with Vehicle Miles Traveled (VMT) analysis. The analysis presented in this section is based upon a theoretical holding capacity and not a land plan and, therefore, will not be sufficient for subsequent development-level analysis. Further, fair share roadway improvement funding will no longer be an acceptable CEQA mitigation measure for traffic impacts if the funding only addresses capacity improvements. Therefore, the proposed mitigation measure will not be applicable or feasible in the future.
24. Alternatives Analysis: Alternative 2 is listed in several places as having reduced impacts when compared to the Project. However, the analysis goes on to state that the impacts would be similar. It may be helpful to clarify that the quantity of the impact is reduced under Alternative 2, but the character is the same; therefore, the Project mitigation is still required for Alternative 2. In that same way, section 4.5 should be updated to clarify that Alternative 2 would have reduced quantity of impacts but the character of the impacts would be the same. Otherwise, Alternative 2 could be considered the superior alternative.
25. Section 5.3 (Cumulative Impacts) should be clarified to note which portion of CEQA Guidelines Section 15130(b) is being utilized to complete the analysis. For example, if

RA5-18
cont.

15130(b)(1) is being utilized, a list of projects needs to be included in the document.
Staff was unable to locate a list.



RA5-18
cont.

Kammerer Road/Highway 99 Sphere of Influence Amendment
Draft Environmental Impact Report (DEIR)
Comments from the City of Elk Grove

The following are example mitigation measures previously used by the City for programmatic Environmental Impact Reports similar in scale to the proposed SOIA project. This is not an exhaustive list of measures.

Mitigation Measure
<p>Future projects shall protect 1 acre of existing farmland or land of equal or higher quality for each acre of Farmland of Statewide Importance or Unique Farmland that would be developed as a result of the Project. The protected acreage must be located within Sacramento County. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism that ensures the preservation of that land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation). In deciding whether to approve the land proposed for preservation by the Project applicant, the City shall consider the benefits of preserving farmlands in proximity to other protected lands. The preservation of off-site farmland may be done at one time, prior to the City's approval of the Project's first grading permit, or may be done in increments with the buildout of the Project, with preservation occurring prior to the approval of each grading permit. Grading plans shall include the acreage and type of farmland impacted. In addition, the City shall impose the following minimum conservation easement content standards:</p> <ul style="list-style-type: none"> a) All owners of the agricultural/wildlife habitat mitigation land shall execute the document encumbering the land. b) The document shall be recordable and contain an accurate legal description of the agricultural/wildlife habitat mitigation land. c) The document shall prohibit any activity that substantially impairs or diminishes the agricultural productivity of the land. If the conservation easement is also proposed for wildlife habitat mitigation purposes, the document shall also prohibit any activity that substantially impairs or diminishes the wildlife habitat suitability of the land. d) The document shall protect any existing water rights necessary to maintain agricultural uses on the land covered by the document and retain such water rights for ongoing use on the agricultural/wildlife habitat mitigation land. e) Interests in agricultural/habitat mitigation land shall be held in trust, in perpetuity, by the City and/or an entity acceptable to the City. Without the prior written approval of the City, the entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land. f) The applicant shall pay to the City an agricultural/wildlife habitat mitigation monitoring fee to cover the costs of administering, monitoring, and enforcing the document in an amount determined by the receiving entity, not to exceed 10 percent of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed 15 percent of the easement price paid by the applicant. g) The City shall be named a beneficiary under any document conveying the interest in the agricultural/wildlife habitat mitigation land to an entity acceptable to the City. h) If any qualifying entity owning an interest in agricultural/wildlife habitat mitigation land ceases to exist, the duty to hold, administer, monitor, and enforce the interest shall be transferred to another entity acceptable to the City.

RA5-18
cont.

Mitigation Measure
<p>i) Before committing to the preservation of any particular farmland pursuant to this measure, the Project applicant shall obtain the City's approval of the farmland proposed for preservation.</p> <p>Applicants for any subsequent projects shall retain qualified biologists to conduct a preliminary evaluation of the specific project site to determine whether wet meadow, freshwater emergent wetland, or irrigation/drainage ditch vegetative communities occur within the specific project site. If any of these habitats are identified within the specific project site, surveys in and adjacent to (within 100 feet, where appropriate) the proposed impact area, including new construction access routes, shall be conducted to determine the presence/absence of special-status plant species.</p> <p>Surveys shall be conducted in accordance with CDFW <i>Protocols for Surveying and Evaluating Impacts to Special Status Native Plant Populations and Natural Communities</i> (2009). These guidelines require that rare plant surveys be conducted at the proper time of year when rare or endangered species are both evident and identifiable. Field surveys shall be scheduled to coincide with known flowering periods and/or during appropriate developmental periods that are necessary to identify the plant species of concern. Survey results shall be submitted to the City for review and approval.</p> <p>If none of the species identified in Table X.X-X are found in or adjacent to (within 100 feet) proposed impact areas, no further mitigation is required.</p> <p>If any of the species identified in Table X.X-X are found in or adjacent to (within 100 feet) proposed impact areas during the surveys, these plant species shall be avoided to the greatest extent feasible. Any special-status plant species that are identified adjacent to the Project area, but not proposed to be disturbed by the project, shall be protected by barrier fencing to ensure that construction activities and material stockpiles do not impact any special-status plant species. These avoidance areas shall be identified on site plans and/or, tentative subdivision maps.</p> <p>If Project-related impacts will result in the loss of greater than 10 percent of occupied habitat for a special-status plant species, mitigation shall be required for all impacts that exceed the 10 percent threshold. For example, if 18 percent of occupied habitat will be impacted, mitigation shall only be required for the 8 percent that exceeds the 10 percent threshold. Mitigation for permanent impacts to special-status plant species shall include the preservation of occupied habitat at a 1:1 ratio (i.e., 1 acre preserved for each acre impacted). Temporarily disturbed special-status plant species sites shall be restored to original function and value.</p> <p>Preservation areas may include undisturbed areas of the site that will be preserved and managed in perpetuity, off-site mitigation lands, or a combination of both. The preserved habitat shall be of equal or greater habitat quality to the areas impacted in terms of soil features, extent of disturbance, and vegetation structure, and contain extant populations of the same or greater size as the area impacted.</p> <p>Plans for avoidance, minimization, and mitigation (if appropriate) shall be prepared and submitted to the City of Elk Grove</p>

RA5-18
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Mitigation Measure
<p>Development Services Department, Planning Division at the time of application for the City's review and approval. Surveys shall occur no more than two years prior to ground breaking of the subsequent project.</p>
<p>Applicants shall retain qualified biologists to conduct a preliminary evaluation of the specific project site to determine whether vernal pool fairy shrimp and/or vernal pool tadpole shrimp habitat occurs on or within 250 feet of the project area. If habitat is not present, project applicants shall submit a letter of their findings to the City and the USFWS for concurrence. If the USFWS concurs with the negative survey findings, project applicants shall submit proof of concurrence to the City with their application, and no further mitigation is required. If the USFWS does not concur, applicants shall undertake surveys or assume presence based on the USFWS's direction.</p>
<p>If it is determined that listed vernal pool branchiopods are present, the following mitigation is required.</p>
<p>For every acre of vernal pool habitat directly affected, project applicants shall replace the affected acreage at a 1:1 ratio (1 acre creation for each acre of impact) through the dedication of vernal pool creation credit(s) within a USFWS-approved mitigation bank or through creation/restoration of vernal pool habitat as part of a USFWS-approved mitigation plan. Vernal pool creation shall not occur within 250 feet of extant vernal pools unless specifically approved by the USFWS.</p>
<p>For every acre of vernal pool habitat directly and indirectly affected, the project applicant shall replace the affected acreage at a 2:1 ratio (2 acres of preservation for every 1 acre of impact) through the dedication of vernal pool preservation credit(s) within a USFWS-approved mitigation bank or preserved on- or off-site as part of a USFWS-approved mitigation plan. Other conservation measures may be required by the USFWS.</p>
<p>Applicants shall retain a qualified biologist to survey for the presence of elderberry shrubs with stems measuring greater than 1-inch diameter at ground level. Surveys shall be conducted in accordance with the USFWS 1999 <i>Conservation Guidelines for the Valley Elderberry Longhorn Beetle</i>. If no elderberry shrubs with one or more stems measuring 1 inch or greater in diameter at ground level are documented, no further mitigation is required. Survey results shall be submitted to the City for review and approval. If an elderberry shrub(s) with one or more stems measuring 1 inch or greater in diameter at ground level is documented, and a 100-foot avoidance buffer can be maintained around the shrub, the following protective measures shall be implemented:</p> <ol style="list-style-type: none"> 1) Fence and flag all areas to be avoided during construction activities. In areas where encroachment into the 100-foot buffer has been approved by the USFWS, provide a minimum setback of at least 20 feet from the dripline of each elderberry plant. 2) Brief contractors on the need to avoid damaging the elderberry plants and the possible penalties for not complying with these requirements. 3) Erect signs every 50 feet along the edge of the avoidance area with the following information: "This area is habitat of the valley elderberry longhorn beetle, a threatened species, and must not be disturbed. This species is protected by the Endangered Species Act of 1973, as amended. Violators are subject to prosecution, fines, and imprisonment." The signs should be clearly readable from a distance of 20 feet and must be maintained for the duration of construction.

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Mitigation Measure
<p>4) Instruct work crews about the status of the beetle and the need to protect its elderberry host plant.</p> <p>5) Restore any damage done to the buffer area (area within 100 feet of elderberry plants) during construction. Provide erosion control and revegetate with appropriate native plants.</p> <p>6) Continue to protect buffer areas after construction from adverse effects of the Project. Measures such as fencing, signs, weeding, and trash removal are usually appropriate.</p> <p>7) Do not use insecticides, herbicides, fertilizers, or other chemicals that might harm the beetle or its host plant in the buffer areas or within 100 feet of any elderberry plant with one or more stems measuring 1 inch or more in diameter at ground level.</p> <p>8) Project applicants shall provide a written description of how the buffer areas are to be restored, protected, and maintained after construction is completed to the USFWS and the City of Elk Grove Development Services Department, Planning Division.</p> <p>9) Mowing of grasses/ground cover shall only occur from July through April to reduce fire hazard. No mowing shall occur within 5 feet of elderberry plant stems. Mowing shall be done in a manner that avoids damaging plants (e.g., stripping away bark through careless use of mowing/trimming equipment).</p> <p>If elderberry plants cannot be avoided, they must be transplanted to a conservation area in accordance with the 1999 USFWS guidelines, with USFWS approval. A plant that is unlikely to survive transplantation because of poor condition or location, or a plant that would be extremely difficult to move because of access problems, may be exempted from transplantation through consultation with the USFWS. In addition to transplanting all elderberry shrubs, additional elderberry seedlings or cuttings shall be planted at a 1:1 ratio (new plantings to affected stems). Native plants shall also be planted at a 1:1 ratio (native tree/plant species to each elderberry seedling or cutting). Stock of saplings, cuttings, and seedlings shall be obtained from local sources. If the parent stock is obtained from a distance greater than 1 mile from the conservation area, the USFWS must approve the plant donor sites prior to initiation of revegetation work. Planting or seeding the conservation area with native herbaceous species is encouraged.</p>
<p>Standard best management practices shall be implemented during and after construction to protect water quality in sensitive habitat areas during construction.</p>
<p>Prior to implementation of construction activities, the project applicants with specific project sites within 100 feet of aquatic features shall retain qualified biologists to conduct a survey for western pond turtle no more than 3 days prior to initiation of construction activities. If this species is documented near any proposed construction areas, the individual(s) shall be moved at least 500 feet downstream to suitable habitat. If individuals are observed during construction activities, all construction activities shall be halted, a qualified biologist shall be notified, and the qualified biologist shall relocate the individual prior to continuing construction activities.</p>
<p>If active nest sites are identified during the survey, the project applicant shall impose a construction setback of 100 feet for all active nest sites prior to commencement of any construction activities to avoid construction or access-related disturbances to western pond turtles until the eggs hatch or the nest is moved to an appropriate location as authorized by the CDFW.</p>
<p>Applicants shall retain a qualified biologist to determine whether suitable nesting habitat occurs within 500 feet of the specific project</p>

RA5-18
cont.



Mitigation Measure
<p>site. If suitable habitat exists, focused surveys must be performed by a qualified biologist in accordance with the CDFW's <i>Staff Report on Burrowing Owl Mitigation</i>, published March 7, 2012. Surveys shall be repeated if project activities are suspended or delayed more than 15 days during nesting season.</p> <p>If no burrowing owls are detected, no further mitigation is required. If active burrowing owl nest sites are detected, the project applicant shall implement the avoidance, minimization, and mitigation methodologies outlined in the CDFW's <i>Staff Report on Burrowing Owl Mitigation</i> prior to initiating project-related activities that may impact burrowing owls. Burrowing owl surveys are valid for one year from the date of the survey.</p>
<p>If clearing and/or construction activities would occur during the raptor nesting season (January 15–August 15), preconstruction surveys to identify active raptor nests shall be conducted by a qualified biologist within 14 days of construction initiation in specific project sites. Focused surveys must be performed by a qualified biologist for the purposes of determining presence/absence of active nest sites within the proposed impact area, including construction access routes and a 1,000-foot buffer. If no active nests are found, no further mitigation is required. Surveys shall be repeated if construction activities are delayed or postponed for more than 30 days.</p>
<p>If active white-tailed kite or other raptor (excluding Swainson's hawk) nest sites are identified within 1,000 feet of Project activities, the applicant shall impose a 500-foot setback of all active nest sites prior to commencement of any Project construction activities to avoid construction or access-related disturbances to nesting raptors. Project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur within the setback until the setback until the nest is deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the CDFW and/or the City.</p>
<p>If active Swainson's hawk nest sites are identified within 1,000 feet of project activities, the applicant shall impose a 1,000-foot setback of all active nest sites prior to commencement of any construction activities to avoid construction or access-related disturbances to nesting raptors. Project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur within the setback until the nest is deemed inactive. Activities permitted within setbacks and the size of setbacks may be adjusted through consultation with the CDFW and/or the City.</p>
<p>Trees containing white-tailed Kite or other raptor (excluding Swainson's hawk) nests that must be removed as a result of Project implementation shall be removed during the non-breeding season (September 1–January 1). Swainson's hawks are State listed as a threatened species; therefore, impacts to Swainson's hawk nest trees require regulatory authorization from the CDFW prior to removal.</p>
<p>Project applicants shall mitigate for the loss of Swainson's hawk foraging habitat at a 1:1 ratio consistent with Elk Grove Municipal Code (EGMC) Chapter 16.130, <i>Swainson's hawk Impact Mitigation Fees</i>.</p> <p>If clearing and/or construction activities would occur during the migratory bird nesting season (March 15–August 15), preconstruction surveys to identify active bird nests shall be conducted by a qualified biologist within 14 days of construction initiation on specific project sites. Focused surveys must be performed by a qualified biologist for the purpose of determining the presence/absence of active nest sites within the proposed impact area and a 200-foot buffer (if accessible). Surveys shall be repeated if construction</p>

RA5-18
cont.



Mitigation Measure
activities are delayed or postponed for more than 30 days.
If active nest sites are identified within 200 feet of project activities, project applicants shall impose a 100-foot setback for all active nest sites prior to commencement of any project construction activities to avoid construction or access-related disturbances to bird nesting activities. Project-related activities (i.e., vegetation removal, earth moving, and construction) will not occur within setbacks until the nest is deemed inactive. Activities permitted within and the size (i.e., 100 feet) of setbacks may be adjusted through consultation with the CDFW and/or the City.
Applicants shall retain a qualified wetland consultant to determine if potentially jurisdictional waters are present. If potentially jurisdictional features are identified, the project applicant shall submit a preliminary jurisdictional determination to the USACE for verification. The verified delineation will be submitted to the City for its records.
Applicants shall ensure there is no net loss of riparian vegetation. Mitigation as required in regulatory permits issued through the CDFW, the USACE, or the RWQCB may be applied to satisfy this measure. Evidence of compliance with this mitigation measure shall be provided to the City prior to construction and grading activities for the proposed Project.
Project applicants shall ensure that their specific projects would result in no net loss of federally protected waters through impact avoidance, impact minimization, and/or compensatory mitigation, as determined in CWA Section 404 and 401 permits and/or a 1602 Streambed Alteration Agreement. Evidence of compliance with this mitigation measure shall be provided prior to construction and grading activities for each proposed project.
If cultural resources (i.e., prehistoric sites, historic sites, and isolated artifacts) are discovered during grading or construction activities within the Project area, work shall be halted immediately within 50 feet of the discovery, the City of Elk Grove Development Services Department, Planning Division shall be notified, and a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history shall be retained to determine the significance of the discovery.
The City shall consider mitigation recommendations presented by a professional archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in archaeology and/or history for any unanticipated discoveries. The City and the Project applicant of the site where the discovery is made shall consult and agree on implementation of a measure or measures that the City deems feasible. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The Project proponent shall be required to implement any mitigation necessary for the protection of cultural resources.
If human remains are discovered during any ground-disturbing activities within the Project area, all work shall be halted immediately within 50 feet of the discovery, the City of Elk Grove Development Services Department, Planning Division shall be notified, and the County Coroner must be notified according to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the coroner will notify the Native American



RA5-18
cont.

Mitigation Measure
<p>Heritage Commission, and the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.</p> <p>Prior to the approval of subsequent development projects within the Project area that have not already been evaluated for the presence of cultural resources, a detailed cultural resources field survey of the subject property shall be conducted by the City and funded by the applicant. If the site is deemed to have a high probability of Native American cultural resources, the site will require preconstruction coordination with the local Native American tribe. The applicant shall provide proof of this coordination to the City. The cultural resources field survey shall identify any cultural resource finds and will set out measures to mitigate any impacts to any significant resources as defined by CEQA, the California Register of Historic Resources, and/or the National Historic Preservation Act. Mitigation methods to be employed include, but are not limited to, the following:</p> <ol style="list-style-type: none"> Redesign of the subsequent development project to avoid the resource. The resource site shall be deemed to a nonprofit agency to be approved by the City for maintenance of the site. If avoidance is determined to be infeasible by the City, the resource shall be mapped, stabilized, and capped pursuant to appropriate standards. If capping is determined infeasible by the City, the resource shall be excavated and recorded to appropriate standards.
<p>If any paleontological resources (fossils) are discovered during grading or construction activities within the Project area, work shall be halted immediately within 50 feet of the discovery, and the City of Elk Grove Development Services Department, Planning Division shall be immediately notified. At that time, the City will coordinate any necessary investigation of the discovery with a qualified paleontologist.</p> <p>The City shall consider the mitigation recommendations of the qualified paleontologist for any unanticipated discoveries of paleontological resources. The City and the appropriate project applicant shall consult and agree on implementation of a measure or measures that the City deems feasible and appropriate. Such measures may include avoidance, preservation in place, excavation, documentation, curation, data recovery, or other appropriate measures. The project proponent shall be required to implement any mitigation necessary for the protection of paleontological resources.</p>

RA5-18
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8401 LAGUNA PALMS WAY • ELK GROVE, CALIFORNIA 95758

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NOTICE OF PREPARATION OF A DRAFT ENVIRONMENTAL IMPACT REPORT

DATE: June 23, 2017

TO: Responsible Agencies, Organizations, and Interested Parties

LEAD AGENCY: City of Elk Grove
Contact: Christopher Jordan, AICP
8401 Laguna Palms Way
Elk Grove, CA 95758

SUBJECT: Environmental Impact Report for the City of Elk Grove General Plan Update

In discharging its duties under Section 15021 of the California Environmental Quality Act (CEQA) Guidelines, the City of Elk Grove (as lead agency, hereinafter City) publicly announces the preparation of a Program Environmental Impact Report (EIR), consistent with State CEQA Guidelines Section 15168 (Division 6 of Chapter 3 of Title 14 of the California Code of Regulations, hereinafter the CEQA Guidelines), for the **City of Elk Grove General Plan Update Project** (the Project, described later in this document). In accordance with Section 15082 of the CEQA Guidelines, the City of Elk Grove has prepared this Notice of Preparation (NOP) to provide the Governor's Office of Planning and Research, responsible and trustee agencies, and other interested parties with sufficient information describing the Project and its potential environmental effects.

The City made the determination to prepare an EIR following preliminary review of the Project. Pursuant to CEQA Guidelines Section 15063(a), because an EIR is needed an initial study has not been prepared. Probable environmental effects of the Project are described in the attached Project Summary.

As specified by the CEQA Guidelines, the NOP will be circulated for a 30-day review period. **The comment period runs from Friday, June 23, 2017, to Monday, July 24, 2017.** The City of Elk Grove welcomes public input during the review period. In the event the City has not received either a response or a well-justified request for additional time by a responsible agency by the end of the review period, the City may presume that the responsible agency has no response (CEQA Guidelines Section 15082[b][2]).

Comments may be submitted in writing during the review period and may be addressed to:

City of Elk Grove
City Manager's Office
Strategic Initiatives and Long Range Planning
c/o Christopher Jordan, AICP
8401 Laguna Palms Way
Elk Grove, CA 95758
cjordan@elkgrovecity.org

A scoping meeting for the Project will be held from 6:00 p.m. to 7:30 p.m. on **Tuesday, July 11, 2017**, at the City of Elk Grove City Council Chambers, located at 8400 Laguna Palms Way in Elk Grove.

RA5-18
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NOTICE OF PREPARATION

A copy of the NOP describing the Project location and potential environmental effects is available at the following locations:

- City of Elk Grove Development Services Department, 8401 Laguna Palms Way, Elk Grove, CA 95758
- Elk Grove Library, 8900 Elk Grove Boulevard, Elk Grove, CA 95624
- Franklin Library, 10055 Franklin High Road, Elk Grove, CA 95757
- The City's website:
http://www.elkgrovecity.org/city_hall/departments_divisions/planning/a_brighter_future/

A. PROJECT LOCATION AND SETTING

The Project site consists of the Planning Area for the General Plan update, which contains all land within the Elk Grove City boundaries, as well as lands outside the City to the south and east that bear relation to City's planning activities as provided in California Government Code Section 65300. The Planning Area encompasses approximately 48.8 square miles (31,238 acres) located in south-central Sacramento County (see **Figure 1**). Elk Grove's City limits and the Planning Area boundary are shown in **Figure 2** and are generally described as follows:

- The City is generally bounded by Interstate 5 (I-5) on the west, Calvine Road and the City of Sacramento on the north, Grant Line Road on the east, and Kammerer Road on the south. State Route (SR) 99 runs north/south, bisecting the City near its center.
- The Planning Area boundaries generally coincide with the City limits on the north and west, but to the south the Planning Area extends to Eschinger Road and to Deer Creek to the east, as shown in **Figure 2**.

In the Planning Area, existing land uses include a mix of agriculture (10 percent), residential (55 percent), nonresidential (commercial, office, and industrial) (7 percent), park and open space areas (9 percent), civic/institutional (5 percent), public and quasi-public spaces, roadways, and other infrastructure (2 percent), and vacant land (12 percent). Existing land uses in the Planning Area are illustrated in **Figure 2**.

Aside from portions of the City of Sacramento to the northwest, all land surrounding the Project site is located in unincorporated Sacramento County and consists of mostly rural residential and agricultural uses.

B. PROJECT DESCRIPTION

The City of Elk Grove is conducting a comprehensive update of its General Plan. State law (Government Code Section 65300) requires each city and county to adopt a comprehensive, long-term general plan for its physical development. The City's current General Plan was adopted in 2003, with various amendments changes made since then, and serves to direct the City's future growth and development as well as its conservation policy. The General Plan is now being updated to ensure that the guiding policy document remains a useful tool, keeps pace with change, and provides workable solutions to current and future issues.

The General Plan Update Project includes the following related components:

1.0 GENERAL PLAN UPDATE

The General Plan and implementing programs serve as the blueprint for future growth and development. These documents contain policies and programs designed to provide decision-makers with a solid basis for future decisions related to land use and development.

General Plan update documents and presentations developed to date are available at the following website:

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

1.1 Vision Statement and Supporting Principles

The following community Vision Statement supports the General Plan Update Project:

The City of Elk Grove is a great place to make a home, a great place to work, and a great place to play. Our community is diverse, healthy, safe, and family-oriented, with thriving schools and plentiful parks, shops, and places to work. Agriculture, rural homes, and urban life flourish together. Our natural resources, including water and open spaces, are protected and offer a variety of recreational opportunities. Community members travel easily by automobile, by bicycle, on foot, or using transit. The City is proactive in making daily life healthy and sustainable—considering the needs of future generations while protecting what is valued today.

Well-maintained infrastructure and the right mix of services and amenities draw new and dynamic businesses and development to Elk Grove. Development is guided to ensure responsible growth and opportunities for a diversity of individuals that call Elk Grove home.

Elk Grove's Vision is supported by a series of Supporting Principles, described below, that provide an overarching rationale for more specific General Plan goals and policies.

Regional Goals and Influence: Our Regional Neighbors Know Us and Our Contributions

Elk Grove occupies a prominent place in the regional dialogue. The City's identity and brand are clear in the minds of its neighbors. Our contributions to the region continue to strengthen that identity and include recreational opportunities, higher education, job centers, and quality neighborhoods. City officials engage with other cities, Sacramento County, and other partners to plan and build for an ever more dynamic region. The City's employment potential within the regional economy is fulfilled. New businesses have emerged, providing new employment centers that support technology and build from our agricultural roots. Both housing and jobs are available in the community, providing flexible opportunities for many lifestyles.

Infill Development and Outward Expansion: Development Fills in the Gaps and Expansion Occurs with Purpose

Unfinished, undeveloped gaps once found throughout the City become opportunities to develop economically successful additions that provide added value to our community as well as new job opportunities and lifestyle improvements. Existing small businesses are protected even as we invite in new businesses and different economic opportunities. New development plans are grounded by community needs and market demand, and are carried out efficiently and holistically. New housing built in a variety of shapes and sizes to meet the needs and desires of our diverse community also fills in these gaps.

NOTICE OF PREPARATION

Infill development is consistently executed with programs that address impacts and encourage innovative building solutions. A creative growth management strategy allows expansion to occur when economic need, community vision, and regional goals align. There is a strong system in place to guarantee that, as the community accommodates new neighbors and new jobs, it continues to maintain and improve facilities and services, such as schools, roads, and parks.

Economic Vitality: Our Economy Thrives and New Business Adds Value

Major employment centers make their home in Elk Grove, providing employment opportunities and stimulating ancillary businesses as well. We continue to invite businesses that are competitive in the region and set the stage to attract these businesses by providing resources and amenities they need. Old and new businesses together improve our lives by providing new jobs as well as convenient places to get amenities and entertainment. Elk Grove has a diverse economy that builds from our heritage, but also invites in new and changing industries. Higher education and technical training are available to our community members as they pursue diverse job opportunities in these new industries. The City is leading the way in innovative technology infrastructure, technical education opportunities, sports activities and entertainment, and a safe and crime-free environment. These features attract business and provide a better quality of life for individuals and families of all incomes, ages, abilities, and backgrounds.

Growth and development in the City is built with mindfulness of our historic resources and identity. These businesses bolster the community by providing jobs, services, goods, and recreational opportunities for residents.

Neighborhood, District, and Community Identity: City Core, Heritage, and Well-Known Neighborhoods

The City includes a civic core that offers central gathering spaces that all community members enjoy and feel welcome in. The City and community organizations partner to foster the civic core to be both thriving and safe. Successful projects and annual events enhance vitality and camaraderie in this space.

Old Town Elk Grove continues to protect and showcase our heritage for the enjoyment of residents and visitors alike. All of our neighborhoods are built around our top-notch parks and schools. Preservation and change in our neighborhoods are guided by values of diversity, neighborly spirit, and small-town character.

Rural Areas: Protecting Our Farming Heritage and Rural Life

We celebrate the rural area and its heritage, and balance that heritage with other needs, services, and lifestyles desired in Elk Grove. The rural area is valued in our community for its aesthetic and cultural value, as well as the economic and educational opportunities agriculture provides. Our commitment to maintaining the rural area is clear and codified in core planning documents through programs that preserve the aesthetics and style of our rural heritage. Agricultural producers and other land uses remain good neighbors, each with desired services and infrastructure needs fully met.

Open Space and Resource Management: Outdoor Recreation Is Right Outside Our Door

Our parks and trails are high quality and highly valued. We continue to enhance and maintain our recreational open spaces so that they are safe, connected, and accessible to all. Our trails connect easily to other trails and parks in the region, and community gardens are a source of local food and local involvement.

Mobility and Active Transportation: Moving Around Anywhere, Any Way

Our residents, workers, and visitors need to move about efficiently, and have a variety of ways to do so. Connected transportation networks, regional coordination, and public and active transportation options are priorities for our community. Connected and mobile community members have the ability to travel within the City and to other places in the region by a variety of methods, with seamless transitions between modes and regions. Our community has roadways in place that allow for efficient movement and safe travel spaces for all modes of getting around. The infrastructure and facilities for pedestrians, bicyclists, and transit users are clean, safe, and well maintained, and walkways and bike lanes are continuous and complete with convenient connections to local and regional transit.

Sustainable and Healthy Communities: Clean, Green Practices and Healthy Living

Sustainable practices are at the forefront of environmental concerns in Elk Grove. Organizations, businesses, and residents desire a city that is adaptive to and resilient against climate change, is a leader in conservation, and embraces innovations in green technologies. The City layout and land uses promote healthy living, with healthy grocery options and destinations nearby that people can get to by walking and biking.

The City's residents and businesses recognize the importance of responsible resource use, and they work together to conserve and use water and energy to their full potential.

Coordinated Services, Technology, and Infrastructure: Services for the Needs of All Residents

Safety and services are important to all members of our community, and services for youth, seniors, and disadvantaged families are provided. Entertainment and social centers create a thriving and diverse economy and give residents a place to shop, play, and relax.

The City ensures that important services in our community, including social, housing, transportation, health, and education, are available and efficiently obtainable for community members that choose or need them to thrive.

1.2 General Plan Structure

The General Plan must include subject matter identified in State law for the following State-required elements or topics: Land Use, Circulation, Housing, Conservation, Open Space, Noise, and Safety. The updated Elk Grove General Plan will be divided into 10 chapters, which together address the topics mandated by the State, as well as additional topics of interest to the City. Each chapter is briefly described below.

1. **Introduction:** Addresses the purpose and scope of the General Plan; background on Elk Grove's history, current demographics, and economic conditions; planning context (other local and regional plans); the relationship of the General Plan to other plans and documents, including the City's Municipal Code; and the geographic area and topics covered in the General Plan.
2. **Vision:** Includes the Community Vision Statement and nine Supporting Principles that guide the General Plan, as developed during the public engagement process for the General Plan update.

NOTICE OF PREPARATION

3. **Planning Framework:** Presents the three main components of the General Plan—the Land Use Plan, the Transportation Plan, and the Resource Conservation Plan—and lays out the key concepts and components underlying each. Includes three long-range planning policy diagrams: the Land Use Diagram, the Transportation Network Diagram, and the Resource Conservation Diagram. Describes the relationship between these three components, as well as their relationship to other planning documents such as the City's Housing Element.
4. **Urban and Rural Development:** Identifies the City's goals and policies related to development and expansion of urban areas, including both infill development and annexation of new land into the City. Summarizes key goals and policies from the City's Housing Element and how these relate to urban development and expansion policies. Discusses goals and policies related to agriculture and ongoing preservation of rural areas.
5. **Economy and the Region:** Presents the City's goals and policies related to economic vitality and economic development. Discusses regional coordination with public and private entities related to economic goals.
6. **Mobility:** Presents the City's goals and policies related to multimodal and active transportation, including complete streets design, public transit, maintenance and expansion of the roadway system, and the rail transportation network. Addresses related transportation topics, including safety and metrics for measuring traffic volumes and vehicle miles traveled.
7. **Community and Resource Protection:** Defines the City's goals and policies related to preserving the character and identity of neighborhoods and districts, protecting historic and cultural resources, promoting arts and culture, providing public open spaces and recreational facilities, and conserving the environment and natural resources. Summarizes community governance and decision-making goals and processes.
8. **Services, Health, and Safety:** Addresses the City's goals and policies related to health and safety, including disaster and emergency preparedness, public safety services (police and fire), and noise. Discusses specific risks such as hazardous materials and waste, flooding and drainage, and geologic and seismic hazards, and outlines policies to address these risks. Discusses environmental equity and community health. Presents the City's goals and policies related to community services, including libraries, schools, and youth and senior services.
9. **Community and Area Plans:** Describes four Community and Area Plans that are existing or will be developed as part of this plan or in the future to further refine the goals and objectives of the General Plan in key, specific geographical areas of the city:
 - Southeast Policy Area Community Plan (adopted)
 - Sheldon/Rural Area Community Plan (to be prepared as part of the Project)
 - East Elk Grove Community Plan (to be prepared as part of the Project; this community plan will include various policies currently contained in the East Elk Grove Specific Plan, which is proposed to be rescinded, as noted in Section 3.0, Specific Plans.)
 - Central Elk Grove Community Plan (to be prepared in the future as a separate project)

RA5-18
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10. **Implementation:** Sets forth specific actions and tools for implementation of the General Plan, along with a detailed work program. Describes the process for maintaining and monitoring progress in implementing the General Plan.
11. **Glossary and Acronyms:** Provides a list of acronyms and definitions for key terms used in the General Plan.
12. **Appendices:** A series of technical appendices addressing land use, mobility, housing, and safety.

The mandated elements of the General Plan will be addressed in the chapters as identified in Table 1.

TABLE 1
COMPARISON OF PROPOSED GENERAL PLAN CHAPTERS AND STATE MANDATED GENERAL PLAN ELEMENTS

Proposed General Plan Chapters	Mandated Government Code Elements						
	Land Use	Circulation	Housing	Conservation	Open Space	Noise	Safety
1. Introduction							
2. Vision							
3. Planning Framework	O	O	O		O		
4. Urban and Rural Development	X		X				
5. Economy and the Region							
6. Mobility		X					O
7. Community and Resource Protection				X	X		
8. Services, Health, and Safety		O				X	X
9. Community and Area Plans	O	O	O	O	O	O	O
10. Implementation	O	O	O	O	O	O	O
11. Glossary and Acronyms							
12. Appendices							
A. Land Use Technical Data	O						
B. VMT and Traffic Technical Data		O					
C. Housing Element Statutory Requirements			O				
D. Safety Element Statutory Requirements							O

X = Chapter that primarily addresses element requirements

O = Chapter has policies or discussion that supports the element requirements or addresses components not addressed in the primary chapter

RA5-18
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NOTICE OF PREPARATION

1.3 Land Use Diagram

The Preferred Alternative Land Use Map (**Figure 3**) establishes the general pattern of uses in the Planning Area. The maximum permitted land use densities and intensities will be identified in the General Plan for these land uses. As the density and intensity standards for each land use designation are applied to future development projects and land use decisions, properties will gradually transition from one use to another, and land uses and intensities will gradually shift to align with the intent of the General Plan. Within the Study Areas identified on the Land Use Diagram, future uses may be developed in accordance with annexation policies identified in the General Plan and are subject to more detailed planning (e.g., specific plan).

Table 2 identifies anticipated land use changes that would occur with implementation of the General Plan, both from a 2015 baseline condition and relative to the currently adopted General Plan. For purposes of the EIR, analysis of potential environmental effects will be based on the net change between 2015 baseline conditions and the proposed General Plan.

TABLE 2
ANTICIPATED LAND USE CHANGES

	Acres	Dwelling Units	Population	Jobs	Jobs/Housing Ratio
Existing Development¹ Total	31,238	53,829	171,059	45,463	0.84
Current General Plan² Total	31,238	77,716	252,560	97,373	1.25
<i>City Limits Subtotal</i>	<i>23,441</i>	<i>75,718</i>	<i>246,108</i>	<i>89,097</i>	
<i>Study Areas Subtotal</i>	<i>7,797</i>	<i>1,997</i>	<i>6,452</i>	<i>8,276</i>	
Preferred Land Use Map³ Total	31,238	101,665	328,378	122,802	1.21
<i>City Limits Subtotal</i>	<i>23,441</i>	<i>71,334</i>	<i>230,407</i>	<i>82,446</i>	
<i>Study Areas Subtotal</i>	<i>7,797</i>	<i>30,332</i>	<i>97,971</i>	<i>40,356</i>	
Difference Between Existing Development and Proposed General Plan	0	47,836	157,319	77,339	

Note: Numbers may not sum due to rounding

1. Existing development represents 2017 population and dwelling information and 2013 jobs data. These are the latest datasets that are available.

2. Current General Plan refers to buildout of the existing General Plan land use diagram.

3. Preferred Land Use Map refers to the buildout of the proposed General Plan Land Use Diagram.

RA5-18
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1.4 Transportation Network Diagram

The transportation network is a major determinant of urban form and land use. Factors such as traffic patterns and congestion, access to transit, and ease and safety of walking and biking may determine where people choose to live, work, and visit. **Figure 4** illustrates anticipated roadway capacities needed to serve vehicle traffic anticipated with the proposed land uses. Policies developed for the General Plan will ensure a complete network including fixed transit, pedestrian and bicycle routes, and Class 1 trails.

2.0 CLIMATE ACTION PLAN UPDATE

The City of Elk Grove adopted a Climate Action Plan (CAP) in 2013. As part of the General Plan Update Project, the City is also completing an update to the CAP. The updated CAP will include an updated community-wide emissions inventory for Elk Grove, along with updated emissions forecasts for 2020, 2030, and 2050 based on land use activities anticipated with implementation of the updated General Plan.

While the existing CAP was originally designed to meet a 2020 target and provide CEQA streamlining benefits under Section 15183.5 of the CEQA Guidelines, the updated CAP will be consistent with new state legislation and guidance issued since the existing CAP was adopted in 2013, such as Senate Bill (SB) 32, Executive Order (EO) B-30-15, and updates to the State's Climate Change Scoping Plan. This information will be used to update the existing CAP emissions reduction measures to outline a strategy to achieve reduction targets consistent with State law and guidance. The updated CAP will also include an implementation program identifying time frames, responsible parties, indicators, potential costs and benefits, funding sources, and monitoring mechanisms.

3.0 SPECIFIC PLANS

To implement the policies and programs proposed in the General Plan update, the Project includes the following actions related to existing Specific Plans in the City:

- Rescind the East Elk Grove Specific Plan, integrating various policies into the proposed East Elk Grove Community Plan and establishing relevant development standards in Title 23 (Zoning) of the City's Municipal Code (herein after the Zoning Code).
- Rescind the East Franklin Specific Plan, integrating various policies into the proposed General Plan, as relevant and establishing relevant development standards in the Zoning Code.
- Amend various sections of the Laguna Ridge Specific Plan for consistency with the updated General Plan.

4.0 ZONING CODE AMENDMENTS

To maintain consistency with the updated General Plan, the Project also includes a number of amendments to the Zoning Code. Amendments planned as part of the Project include:

- Updating the allowed uses in commercial, office, and industrial zones as necessary for consistency with the General Plan Land Use Designations.
- Updating the Multifamily Overlay Zone for consistency with the General Plan Land Use Designations.

City of Elk Grove
June 2017

General Plan Update
Notice of Preparation

NOTICE OF PREPARATION

- Rezoning various properties to zoning districts consistent with the General Plan Land Use Designations.
- Rescinding the Laguna Community/Floodplain Special Planning Area zoning district.
- Rescinding the Laguna Gateway Special Planning Area zoning district.
- Rescinding the Calvine Road/Highway 99 Special Planning Area zoning district.
- Establishing new zoning district(s) as necessary to implement the updated General Plan.
- Updating other development standards as necessary to implement the updated General Plan.

5.0 PARKS AND RECREATION MASTER PLAN UPDATE

The Cosumnes Community Services District (CCSD) is preparing an update to the Parks and Recreation Master Plan, which describes how parks and recreation services are provided to the residents of Elk Grove. The City is fully located within the parks and recreation service area of the CCSD. The update to the Parks and Recreation Master Plan is being coordinated with the General Plan Update as the Master Plan describes the service area and design objectives for new parks and recreation facilities within the community. The EIR will address these updated parks criteria.

C. TYPE OF ENVIRONMENTAL DOCUMENT

The General Plan Update EIR will be prepared as a Program EIR, pursuant to Section 15168 of the CEQA Guidelines. A Program EIR examines the environmental impacts of an overall area that may contain a series of subsequent projects. This type of EIR focuses on the changes in the environment that would result from implementation of the overall Project, including development of land uses and transportation systems identified in the Project, as well as other infrastructure required to serve the Project. The General Plan Update EIR will serve as the environmental review document for subsequent activities in the program. Consistent with CEQA Guidelines Section 15168(c), the City will review subsequent activities to determine whether the activity is within the scope of the Project covered by the Program EIR or whether an additional environmental document must be prepared. If the City finds, pursuant to CEQA Guidelines Section 15162, that no new effects could occur or no new mitigation measures would be required, the City can approve the subsequent activity as being within the scope of the Project covered in the Program EIR, and no new environmental document would be required.

D. PROBABLE ENVIRONMENTAL EFFECTS

The EIR will evaluate whether the proposed Project would potentially result in one or more significant environmental effects. The following issues will be addressed in the EIR:

- | | |
|--------------------------------|--------------------------|
| • Aesthetics, Light, and Glare | • Land Use |
| • Agricultural Resources | • Noise |
| • Air Quality | • Mineral Resources |
| • Biological Resources | • Population and Housing |
| • Cultural Resources | • Public Services |

NOTICE OF PREPARATION

- Geology, Soils, and Seismicity
- Greenhouse Gas Emissions
- Hazards and Hazardous Materials
- Hydrology and Water Quality
- Energy Conservation and Other Required CEQA Topics
- Public Utilities
- Recreation
- Transportation
- Tribal Cultural Resources

ISSUES SCOPED OUT FROM ANALYSIS IN THE EIR

One environmental issue would result in a less than significant impact and will not be discussed in the EIR for the reasons discussed below.

Seiche, Tsunami, and Mudflow

Based on the Project's location (inland, away from any water bodies) and topography (relatively flat), there would be no impact related to seiche, tsunami, or mudflow. This impact will not be discussed in the EIR.

E. EIR AND GENERAL PLAN UPDATE PROCESS

The Draft EIR will incorporate the input received at the scoping meeting and comments submitted on the NOP. The purpose of the Draft EIR is to examine and disclose the potential environmental impacts of the Project and to identify mitigation measures and alternatives that would reduce and/or avoid significant impacts.

The Draft EIR will have a 45-day public review period in which agencies and members of the public will review and comment on the Draft EIR. Comments received on the Draft EIR will be reviewed and addressed in the Final EIR. The Final EIR will be a document consisting of the Draft EIR, errata or changes to the Draft EIR, and responses to comments on the EIR, as well as any additional technical reports or follow-up documentation that may be necessary. The Elk Grove Planning Commission will hold a public hearing on the Final EIR and make a recommendation to the City Council regarding the Final EIR prior to action on the General Plan Update. The City Council will hold its own public hearing on the Final EIR and make its own determination on certification of the Final EIR prior to action on the General Plan Update.

RA5-18
cont.

NOTICE OF PREPARATION

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RA5-18
cont.

**General Plan Update
Notice of Preparation**

12

**City of Elk Grove
June 2017**



RA5-18
cont.

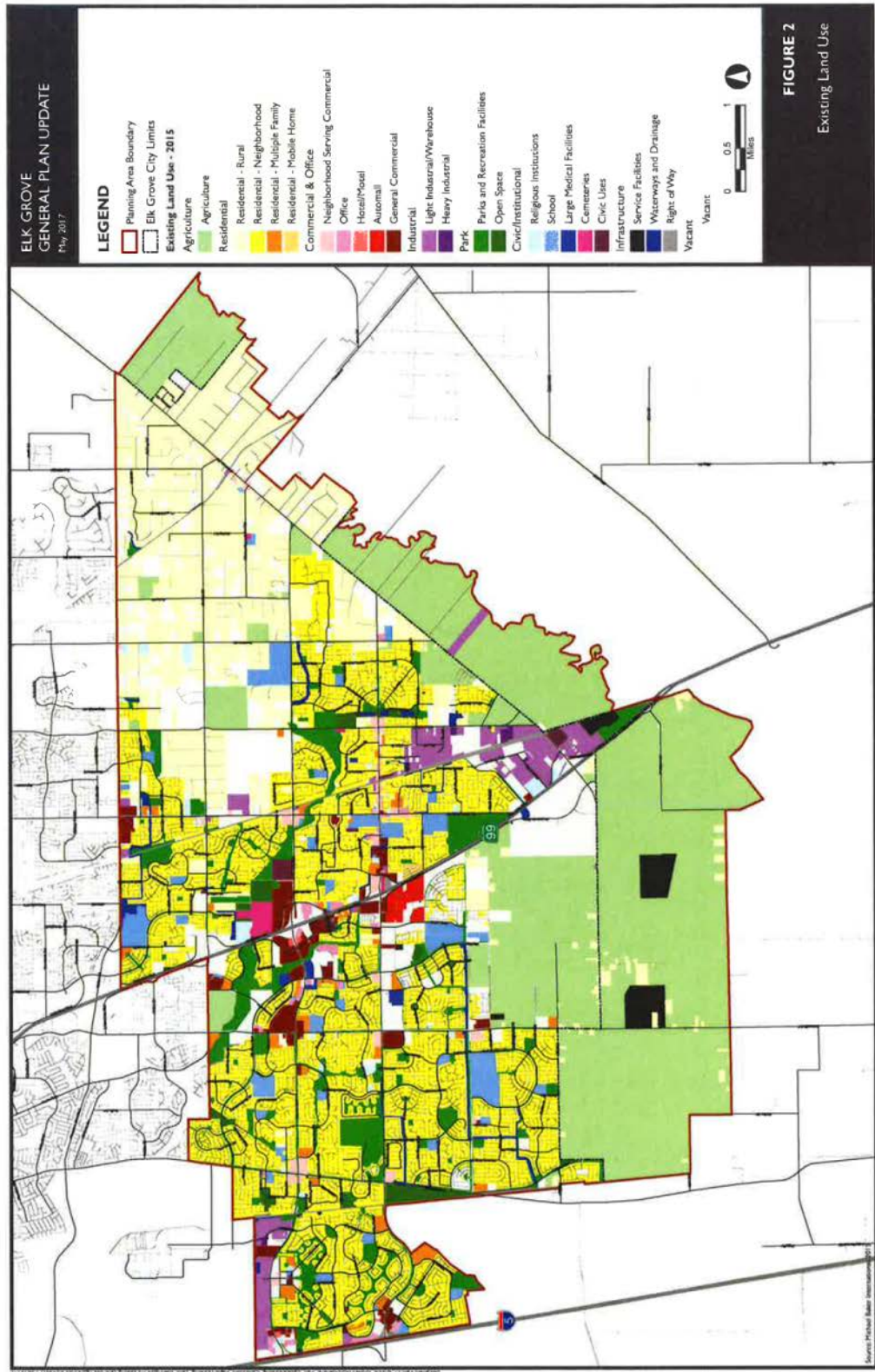
NOTICE OF PREPARATION

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RA5-18
cont.

*General Plan Update
Notice of Preparation*

*City of Elk Grove
June 2017*



RA5-18
cont.

NOTICE OF PREPARATION

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General Plan Update
Notice of Preparation

16

City of Elk Grove
June 2017



RA5-18
cont.

Comment RA5-1: *The commenter introduces the letter.*

The comment does not specify additional information needed in the Recirculated Draft EIR. The comment is noted and published in this Final EIR for decision maker consideration.

Comment RA5-2: *The comment identifies that the EIR analysis is based on a conceptual land use scenario included in the SOIA application and that, if the area is developed in the future, such development could be different than what is assumed for the purposes of analysis. The comment requests that additional flexibility be added to mitigation measures that would be appropriate for future versions of development that are different than that assumed for the SOIA in the EIR.*

Mitigation in the EIR is designed to apply to development as it would actually occur, and if it would actually occur within the SOIA Area in the future. Mitigation Measure 3.4-1 is designed to be flexible with respect to the presence of special-status plant species on-site during possible future development. If there are not special-status plant species, regardless of the form future development may take, then the balance of the programmatic mitigation is not required. This mitigation measure is not keyed to a particular land use array. The same is true for the other example offered – Mitigation Measure 3.4-2a – the mitigation is focused on the presence of species and habitat, irrespective of the area of development, the location of proposed land uses, and the scale or density/intensity of future land uses and supportive infrastructure.

In addition, in accordance with CEQA Guidelines Section 15097(d), ‘each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.’ If necessary, modifications to mitigation may be made, when the mitigation is no longer required or a substitute mitigation measure would provide a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the EIR. The substitute mitigation would not be able to itself have adverse effects on the environment greater than the original mitigation and would also need to be feasible.

Comment RA5-3: *The commenter discusses other comments related to the availability of land in the existing City limits for development, that planning for development outside City limits requires a long lead time, and that there is a housing shortage in California. The commenter suggests that the EIR should take these factors into account.*

LAFCo acknowledges the City’s observation that several analysts have reported a housing shortage in California. The Public Policy Institute in January of 2017 reported that vacancy rates in California overall remain relatively low - approximately 1.2 percent compared to 1.8 percent nationally, and suggests that local governments should consider additional higher-density housing development and facilitating secondary housing units on existing single-family lots (Public Policy Institute of California 2017). LAFCo also acknowledges that there can be a relatively long period of time between a SOIA application and eventual

installation of utilities and development. The EIR uses the latest available estimates of population and housing, as well as the latest available regional forecasts of population, housing, and employment growth from the Sacramento Area Council of Governments (SACOG). As noted in the EIR Project Description and elsewhere in the EIR, LAFCo is using a theoretical scenario of potential land use change for analytical purposes only, since the SOIA does not itself propose land use change or development.

Comment RA5-4: *The commenter anticipates continued demand for development and describes investments in infrastructure that would serve existing and future development in the area. The commenter has suggested that LAFCo add project objectives addressing the housing crisis and market conditions.*

LAFCo acknowledges the City's suggestions for additional project objectives. While LAFCo's regulatory obligations tangentially relate to marketplace considerations, as noted in the EIR, LAFCo's primary role is related to managing growth and development patterns and preserving agricultural and other types of open space. However, the project objectives developed for this EIR indirectly relate to the City's suggestion. They include:

- ▶ Amend the SOI boundary beyond the existing Elk Grove City limits to accommodate orderly and sustainable growth consistent with the City's General Plan.
- ▶ Implement the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 consistent with public service conditions present or reasonably foreseeable in the proposed SOIA Area.
- ▶ Establish a logical boundary within which future annexation requests into the City of Elk Grove may be considered.
- ▶ Consider providing land to accommodate a jobs-housing ratio for the City of Elk Grove that provides for sufficient residential and employment-generating lands uses to minimize the need for commuting to or from other jurisdictions.
- ▶ Establish an SOI for the City of Elk Grove that will facilitate the protection of important environmental, cultural, and agricultural resources.

If there is future planning and development activity in the area, it may be appropriate to have such activity guided by planning and project objectives that relate more precisely to market conditions and accommodating additional housing.

Comment RA5-5: *The commenter has requested the EIR replace the word 'coordinate' with the word 'consult' when referencing the disposition of mitigation measures with third parties, such as the California Department of Fish and Wildlife (DFW) and the California Department of Transportation (Caltrans).*

CDFW had specifically requested in their March 8, 2017 comment letter on the Notice of Completion of the AEIR that the word 'coordinate' rather than 'consult' be used to describe their interactions with the City of Elk Grove in assessing proposed mitigation acquisitions.

However, follow-up coordination with CDFW indicated that they were agreeable to restoring the original use of the term ‘consult’ to characterize the City’s collaborative efforts to work with CDFW and make use of their expertise in developing mitigation measures (Sheya, pers. comm. 2017). This revision does not change the analysis or conclusions in the Recirculated Draft EIR because ‘consult’ and ‘coordinate’ have been used as if they are synonymous, reflecting preferences in usage by various parties rather than any substantial differences in the way in which mitigation measures will be developed.

Comment RA5-6: *The commenter discusses the City’s preference for mitigation language that focuses on future project-level analysis to address potential impacts.*

Please refer to the Response to Comment A5-2.

Comment RA5-7: *The commenter indicates that their prior comments should be considered.*

Responses to comments submitted on the Draft EIR are provided in Chapter 2, ‘Responses to Comments on the Draft EIR.’ The comment does not specify additional information needed in the Recirculated Draft EIR. The comment is noted and published in this Final EIR for decision maker consideration.

Comment RA5-8: *The commenter provides more information on activities near the SOIA Area*

Page 2-2 and 3.11-3 have been revised, consistent with the City’s suggestions.

Page 2-2: Following is a description of the vicinity of the SOIA Area.

- **North:** Existing Kammerer Road (south boundary of the City of Elk Grove) and the planned Capital Southeast Connector, a 35-mile, multi-lane, limited access roadway connecting I-5 at the Hood-Franklin interchange south of Elk Grove to U.S. Highway 50 at the Silva Valley Parkway interchange in El Dorado Hills. Existing and approved development within the city along this boundary includes: (1) the 295-acre Lent Ranch Marketplace Special Planning Area consisting of a proposed regional shopping center, community commercial, medical, office, entertainment, visitor commercial and high-density residential land uses; (2) the 200-acre Sterling Meadows residential subdivision; and (3) the approximately 1,200-acre Southeast Policy Area, consisting of about 350 acres of office, light industrial, and commercial land uses bordering the Capital Southeast Connector alignment. The Grant Line Road/Kammerer Road/Highway 99 interchange is located just northeast of the project site and was constructed in 2008 to accommodate 8 lanes of traffic. In addition, the Federal Bureau of Indian Affairs has identified the northwest portion of the intersection of Grant Line Road and SR 99 as the preferred location for the Wilton Rancheria Casino Resort. A draft of the Environmental Impact Statement has been released for this possible future project. The Elk Grove alternative consists of a proposed 611,055 square-foot hospitality and entertainment facility, including a 12-story, 302-room hotel, a 48,150 square-foot convention center, six restaurants and bars, and a 110,260 square-foot gaming floor (City of Elk Grove 2016). The City is also currently preparing a feasibility study for a future multimodal station. Options include the eastern Union Pacific Railroad corridor (Fresno Subdivision) or other locations along the western Union Pacific Railroad corridor (Sacramento Subdivision).

- ▶ **East:** SR 99 (also part of the south boundary of Elk Grove). Existing development within the city along the east side of SR 99 includes commercial, heavy rail-served industrial and public facilities, including the Suburban Propane refrigerated storage facility, the Cosumnes CSD fire training facility, and recreational facilities. In late 2014, the City relocated its proposed rail/multimodal transportation station into this area. An area southeast of the existing City limits and northeast of the SOIA Area is identified by the City's General Plan update EIR Notice of Preparation as the East Study Area. It encompasses approximately 1,773 acres of land southeast of Grant Line Road and east of the Union Pacific Railroad. The Elk Grove Multi-Sports Complex is proposed for the western portion of the East Study Area and the proposal includes a multi-sports complex with associated sports fields and amphitheater. Although no future development beyond the sports complex is proposed, future development could consist primarily of commercial and industrial uses. In the central and northeastern portions of the East Study Area, uses would transition to more residential in nature (City of Elk Grove 2017). The area northeast of the proposed Multi-Sports Complex SOIA Area is part of a pending visioning process for Sacramento County. (City of Elk Grove 2017).
- ▶ **South:** Eschinger Road, agricultural operations, and solar energy generation facilities.
- ▶ **West:** Future extension of McMillan Road/Big Horn Boulevard, and agricultural/residential land uses. West of the existing City limits and west of the SOIA Area is an area identified by the City's General Plan update EIR Notice of Preparation as the West Study Area. It comprises 1,982 acres outside the existing City limits and is bound by Bilby Road on the north, the Union Pacific Railroad on the west, Bruceville Road on the east, and Core and Eschinger Roads on the south. An application has been submitted to LAFCo for the Bilby Ridge SOIA (Sacramento LAFCo Application #04-16). The Bilby Ridge SOIA Area is north of the proposed Kammerer Road extension project, ~~and is proposed to include a range of residential densities, including medium-density residential apartments and townhomes, low density residential development, and Estate Residential development; commercial uses; and light industrial uses (City of Elk Grove 2017). The City has defined Estate Residential development as having densities between 1 and 4 units per acre. The alignment of land uses is not currently defined. (City of Elk Grove 2017).~~

Page 3.11-3: The East Study Area is located southeast of the existing City limits and northeast of the SOIA Area. It encompasses approximately 1,773 acres of land southeast of Grant Line Road and east of the Union Pacific Railroad. The Elk Grove Multi-Sports Complex is proposed for the western portion of the East Study Area and the proposal includes a multi-sports complex with associated sports fields and amphitheater.² The area northeast of the proposed Multi-Sports Complex SOIA Area is part of a pending visioning process for Sacramento County. (City of Elk Grove 2017). Although no future development beyond the sports complex is proposed, future development could consist of commercial and industrial uses. In the central and northeastern portions of the East Study Area, uses transition to more residential in nature (City of Elk Grove 2017a). The General Plan update EIR NOP presents two land plan program scenarios for the East Study Area, and both

² A Draft EIR is currently being prepared for the Elk Grove Multi-Sports project; however, there is currently no timeline for public review.

scenarios focus on designating 40 to 60 percent of the study area's acreage to residential land uses and designating 15 to 25 percent of the acreage to parks and open space, with commercial and industrial land uses comprising 1 to 10 percent and 7 to 12 percent, respectively, of the study area's acreage (City of Elk Grove 2017a).

The West Study Area comprises 1,982 acres outside the existing City limits and is bound by Bilby Road on the north, the Union Pacific railroad line on the west, Bruceville Road on the east, and Core and Eschinger roads on the south. An application has been submitted to LAFCo for the Bilby Ridge SOIA (Sacramento LAFCo Application #04-16). The alignment of land uses within Bilby Ridge SOIA Area is not currently defined ~~proposed to include a range of residential densities, including medium density residential apartments and townhomes, low density residential housing, and Estate Residential homes; commercial uses; and light industrial uses. Other lower density residential neighborhoods will provide a buffer between agricultural land south of the Bilby Ridge neighborhoods and employment centers (City of Elk Grove 2017a).~~ The General Plan update EIR NOP presents two land plan program scenarios for the East Study Area. Scenario 1 focuses on designating up to 15 percent of the study area's acreage to residential land uses and up to 8 percent as commercial and employment center land uses, while conserving up to 70 percent of agricultural land (City of Elk Grove 2017a). Scenario 2 focuses on a greater acreage designated for residential land uses (up to 80 percent) and a greater acreage designated for commercial and employment land uses (up to 18 percent) (City of Elk Grove 2017a).

These edits do not change the analysis or conclusions of the Recirculated Draft EIR.

Comment RA5-9: *The commenter states that the document should be corrected to identify that the SOIA Area is located within the South Study Area, but is not the entirety of the South Study Area.*

Page 2-8 and 3.11-21 have been revised as indicated by the City.

Page 2-8: After the Draft EIR, on June 23, 2017, the City of Elk Grove released a Notice of Preparation (NOP) for an EIR to address the City's General Plan update and an update to the City's Climate Action Plan. The SOIA Area is identified in the City's preferred alternative land use diagram as a portion of the 'South Study Area.' The City's intent is that the Study Areas may be developed in accordance with annexation policies that will be identified in the updated General Plan and an additional layer of more detailed planning (e.g., specific plan) (City of Elk Grove 2017).

Page 3.11-21: City of Elk Grove General Plan Update

The City of Elk began preparing a comprehensive update to its General Plan in July 2015. On June 23, 2017, the City released a notice of preparation for the Environmental Impact Report for the City of Elk Grove General Plan Update (State Clearinghouse No. 2017062058) circulated for a 30-day public review period (City of Elk Grove 2017). A public draft General Plan update and Draft EIR are anticipated to be available in late 2017. Adoption of the General Plan update and certification of the Final EIR is anticipated in early 2018. The update is intended to ensure that 'the guiding policy document remains a

useful tool, keeps pace with change, and provides workable solutions to current and future issues’ (City of Elk Grove 2017b). The SOIA Area is identified in the City’s preferred alternative land use diagram as a portion of the ‘South Study Area.’ The City’s intent is that the Study Areas may be developed in accordance with annexation policies that will be identified in the General Plan and an additional layer of more detailed planning (e.g., specific plan).

This edit does not change the analysis or conclusions of the Recirculated Draft EIR.

Comment RA5-10: *The commenter notes that the Recirculated Draft EIR Swainson’s hawk mitigation is generally accurate, but does not reflect the fact that the City’s program may change in the future.*

In accordance with CEQA Guidelines Section 15097(d), ‘each agency has the discretion to choose its own approach to monitoring or reporting; and each agency has its own special expertise.’ If necessary, modifications to mitigation may be made, when the mitigation is no longer required or a substitute mitigation measure would provide a level of environmental protection equal to, or greater than that afforded by the mitigation measure included in the EIR. The substitute mitigation would not be able to itself have adverse effects on the environment greater than the original mitigation and would also need to be feasible. Please see the Response to Comment A13-4.

Comment RA5-10: *The commenter notes that the City’s Swainson’s hawk mitigation may change in the future relative to the payment of fees for development of more than 40 acres.*

Please see the Responses to Comments RA5-9 and A13-4.

Comment RA5-12: *The commenter notes that based on comments made at the LAFCO meeting on September 6, 2017, they understand that the Recirculated Draft EIR would be revised to correct errors on the characterization of roles of responsibilities of the SSHCP and CDFW, and requested deletion of the third paragraph on page 3.4-51.*

The commenter is correct; at the September 6, 2017 Public Workshop on this project the paragraph referenced above from page 3.4-51 of the Recirculated Draft EIR was discussed and recommended for deletion. The deleted text is shown below. Please see also Chapter 4 of this Final EIR.

~~At the time of submittal of any application to annex territory within the SOIA Area following adoption of the SSHCP, the City of Elk Grove will coordinate with CDFW regarding acquisition of mitigation lands, as described in Mitigation Measures 3.4-2e and 3.4-4. CDFW, one of the SSHCP’s Permitting Agencies and a member of the SSHCP’s Technical Advisory Committee, would review any property acquisition proposal for mitigation, and would have an opportunity at that time to assess whether acquisition would meet targeted SSCHP objectives and preserve acquisition criteria, and to also reject proposed mitigation that would compete with, or impede, the SSHCP’s mitigation acquisitions.~~

The purpose of the deletion is to avoid confusion about the role of CDFW in coordinating with the City of Elk Grove in reviewing proposed mitigation lands, and to clarify that the City does not cede its land use entitlement authority as a result of CDFW review. This deletion does not change the City's obligation to consult with CDFW; mitigation measures elsewhere in the Recirculated Draft EIR (Mitigation Measures 3.4-2c and 3.4-4) specify that at the time of submittal of any application to annex territory within the SOIA Area following adoption of the SSHCP, the City of Elk Grove will consult with CDFW regarding acquisition of mitigation lands. This deletion does not change the analysis or conclusions of the Recirculated Draft EIR.

Comment RA5-13: *The commenter requested a revision to Mitigation Measures 3.4-9 to replace 'coordinate' with CDFW with 'consult' with CDFW.*

CDFW had specifically requested in their March 8, 2017 comment letter on the Notice of Completion of the AEIR that the word 'coordinate' rather than 'consult' be used to describe their interactions with the City of Elk Grove in assessing proposed mitigation acquisitions. However, in follow-up coordination with CDFW, CDFW stated that they were agreeable to restoring the original use of the term 'consult' to characterize the City's collaborative efforts to work with CDFW and make use of their expertise in developing mitigation measures (Sheya, pers. comm., 2017). This revision does not change the analysis or conclusions in the RDEIR because 'consult' and 'coordinate' have been used as if they are synonymous, reflecting preferences in usage by various parties rather than any substantial differences in the way in which mitigation measures will be developed.

Comment RA5-14: *The commenter requested revisions to page 3.4-51, paragraphs 2-4, to read as follows (suggested revised text is underlined):*

Possible future development of the 1, 156-acre SO/A Area, with associated acquisition of mitigation lands in the SSHCP plan area, is unlikely to interfere with the ability to successfully implement the SSHCP Conservation Strategy given the extensive acreage (250, 038 acres) of the SSHCP area outside of the UDA boundaries. The SSHCP does not categorize specific properties to acquire for preservation lands and would rely on purchasing suitable land from willing sellers anywhere within the undeveloped portions of the plan area. While it is possible that a specific parcel in the south County may be targeted for acquisition by both the SSHCP and a proposed project within the SOJA Area, the overall availability of land is not likely to limit overall achievement of conservation goals (36,282 acres out of 250,038 acres or 14 percent of land in the area outside the UDA; 9,750 of 67,120 or 14.5 percent of available acres in Preserve Planning Unit 6). Furthermore, if a parcel was acquired for mitigation for Swainson's hawk (or other covered species) by a project in the SOJA Area, it would contribute to the overall preservation of land in the south County and the overall conservation of the species in the area. Even though the parcel would not be counted towards the SSHCP preserve area, it would not 'preclude' the SSHCP from achieving its goals, which is the long-term conservation of covered species. From an impact perspective, Mitigation Measures 3. 4-1 through 3. 4-6 and 3. 4-11 b are consistent with the avoidance,

minimization, and mitigation measures for covered species described in the draft SSHCP. Therefore, development in the SOJA Area and associated off-site improvement areas in the future is not likely to conflict with the provisions of the SSHCP, if it is adopted prior to annexation and development of the SOJA Area.

The City will further analyze future annexation projects in the SOIA for conflicts with the provisions of the SSHCP (once adopted).

Two of the requested revisions have been made, with some minor changes (the total acreage in PPU 6 is 95,196 rather than 67,120), because the revisions improve clarity or provide additional useful information, with the exception of the final suggested sentence. This last sentence is redundant with the information presented in last paragraph of page 3.4-51, where it was stated that the City would also be required to analyze consistency of future proposed projects in the SOIA Area with the provisions of the SSHCP, and therefore the suggested sentence was not added. The revised text from page 3.4-51 is shown below in the paragraph below.

The SSHCP does not categorize specific ~~areas~~ properties to acquire for preservation lands and would rely on purchasing suitable land from willing sellers anywhere within the undeveloped portions of the plan area. While it is possible that a specific parcel in the south County may be targeted for acquisition by both the SSHCP and a proposed project within the SOJA Area, the overall availability of land is not likely to limit overall achievement of conservation goals (36,282 acres out of 250,038 acres or 14 percent of land in the area outside the UDA; 9,750 of 95,196 or 10 percent of the acreage in Preserve Planning Unit 6).

Please also see Response to Comment O1-10.

Comment RA5-15: *The commenter also requests additional language to clarify that the SSHCP is not a land plan and that it does not preclude activities from occurring outside of the Urban Development Area, provided they obtain the legally required local, State, and Federal permits and approvals otherwise and customarily required, including mitigation for impacts to the environment caused by those activities. In other words, development outside of the Urban Development Area is not provided any direct benefits from the HCP. Any required mitigation should also include a consult with the HCP's Implementing Entity for maximum species benefit, but the final decision shall be made by the applicable Lead Agency to complete pursuant to their thresholds and regulations. The City believes that this additional language will help support LAFCo's determination that the potential impact is less than significant.*

While it is true that the SSHCP is not a land plan and does not preclude activities from occurring outside of the Urban Development Area, and that the applicable Lead Agency would make the final decision on project mitigation after coordination with the appropriate parties, these points are not germane to discussion in this section, which is whether the

project would conflict with the provisions of an adopted habitat conservation plan. The comment is noted. Please also see response to Comment O1 and Master Response 2.

Comment RA5-16: *The commenter states Page 3.11-5 references data from the Center for Strategic Economic Research regarding jobs-housing data for the City and more current data is available.*

The following revision has been made to page 3.11-5 to reflect more recent data:

The Center for Strategic Economic Research calculated a ratio between jobs and housing units in the City of Elk Grove at 0.86 ~~0.43~~ in 2013. ~~2013~~ (Center for Strategic Economic Research 2016 ~~2014:15A-3~~). The SACOG MTP/SCS forecast projects a ratio between jobs and households at 0.8 in 2036 (SACOG 2016). Full buildout of the Laguna Ridge Specific Plan, Lent Ranch Market Place, the Southeast Policy Area, and the Triangle Special Plan as well as other currently planned development is anticipated to increase the City's ratio between jobs and households to approximately 1.4 (SACOG 2016).

Comment RA5-17: *The commenter states that the City Council has identified a specific program for the South Study Area and revisions should be made to pages 3.11-1 and 4-4 to reflect the chosen program.*

Section 3.11 of the Recirculated Draft EIR has been revised to reflect that the General Plan Update Notice of Preparation identifies a land use scenario for the South Study Area. The section has been further revised to reflect that a public draft General Plan update and Draft EIR are anticipated to be available in early 2018. Adoption of the General Plan update and certification of the Final EIR is anticipated in mid-2018 Table 3.11-1 has been deleted and the text on pages 3.11-1, 3.11-3, and 3.11-21 in Chapter 3.11 and on page 4-4 in Chapter 4 has been revised accordingly. Please see Chapter 4 of this Final EIR. This does not change any of the analysis or conclusions in the Recirculated Draft EIR.

Comment RA5-18: *The commenter attaches their previous comments on the Draft EIR.*

Responses to comments submitted on the Draft EIR are provided in Chapter 2, 'Responses to Comments on the Draft EIR'. The comment does not specify additional information needed in the Recirculated Draft EIR. Comment noted.

Letter RA6 – California Office of Planning and Research, State Clearinghouse and Planning Unit

RA6



Edmund G. Brown Jr.
Governor

STATE OF CALIFORNIA
Governor's Office of Planning and Research
State Clearinghouse and Planning Unit



Ken Alex
Director

September 12, 2017

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

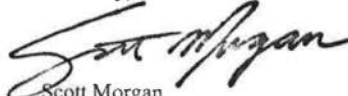
Subject: Kammerer Road/Highway 99 Sphere of Influence Amendment Project
SCH#: 2016032015

Dear Don Lockhart:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. The review period closed on September 11, 2017, and no state agencies submitted comments by that date. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call the State Clearinghouse at (916) 445-0613 if you have any questions regarding the environmental review process. If you have a question about the above-named project, please refer to the ten-digit State Clearinghouse number when contacting this office.

Sincerely,


Scott Morgan
Director, State Clearinghouse

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SEP 13 2017

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

RA6-1

1400 TENTH STREET P.O. BOX 3044 SACRAMENTO, CALIFORNIA 95812-3044
TEL (916) 445-0613 FAX (916) 323-3018 www.opr.ca.gov

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 EIR Draft EIR
Description Note: Recirculated

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. Following the February 2017 release the original Draft EIR, a public review draft of the South Sacramento Habitat Conservation Plan was released, the City of Elk Grove released a Notice of Preparation for a General Plan Update EIR, Sacramento County Water Agency provided new information in response to a draft Municipal Services review. LAFCo elected to recirculate portions of the Draft EIR to include this and some other new information.

Lead Agency Contact

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

Project Location

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

Proximity to:

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

Project Issues 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; Aesthetic/Visual; Growth Inducing; Landuse; Agricultural Land

Reviewing Agencies Resources Agency; Central Valley Flood Protection Board; Department of Fish and Wildlife, Region 2; Department of Parks and Recreation; Department of Water Resources; California Highway Patrol; Caltrans, District 3 S; State Water Resources Control Board, Division of Drinking Water; State Water Resources Control Board, Division of Drinking Water, District 9; State Water Resources Control Board, Division of Financial Assistance; Regional Water Quality Control Bd., Region 5 (Sacramento); Delta Protection Commission; Delta Stewardship Council; Native American Heritage Commission; Public Utilities Commission

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

**Document Details Report
State Clearinghouse Data Base**

Date Received 07/28/2017

Start of Review 07/28/2017

End of Review 09/11/2017

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

Comment RA6-1: *The commenter states that the State Clearinghouse has submitted the Draft EIR to selected state agencies for review and that there were no comments received.*

The comment is noted.

3.2.2 ORGANIZATIONS

Letter RO1 – Environmental Council of Sacramento (ECOS)



PO Box 1526 • Sacramento, CA • 95812
(916) 444-0022

September 11, 2017

Don Lockhart
Assistant Executive Officer
Sacramento Local Agency Formation Commission (LAFCo)
1112 I Street, #100
Sacramento, CA 95814
Email: don.lockhart@sacLAFCo.org



Re: DRAFT RECIRCULATED ENVIRONMENTAL IMPACT REPORT for the PROPOSED
KAMMERER/99 SPHERE OF INFLUENCE AMENDMENT APPLICATION for the CITY OF ELK
GROVE

Dear Mr. Lockhart,

This letter provides comment from the Environmental Council of Sacramento (ECOS) and Habitat 2020 regarding the Draft Recirculated Environmental Impact Report (DEIR) for the Kammerer/99 Sphere of Influence Amendment Application (SOIA) for the City of Elk Grove. This letter references our letter on the DEIR, dated March 31st 2017, and we also include and incorporate by reference the comments on this DREIR made by of Friends of the Swainson's Hawk (FOSH).

The Environmental Council of Sacramento (ECOS), a 501c3 organization, and Habitat 2020, the Conservation Committee of ECOS, are partner coalitions dedicated to protecting the natural resources of the greater Sacramento region. ECOS-Habitat 2020 member organizations include: 350 Sacramento, Breathe California of Sacramento-Emigrant Trails, International Dark-Sky Association, Los Rios College Federation of Teachers, Mutual Housing California, Physicians for Social Responsibility Sacramento Chapter, Preservation Sacramento, Resources for Independent Living, Sacramento Housing Alliance, Sacramento Natural Foods Co-op, Sacramento Vegetarian Society, SEIU Local 1000, Sierra Club Sacramento Group, The Green Democratic Club of Sacramento, and the Wellstone Progressive Democrats of Sacramento, Sacramento Audubon Society, California Native Plant Society, Friends of the Swainson's Hawk, Save the American River Association, Save Our Sandhill Cranes, Sierra Club Sacramento Group, Friends of Stone Lakes National Wildlife Refuge, and the Sacramento Area Creeks Council.

RO1-1

Summary

We appreciate the added attention to detail offered in the recirculated draft EIR, but rather than alleviate our concerns expressed in our original letter, the DREIR only further confirms those concerns. ECOS remains strongly opposed to the proposed Kammerer-99 Elk Grove SOI expansion and stands by our initial observation summarizing the project: Elk Grove's anticipated growth can be accommodated within the existing City limits, and we find no justification for expansion beyond the Sacramento County Urban Services Boundary (USB) established in 1993 to be the ultimate growth boundary within the County. The proposal is inconsistent with the Sacramento Area Council of Governments' (SACOG) Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS) for meeting State mandated greenhouse gas (GHG) reductions, Federal mandates for Air Quality Attainment under the State Improvement Plan (SIP), as well as myriad regional goals for social equity, public health and natural resource conservation. There is an extreme lack of certainty that municipal water can be provided to this area without severe regional impacts, and the impacts to invaluable agricultural and biological resources by the proposal are potentially impossible to mitigate.

RO1-2

The RDEIR confirms significant and unavoidable impacts in all these above-mentioned areas, with the exception of less than significant biological impact after mitigation which is a finding we disagree with. The question is, what justification is there for these impacts? We, again, find that there is not, and we strongly recommend that LAFCo decline the proposed Kammerer/99 SOIA.

We do not intend to review all aspects of our original letter here. In the comments that follow we offer general concerns regarding regional growth and transportation as well as specific comments on hydrology and biology addressing changes and/or new material in the DREIR.

General Comments: regional growth and employment, transportation, vehicle miles traveled and climate change

The primary justification given for this proposal is the need for Elk Grove to correct its job's housing balance. This is a goal that ECOS agrees with, but, again, the housing and employment that Elk Grove anticipates to achieve from existing planning areas within the current City boundaries already far exceed that of SACOG's projections for Elk Grove by 2036. If Elk Grove were to achieve these housing and employment projections in the SOIA as well, it would certainly have impacts on housing and employment in neighboring jurisdictions in the region.

RO1-3

We agree with the DREIR's conclusion that these impacts would be Significant and Unavoidable (DREIR, 5.12), and we would also contend that they are not justifiable.

Further, if the employment targets are not reached in the SOIA area, which is likely, and the area becomes largely housing, then the VMT increase (due to even further trips to distant job centers) will far exceed the already Significant and Unavoidable impacts estimated by the DREIR (DREIR, 3.14.29-30).

RO1-4

The VMT impacts are indeed Significant and Unavoidable in either case, but what is not illustrated in the document are the full regional implications of these impacts. The DREIR acknowledges that the SOIA is not consistent with SACOG's MTP/SCS, but the importance of this is not explained. We describe the importance of the MTP/SCS and the implications of non-compliance at length in our previous comments, but, simply put here—premature growth of this

type will pose an extreme challenge to the region's ability to meet state mandated GHG reduction targets associated with the reduction of VMT, and could result in withdrawal of future state and federal infrastructure funding.

↑ RO1-4
cont.

Further, we will state again that it is not acceptable to ECOS to approve the SOIA with a condition that any future annexation of the area will be contingent on SCS compliance. **An SOI approval must be contingent on SCS compliance** at the time of approval: one, because the 20-year horizon of the MTP/SCS is the same time horizon that LAFCo considers as timely (referenced multiple times in LAFCo's Municipal Services Review of this SOIA), and two, because the prospects of agricultural and biological resource conservation are already greatly damaged by approval of the SOI due to the inevitable sky-rocketing of speculative land values in the SOIA—this is of particular concern in this case because of the limited land area available for successful implementation of the SSHCP.

↑ RO1-5

Water

A significant amount of attention was given to Section 3.10 "Hydrology & Water Quality" and Section 3.15 "Utilities and Service Systems" in the DREIR, but again, our concerns for the proposed project's impact on future regional water supply are not alleviated.

In multiple places, including pg. 3.10.3, 3.10.26, and 5.9, the statement is now made that the South American sub-basin, or "Central Basin," ground water table is in recovery and that the cone of depression in the Elk Grove area has also improved. This assertion does not mesh with ECOS's understanding, and we are very interested in a further illustration of the numbers presented in tables 3.10-2 and 3.15-2. Table 3-15-2 in particular shows that projected supply for Zone 40 will exceed demand in all year types out to 2035—this is surprising to us. As the source given is "SCWA 2011," we note that the Sacramento County General Plan Update was also adopted in 2011, and, as we have reference previously, the general plan clearly states an anticipated shortfall of supply at build out of the plan.

↑ RO1-6

We ask that this discrepancy be further illuminated. Why is there difference of projected supply and demand between the two documents? What has changed since 2011? How and where, exactly, does SCWA plan to "procure" additional surface and groundwater supplies, as stated on pages 3.15.20 and 5.21?

Despite the DREIR's case that the Zone 40 groundwater situation is in a better condition than previously estimated, the conclusion reached by the DREIR is that SCWA's ability to provide water in the future to the SOIA area is uncertain and that the impacts will be Significant and Unavoidable (DREIR, 3.10.27, 5.10).

↑ RO1-7

We agree that the impacts are significant and unavoidable to regional supply and sustainable groundwater management, and do not feel that planning for growth outside of the Urban Services Boundary at the cost of future growth within the existing USB is justifiable.

LAFCo's role is to guard against exactly this kind of future problem posed by premature growth.

And a final note on drainage, we would very much like to see illustrated in the document the "modeling" referenced on page 3.10.24 that shows that peak flows of 10 and 100 year storm events will *improve* slightly in the future.

↑ RO1-8

Biological Resources, Sandhill Crane and SSHCP implementation

- 1.) The RDEIR incorrectly calculates the amount of unflooded foraging habitat available to Greater Sandhill Cranes during periods of inundation in the 100 year floodplain of the Cosumnes River.

On page 3.4-41, it is stated:

“As shown in Exhibit 3.4 even with inundation of the 100 year floodplain, extensive unflooded foraging habitat is still available. Approximately 103,085 acres of high value crane habitat occurs outside of the 100-year floodplain within the SSHCP plan area. Therefore, plenty of high value upland crane foraging habitat is available even during wet winters.”

RO1-9

There is no exhibit 3.4 in the RDEIR that represents the relationship between the 100-year floodplain and unflooded upland forage. We are assuming, based on the acreage calculation that followed (and on the map that was included for Western Burrowing Owl), that the missing map is likely a modified version (modified for floodplain elevations) of Figure 3-22 (Greater Sandhill Crane Modeled Habitat and Documented Occurrences) from the SSHCP – the map following page 3-100. But, there are serious questions with how the 103,085 acres of high value foraging habitat outside of the floodplain was derived. That figure will be critical to pointing out the mistakes inherent with the calculation.

It is important to understand that the SSHCP is divided into Preserve Planning Units (PPUs), and that those divisions were not arbitrary, and that each unit has a focus of protecting specific covered species. The SOIA land is firmly placed within PPU 6, which is an agricultural and grassland unit. Section 7.5.2.3 (SSHCP page 7-88) states:

“PPU 6 encompasses 95,196 acres outside the UDA in the southwestern portion of the Plan Area. PPU 6 is bisected by I-5. It is bordered on the west by the Sacramento River, on the south by the Mokelumne River, and Dry Creek. The dominant land covers in PPU 6 are Agriculture (58,458 acres) and Valley Grassland (17,633 acres)... All of the covered birds have been documented in PPU 6, including 281 (71%) occurrences for Swainson’s hawk, 190 (92%) occurrences for greater sandhill crane, and 55% or more of the occurrences for northern harrier and white tailed kite.”

RO1-10

Put simply, PPU 6 is the population stronghold for greater sandhill crane in the SSHCP Plan Area (92% of occurrences and almost all of the high population usage roost sites for cranes). It is important to acknowledge that greater sandhill cranes forage within a 2 mile radius of their roost sites, and that the vast majority of roost sites are within PPU 6. Since the impacts to the greater sandhill crane posed by this project are firmly within PPU 6, it is important that they are also mitigated within PPU 6 – high value foraging habitat within the crane population stronghold within the SSHCP Plan Area need to be mitigated within that same stronghold, and they need to be mitigated within two miles of an active roost site, to have any hope of reducing the significance of the impact from anything other than significant and unavoidable. (We question if that is possible even mitigating within the upland forage areas of PPU 6.)

We refer you back to the third map that we provided in our comments on the DEIR. The green highlighted areas south of Elk Grove and near Galt are the upland foraging opportunities available within two miles of existing roost sites for greater sandhill crane, taking into account sea level rise. It is important to note that sea level rise is essentially synonymous to the 100-year floodplain in terms of elevation considerations. The map makes it crystal clear that there remain very little upland forage opportunities in PPU 6. It is inexplicable how the RDEIR could have come up with 103,085 acres.

If one takes the 95,196 acres of land within PPU 6 and removes from that acreage the 28,076 acres of already preserved land, and the 3,436 acres of low density development (SSHCP 7-88), there remains only 63,657 acres of remaining inventory for the greater sandhill not accounting for elevation or floodplain. And, large areas in that remaining 63,657 acres are compromised by the floodplain and sea level elevations. It is unclear and quite unbelievable the RDEIR claims that 103,085 acres of high value crane habitat occurs outside of the floodplain. For purposes of the greater sandhill crane, upland forage areas must be within two miles of an active roost site, and there is no indication that this was considered when the 103,085 acres was offered. The RDEIR will need to substantiate its claim that PPU 6 has 103,085 acres of upland forage within two miles of active roost sites. And as already stated, and corroborated by the CDFW comment letter on the RDER, acreages outside of PPU 6 should NOT be included in the calculation because the impact to the crane in the population stronghold needs to be mitigated in that same stronghold. In reality, there is very little upland forage habitat available for the sandhill crane in PPU 6 and this makes the SOIA area very important to the greater sandhill crane.

- 2.) The mitigation measure 3.4-4 must require that the mitigation for the SOIA area be within the project footprint to protect valuable and very rare upland forage habitat for sandhill cranes near their population stronghold.

It is our contention that this will still not mitigate the impact to less than significant, but it at least attempts to mitigate with equivalent habitat values, and it attempts to address the rarity of upland forage mitigation opportunities within the greater sandhill population stronghold.

- 3.) Climate change and sea level rise have the potential to make the cyclical flooding impacts to lowland forage areas permanent impacts for the greater sandhill crane and this should be stated clearly in the RDEIR.

- 4.) For greater sandhill cranes, the impact of sea level is, like stated for the Swainson's hawk (RDEIR, page 5-6):

"... another human -induced factor that could substantially reduce the extent and quality of habitat for this species. The SOIA could have a cumulatively considerable contribution to this significant impact on Swainson's hawk because there is a limited amount of suitable habitat land available and there would be a net loss of habitat regardless of the acreage preserved as compensatory mitigation."

This needs to also be clearly stated for the greater sandhill crane.

RO1-10
cont.

RO1-11

RO1-12

- 4.) It should be clearly stated that for the greater sandhill crane that the cumulative impact of the SOIA could be lessened by preserving as much upland forage habitat as possible near the greater sandhill crane population stronghold (page 5-6).

RO1-13

- 5.) The RDEIR grossly misstates the way the Conservation Strategy for the SSHCP works.

On page 3.4-51 of the RDEIR, it states: "The SSHCP does not categorize specific areas to acquire for preservation lands, and would rely on purchasing suitable land from willing sellers anywhere within the undeveloped portions of the plan area". This patently false. This misunderstanding was used to argue that the 1,156 acres of the SOIA area would be an insignificant increase in the demand for the inventory of the SSHCP.

RO1-14

In fact, the SSHCP very clearly categorizes specific areas to acquire, though it avoids any specific parcels. The Chapter 7 Conservation Strategy of the SSHP lays out the habitat acquisition targets for each PPU in the Plan Area. For PPU 6 on page 7-89 of the SSHCP ("Overview of Conservation Strategy in PPU 6"), it states: "Approximately 9750 acres will be preserved in PPU 6." If the preparers of this RDEIR read Chapter 7, they would clearly see that there are specific conservation targets for each PPU, and that mitigating randomly within the 250,038 acres of inventory outside of the UDA is prohibited by the SSHCP.

- 6.) The RDEIR misstates the impacts of the SOIA approval on the SSHCP. They are so significant that it could impede the SSHCP from successfully implementing its conservation strategy in PPU 6.

The SOIA area will directly impact habitat in PPU 6. The SOIA area is 1,156 acres, and a 1:1 mitigation for habitat in the same PPU is an additional burden of 1,156 acres on the SSHCP's inventory in PPU 6 – a burden totaling 2,312 acres of inventory removed from the SSHCP. PPU 6 consists of 95,196 acres outside of the UDA. According to Table 7-2 ("Summary of SSHCP Preserve System and Existing Preserves by Planning unit") on page 7-63 of the draft SSHCP, 28,079 acres of PPU 6 are already in existing preserves. And according to section 7.5.2.3 ("PPU 6" on page 7-88 of the draft SSHCP), there are currently 3,436 acres of low density development in PPU 6. Simple math (total acreage minus the land already preserved and the land already developed) yields a total of 63,657 acres of available inventory in PPU 6.

RO1-15

As stated correctly in this RDEIR, mitigation acres will only be acquired from willing sellers - some may wish sell, some may not. This uncertainty is encompassed in the concept of "feasibility of acquisition." Given the need for willing sellers, it represents how much habitat is available compared to how much habitat is needed for mitigation. If there is 100 acres of inventory, and fifty are needed for mitigation, the feasibility for acquisition ratio is 50%. The lower the feasibility for acquisition ratio, the more likely that enough willing sellers will be found to satisfy the acquisition requirements of the Conservation Strategy of an HCP. The California Department of Fish and Wildlife (CDFW) has maintained that a ratio of 15% or less is acceptable.

All of the relevant numbers are available to determine the feasibility for acquisition ratio for PPU 6. The conservation target for PPU 6 is 9,750 acres, and there are 63,657 acres available, though not all suitable for mitigation because of elevation (all Swainson's hawk mitigation must

be above sea level), after deducting the lands already preserved and developed from the figure for the total number of acres in the unit (95.196 acres). Simple division reveals that the gross feasibility for acquisition for PPU 6 is 15.3%, just over the ratio that CDFW maintains is acceptable, and not accounting for acquisition criteria

RO1-15
cont.

Adding in the additional burden of the SOIA approval on PPU 6 inventory in the SSHCP, that ratio climbs upward to 18.94% (9,750 acre target for the SSHCP plus 2.312 acres of direct impact and then required mitigation for SOIA area, divided by the available habitat in the unit, which is 63,657), significantly higher than the ratio that CDFW considers acceptable. And, again this is without adjusting the ratio to account for the significant acreage that is below sea level and therefore not suitable for mitigation for Swainson's hawks. This is a very significant impact on the SSHCP's Conservation Strategy in PPU 6 and sets up the SSHCP for failure.

7.) The RDEIR misstates the listing status of the greater sandhill crane (page 3.4-41). It is not a federally listed species. It is listed as threatened under the California Endangered Species Act, and it is a California Fully Protected Species.

RO1-16

8.) Though CEQA does not specifically require looking at climate change in the context of covered species, the SSHCP does. "The SSHCP Conservation Strategy was developed with consideration of projected future effects of climate change (page 11-9) ..." The SSHCP looked at the effects of climate change as "changed circumstances," and for sea level rise they identified an increase of 12 to 18 inches by 2050, and 21 to 55 inches by 2100. The maps included in the DEIR comment letter assumed a 36 to 48 inch sea level rise, so they are completely relevant. Not looking at the impact of sea level rise on greater sandhill cranes in the context of the SSHCP, which was developed with climate change in mind, means that it is not possible to understand the full impact of the development of the SOIA area on the SSHCP's Conservation Strategy. So, this RDEIR still needs to consider and address the concerns presented about greater sandhill cranes and sea level rise presented in the RDEIR comment letter.

RO1-17

Conclusion

For all of the reasons incorporated in these and previous comments, we restate that ECOS is opposed to the proposed Kammerer-99 SOIA, and respectfully urge LAFCo to decline the proposal. We feel that this expansion proposal represents exactly the kind of irresponsible, untimely planning for growth that the Local Agency Formation Commission was established to guard against.

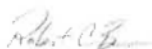
RO1-18

Thank you for your consideration and the opportunity to comment.

Sincerely,



Brandon Rose
ECOS Board President



Rob Burness
Co-Chair, Habitat 2020



Sean Wirth
Co-Chair, Habitat 2020

Comment RO1-1: *The commenter introduces the letter and ECOS.*

The comment does not specify additional information needed in the Recirculated Draft EIR. Comment noted.

Comment RO1-2: *The commenter states their opposition to the project. The commenter states that Elk Grove's anticipated growth can be accommodated within the City limits. The commenter states that the proposal is inconsistent with SACOG MTP/SCS, federal mandates for air quality attainment, and myriad regional goals. The commenter states that they are uncertain that water could be provided to the area and that the impacts to agricultural and biological resources are potentially impossible to mitigate. The commenter states that they agree with the Recirculated Draft EIR finding of significant and unavoidable impacts in the above mentioned areas, with the exception of a less than significant biological impact with mitigation, which is a finding they disagree with. The commenter asks, 'what justification is there for these impacts?'*

Please see Master Response 1.

The commenter's opposition to the project is acknowledged. The commenter does not substantiate why there is a lack of certainty regarding municipal water and the commenter does not identify regional impacts. The comment is not specific with respect to which agricultural and biological resources impacts are potentially impossible to mitigate. With respect to the commenter's disagreement with the conclusion of less than significant impacts on special status species and other sensitive biological resources, the 'Significance after Mitigation' analysis and discussions on pages 3.4-43, 3.4-51, 3.4-57, 3.4-58, 3.4-65, 3.4-67, 3.4-71, 3.4-72, and 3.4-73 provide the basis for this conclusion. No further response is provided because the comment does not pertain to the adequacy of the environmental impact analysis in the Recirculated Draft EIR or specify additional information needed in the Recirculated Draft EIR. This comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Comment RO1-3: *The commenter states that they agree with the conclusion in the Recirculated Draft EIR that impacts on housing employment in the region would be significant and unavoidable. The commenter states that they believe the impacts are not justifiable.*

Please refer to Master Response 1 from the Draft EIR relating to need for the project. This comment does not pertain to the adequacy of the environmental impact analysis in the Recirculated Draft EIR or specify additional information needed in the Recirculated Draft EIR. This comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Comment RO1-4: *The commenter states that it is likely that the area will become largely housing, which means that the VMT increase will far exceed the impacts estimated by the Recirculated Draft EIR. The commenter states that inconsistency with SACOG's MTP/SCS will pose a challenge to the region's ability to meet state-mandated greenhouse gas reduction targets associated with the reduction of VMT.*

The EIR evaluates the potential impacts associated with the possible future development of the proposed SOIA Area. While the project does not propose development or land use change, in order to maximize the EIR as a public disclosure document, the EIR uses a conceptual land use scenario so that the public and decision makers can evaluate the potential environmental effects associated with possible future development in this location.

Section 3.14, 'Transportation,' of the Draft EIR contains information on VMT generated by possible future development in the SOIA Area. Impact 3.11-3 in Section 3.11 of the Draft EIR acknowledges that the SACOG MTP/SCS does not identify the SOIA Area for growth and that future development may be inconsistent with the SACOG MTP/SCS (page 3.11-23 of the Draft EIR). SACOG has provided comments on the Draft EIR and has stated that the size and general location of the proposed SOIA is generally consistent with their plan and that small variances are to be expected.

As detailed on pages 3.8-19 and 3.8-20 of the Draft EIR, Mitigation Measure 3.8-1 requires an emissions estimate, suite of reduction strategies, and monitoring mechanism consistent with recommendations of CEQA Guidelines Section 15183.5 for GHG reduction programs as an update to the City's existing Climate Action Plan or a stand-alone GHG reduction program. The City will require that development in the SOIA Area comply with applicable GHG reduction strategies necessary to demonstrate that the SOIA Area would achieve a GHG emissions rate per service population that would be consistent with the emissions rate for land use-related emissions needed to achieve the State's emission targets for 2030 (Executive B-30-15 and SB 32) and 2050 (Executive Order S-3-05). The Draft EIR requires that the GHG reduction program demonstrate consistency with State guidance on GHG emissions reductions per unit of development, which, in this case means emissions per service population for land use-related emissions. Achieving the performance standard established in this mitigation measure would allow the City to demonstrate that development within the SOIA Area would be consistent with the Statewide framework that, in California, has been established for assessing the cumulative significance of GHG emissions impacts.

The comment does not specify additional information needed in the Recirculated Draft EIR. This comment is published in this Response to Comments document for public disclosure and for decision maker consideration.

Comment RO1-5: *The commenter states that it is not acceptable to ECOS to approve the SOIA with a condition that any future annexation of the area will be contingent on SCS compliance. The commenter further states an SOI approval must be contingent on SCS compliance at the time of approval.*

Impact 3.11-3 in Section 3.11 of the Draft EIR acknowledges that the Sacramento Area Council of Governments' (SACOG) MTP/SCS does not identify the SOIA Area for growth (page 3.11-23 of the Draft EIR). As discussed on page 3.8-8 of the EIR, SB 375 aligns regional transportation planning efforts, regional GHG reduction targets, and land use and

housing allocation. SB 375 requires Metropolitan Planning Organizations (MPOs) to adopt a Sustainable Communities Strategy (SCS), which will prescribe land use allocation in that MPO's Regional Transportation Plan (RTP). SB 375 also directs ARB to adopt regional GHG reduction targets. ARB adopted regional GHG targets for passenger vehicles and light trucks for 2020 and 2035 for the 18 MPOs in California. If the combination of measures in the SCS would not meet the regional targets, the MPO must prepare a separate 'alternative planning strategy' to meet the targets. The 'SACOG GHG targets are per capita CO2 emission reductions from passenger vehicles of 7 percent by 2020 and 16 percent by 2035 relative to 2005 levels. SACOG adopted the MTP/SCS in 2016. As shown in letter RA-1, SACOG states that the size and general location of the proposed SOIA is generally consistent with the Blueprint and that small variances are to be expected.

While the EIR evaluates consistency with the MTP/SCS, SB 375 does not create a consistency requirement for local land use entitlement authorities or LAFCOs.

Comment RO1-6: *The commenter states that Tables 3.10-2 and 3.15-2 show that projected supply for Zone 40 will exceed demand in all year types out to 2035 and that the reference for this information is SCWA 2011. The commenter states that the Sacramento County General Plan Update was adopted in 2011, and states an anticipated shortfall of water supply at build out of the plan. The commenter asks why there is a discrepancy between the projected water supply and demands shown in the document cited SCWA 2011 and the Sacramento County General Plan adopted in 2011. The commenter further asks how and where does SCWA plan to 'procure' additional surface and groundwater supplies.*

The commenter states that information provided on pages 3.10-3, 3.10-26, and 5.9, that the Central Basin ground water table is in recovery and that the cone of depression in the Elk Grove area has also improved, does not mesh with ECOS's understanding, and the commenter requests a further illustration of the numbers presented in Tables 3.10-2 and 3.15-2 that support this conclusion.

Page 3.10-3 of the Recirculated EIR discusses the factors contributing to the recovery of the Central Basin. The Sacramento Central Groundwater Authority's *South American Subbasin Alternative Submittal* (Alternative Submittal) analyzed the change in groundwater storage in the Central Basin. The Alternative Submittal shows the difference in total annual average change in storage over the 2005 to 2015 timeframe and states that the magnitude of recovery is representative of a basin in equilibrium where natural recharge from deep percolation, hydraulically connected rivers, and boundary subsurface inflows are keeping up with active pumping and changes in hydrology. Over the 10-year period, the basin continues to recover at its deepest points and management is now focused on working with outside agencies to keep water from leaving the basin, and improving basin conditions where and when possible, in accordance with the Central Sacramento County Groundwater Management Plan. Page 3.10-3 indicates groundwater storage in the recharge area underlying Elk Grove and surrounding areas is continuing to increase as a result of recharge from the construction of large conjunctive use and surface water infrastructure facilities, increased use of recycled water, and water conservation. The level of detail

presented at page 3.10-3 and in Table 3.10-2 is adequate in supporting the hydrology analysis on pages 3.10-26 and 5-9 of the Recirculated Draft EIR. Water supply and demand data is shown in Table 3.15-2, and discussed in the paragraph below. Detailed modeling is presented in the Sacramento Central Groundwater Authority's *South American Subbasin Alternative Submittal*. As shown in Chapter 6, 'References,' the *South American Subbasin Alternative Submittal* can be downloaded from the following link: <http://www.scgah2o.org/Pages/South-American-Subbasin-Alternative-Submittal.aspx>.

Although the Sacramento County General Plan was adopted in 2011, the analysis of water supply demands for Sacramento County was analyzed in the Sacramento County General Plan EIR that was prepared in 2009. Water supplies to accommodate planned land uses under the Sacramento County General Plan were compared to SCWA's 2005 UWMP water supply data. In 2010, the SCWA Zone 41 UWMP was prepared and the 2010 UWMP addresses water supply and demand issues, water supply reliability, water conservation, water shortage contingencies, and recycled-water usage for the areas within Sacramento County where Zone 41 provides retail water services, including Zone 40. Land use information for SCWA's 2010 UWMP included the most up-to-date tentative maps, specific plans, community plans, and general plans available. Table 3.15-2 shows water supply and demand based on the SCWA Zone 41 UWMP.

Mitigation Measure 3.10-2a requires that, prior to approval of any application to annex territory within the SOIA Area, the City of Elk Grove shall prepare a Plan for Services which shall demonstrate that SCWA water supplies are adequate to serve existing and planned development under normal, single-dry, and multiple-dry years.

Although not a project under CEQA, a Municipal Services Review for the proposed SOIA is available under separate cover through LAFCo. As stated on pages 3.15-20 and 3.15-21, SCWA would be responsible for ensuring water supply for the amount of proposed development and neither LAFCo nor the City of Elk Grove would have control over SCWA's future water supply planning. The obligation of procuring any additional water supplies would be the responsibility of SCWA; therefore, as stated on page 3.15-21, impacts related to water supply are significant and unavoidable.

Comment RO1-7: *The commenter states that despite the EIR demonstrating that groundwater is in a better condition than previously estimated, SCWA's ability to provide water is uncertain. The commenter agrees with the EIR findings on water supply. The commenter notes that LAFCo's role is to guard against these problems related to growth.*

Please see the Response to Comment RO1-6 and Master Response 1.

While the Draft EIR includes a discussion of policy consistency, the Draft EIR does not seek to make final determinations regarding whether the proposed SOIA is consistent with LAFCo Standards, Policies and Procedures; the determination of consistency is ultimately at the discretion of the Commissioners. The meaning of such policies is to be determined by the governing body, rather than agency staff, EIR consultants, or members of the public.

Further, the governing body's interpretations of such policies will prevail if they are 'reasonable,' even though other reasonable interpretations are also possible (see *No Oil, Inc. v. City of Los Angeles* (1987) 196 Cal.App.3d 223, 245-246, 249). In light of these considerations, the discussions in the Draft EIR advise the Commission about whether the proposed SOIA is consistent with identified goals and policies.

Comment RO1-8: *The commenter requests that they would like to see incorporated into the REIR the modeling referenced on page 3.10-24, showing peak flows would improve in the future.*

Impact 3.10-1 and Impact 3.10-3 address the potential for off-site flooding (pages 3.10-23 through 3.10-24 and 3.10-27 through 3.10-28 of the Recirculated Draft EIR). As stated in Impact 3.10-1, low impact development (LID) must be incorporated into future development projects in the City, based on the requirements of the City's NPDES stormwater permit. LID emphasizes the use of on-site natural features integrated with engineered hydrologic controls distributed throughout a watershed that promote infiltration, filtration, storage, and evaporation of runoff close to the source in order to manage stormwater. The City of Elk Grove's Storm Drainage Master Plan recommends that all runoff from developed areas within Drainage Shed C should be directed into detention basins: 'The detention basins, in conjunction with LID, will provide all the necessary stormwater quality treatment and flood flow mitigation for the developing areas within the watershed.'

The Storm Drainage Master Plan also states that the proposed mitigation measures for Shed C will effectively mitigate for the potential hydromodification impacts in the watershed and that modeling results indicate that the proposed drainage system including LID, detention, and channel improvements will adequately mitigate for potential flood flow increases downstream of the City. The modeling also shows that peak flood flows for the 10- year and 100-year storms are predicted to be reduced slightly.

In addition, implementation of Mitigation Measure 3.10-3 would require the future project applicant to prepare and submit a drainage plan to the City of Elk Grove that demonstrates that off-site upstream runoff would be appropriately conveyed, that project-related on- and off-site runoff would be appropriately contained in detention basins or other drainage features to reduce flooding.

Please also refer to the Response to Comment O1-26.

Comment RO1-9: *The commenter states that the Recirculated Draft EIR incorrectly calculates the amount of unflooded foraging habitat available to Greater Sandhill Cranes during periods of inundation in the 100 year floodplain. The commenter notes that page 3.4-41 of the Recirculated Draft EIR states that Exhibit 3.4 shows that even with inundation of the 100 year floodplain, extensive unflooded foraging habitat is still available, and that approximately 103,085 acres of high value crane habitat occurs outside of the 100-year floodplain within the SSHCP plan area. Therefore, plenty of high value upland crane foraging habitat is available even during wet winters. The commenter notes that there is no*

Exhibit 3.4 representing the relationship between the 100-year floodplain and unflooded upland forage, and indicates that the missing map is likely a modified version of Exhibit 3-22 from the SSHCP. The commenter questions the source of the calculated 103,085 acres of high value foraging habitat for sandhill crane.

Exhibit 3.4-10 and a number of other exhibits were inadvertently omitted from the RDEIR, and have now been added. These exhibits provide additional information about the location of special-status species occurrences in the SSHCP area in relation to the SOIA Area. The inclusion of these exhibits does not change the analysis or conclusions of the Recirculated Draft EIR. Changes were made on page 3.4-40.

Exhibits 3.4-43, 3.4-4, 3.4-5, and 3.4-6, ~~and 3.4-7~~ show the location of the SOIA Area in relation to western burrowing owl, Swainson's hawk, white-tailed kite, and, ~~and~~ northern harrier, ~~and burrowing owl~~ occurrences, respectively.

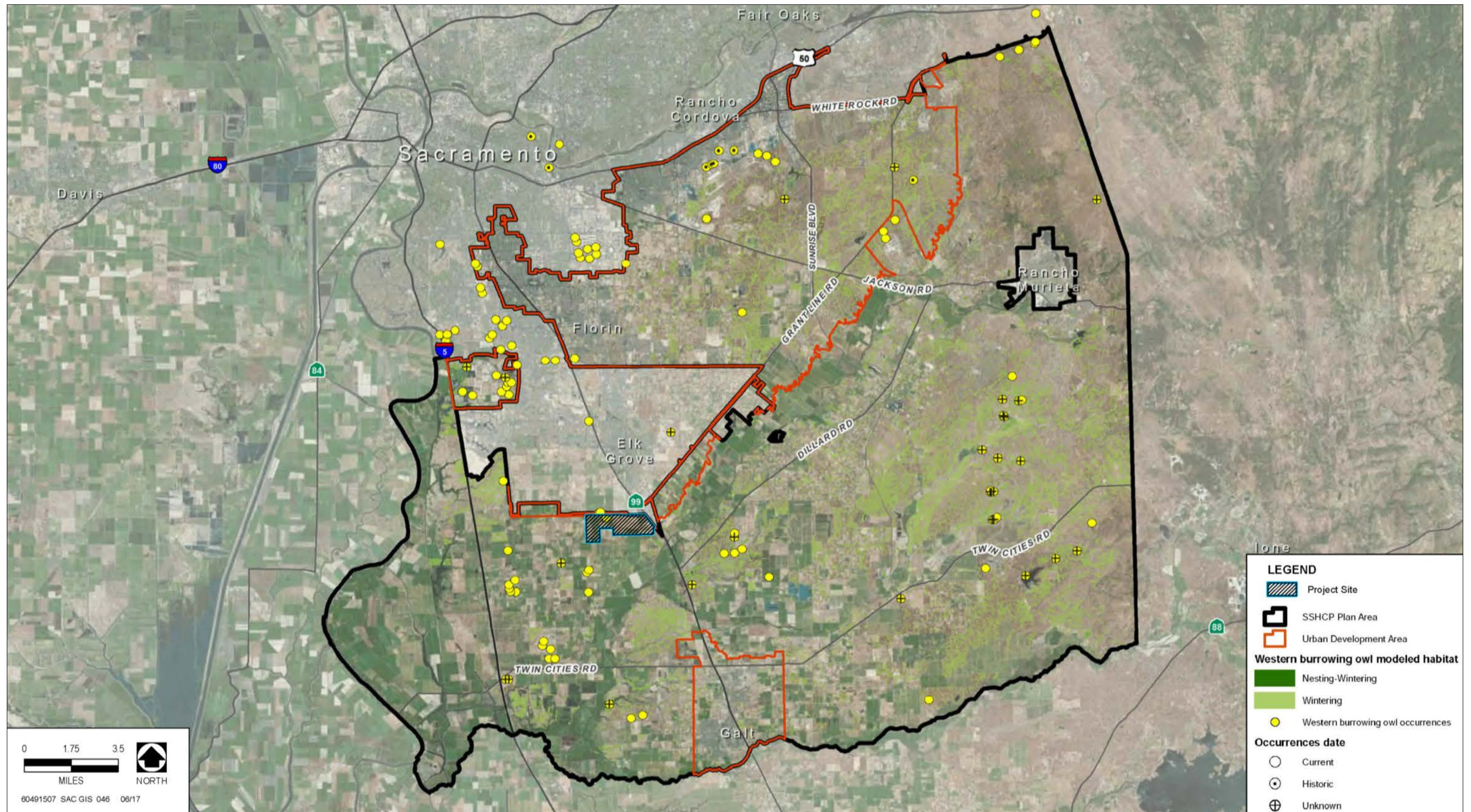
The calculation of 103,085 acres represents the acreage of upland habitat available within two miles of sandhill crane roosts and occurrences within the SSCHP area that are outside of the 100-year floodplain. Some, but not all, of this upland habitat is mapped as high value foraging habitat for greater sandhill cranes in the SSHCP. The revisions below on page 3.4-41 and 3.4-42 add information about the source of the 103,085-acre calculation, and clarify that not all of the 103,085 acres should be considered high value foraging habitat for greater sandhill cranes.

The SSHCP models show that most of the SOIA Area is within high-value foraging habitat for greater sandhill cranes. Those areas planted as vineyards in the SSOIA are not modeled as high value foraging habitat in the SSCHP. Exhibit 3.4-9 shows the location of the SOIA Area in relation to greater sandhill crane occurrences. No greater sandhill crane roosting sites have been documented in the SOIA Area, but roosting occurrences have been recorded in the Cosumnes River Preserve approximately 0.5 miles to the southeast.

Greater sandhill cranes forage and roost in low-lying areas that are subject to cyclical flooding during wet winters. The undammed Cosumnes River floods the Cosumnes River basin on a regular basis, and low elevation areas in the Stone Lakes National Wildlife Refuge are also flooded in wet winters. While greater sandhill crane will forage and roost in shallow flooded fields, areas that are deeply inundated are not suitable for foraging, and sandhill cranes are dependent on unflooded or shallowly flooded upland areas for foraging. As shown in Exhibit 3.4-10 ~~the SOIA Area, even with inundation of the 100-year floodplain, 103,085 acres of upland habitat is available within two miles of sandhill crane roosts and occurrences in the SSCHP area. extensive unflooded upland habitat is still available; in the SOIA Area. In addition, aA~~ Approximately 103,085 acres of high value upland foraging habitat for cranes ~~habitat occurs outside of the 100 year floodplain within the SSHCP plan area. Therefore, plenty of high value upland crane foraging habitat is available even during wet winters, for birds to forage.~~

These revisions do not change the conclusions in the Recirculated Draft EIR regarding the potential impacts of the project on greater sandhill cranes, which is that the loss of foraging habitat from the SOIA area would be a potentially significant impact on this species. Implementation of Mitigation Measure 3.4-4 would ensure that greater sandhill crane foraging habitat would be preserved at a 1:1 ratio of habitat lost in the foraging range of the local wintering population, reducing the impact to less than significant.

Comment RO1-10: *The commenter states that it is important to understand that the SSHCP is divided into Preserve Planning Units (PPUs), and that each unit has a focus of protecting specific covered species. The SOIA land is within PPU 6, which is an agricultural and grassland unit, and the commenter cites SSHCP page 7-88: 'PPU 6 encompasses 95,196 acres outside the UDA in the southwestern portion of the Plan Area. PPU 6 is bisected by I-5. It is bordered on the west by the Sacramento River, on the south by the Mokelumne River, and Dry Creek. The dominant land covers in PPU 6 are Agriculture (58,458 acres) and Valley Grassland (17,633 acres) ... All of the covered birds have been documented in PPU 6, including 281 (71%) occurrences for Swainson's hawk, 190 (92%) occurrences for greater sandhill crane, and 55% or more of the occurrences for northern harrier and white tailed kite.' The commenter notes that PPU 6 is the population stronghold for greater sandhill crane in the SSHCP Plan Area (92% of occurrences and almost all of the high population usage roost sites for cranes). The commenter notes that greater sandhill cranes forage within a 2-mile radius of their roost sites, and that the vast majority of roost sites are within PPU 6. The commenter states that since project impacts to the greater sandhill crane would be within PPU 6, they should also be mitigated within PPU 6, and within two miles of an active roost site, to reduce the significance of the impact from anything other than significant and unavoidable. The commenter questions whether it is possible to even mitigate within the upland forage areas of PPU 6. The commenter refers back to the third map provided in their comments on the DEIR, in which the green highlighted areas south of Elk Grove and near Galt are the upland foraging opportunities available within two miles of existing roost sites for greater sandhill crane, taking into account sea level rise. The commenter states that sea level rise is essentially synonymous to the 100-year floodplain in terms of elevation considerations, and that the map makes it clear that there remain very little upland forage opportunities in PPU 6. The commenter notes that it is inexplicable how the Recirculated Draft EIR could have come up with 103,085 acres, and states that if one takes the 95,196 acres of land within PPU 6 and removes from that acreage the 28,076 acres of already preserved land, and the 3,436 acres of low density development (SSHCP 7-88), there remains only 63,657 acres of remaining inventory for the greater sandhill crane not accounting for elevation or floodplain. The commenter asserts that large areas in that remaining 63,657 acres are compromised by the floodplain and sea level elevations. The commenter states that impacts to cranes in the population stronghold need to be mitigated in that same stronghold, and states that there is very little upland forage habitat available for the sandhill crane in PPU 6 and that this makes the SOIA area very important to the greater sandhill crane.*

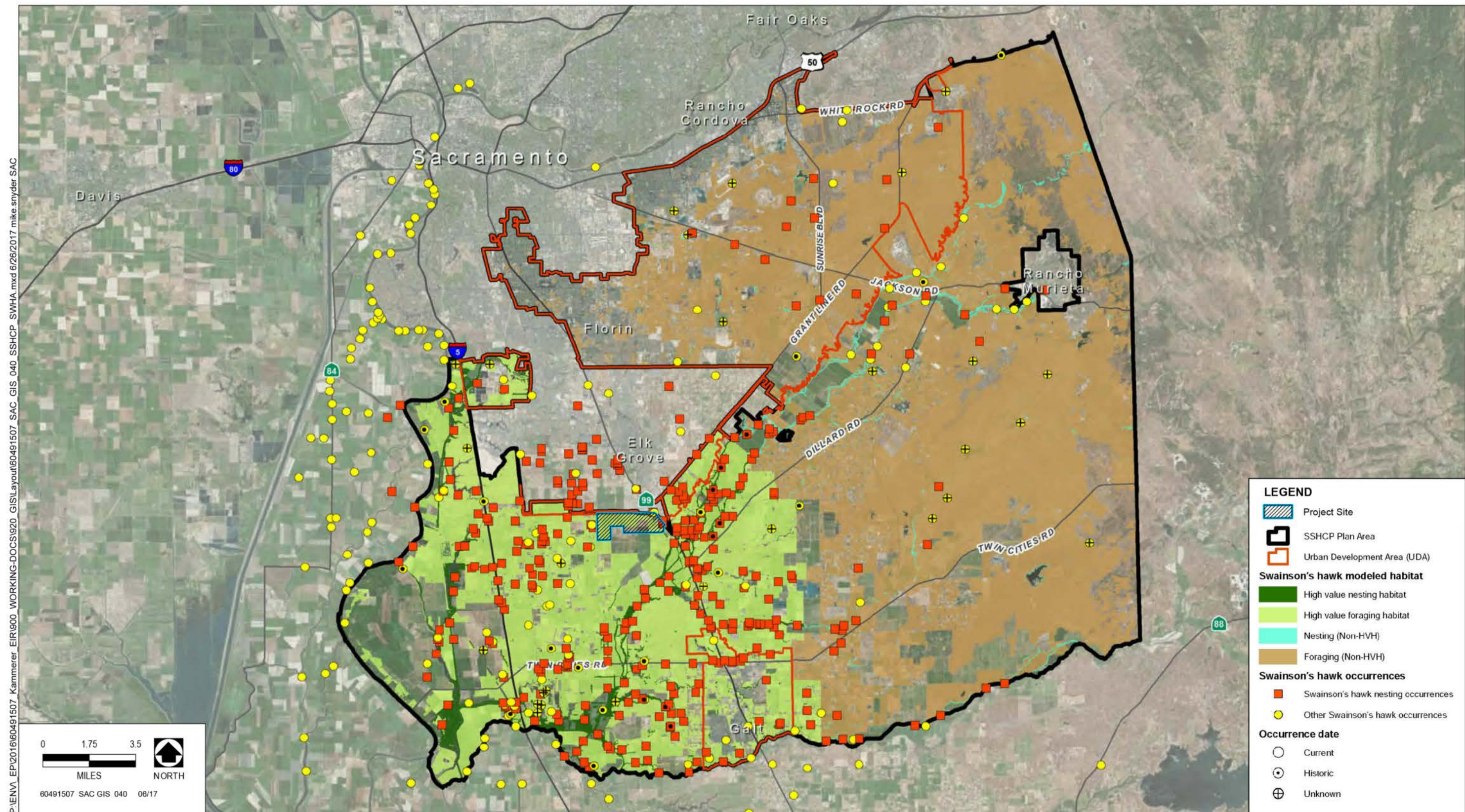


Source: SSHCP 2017

Exhibit 3.4-3

SSHCP Western Burrowing Owl Occurrences

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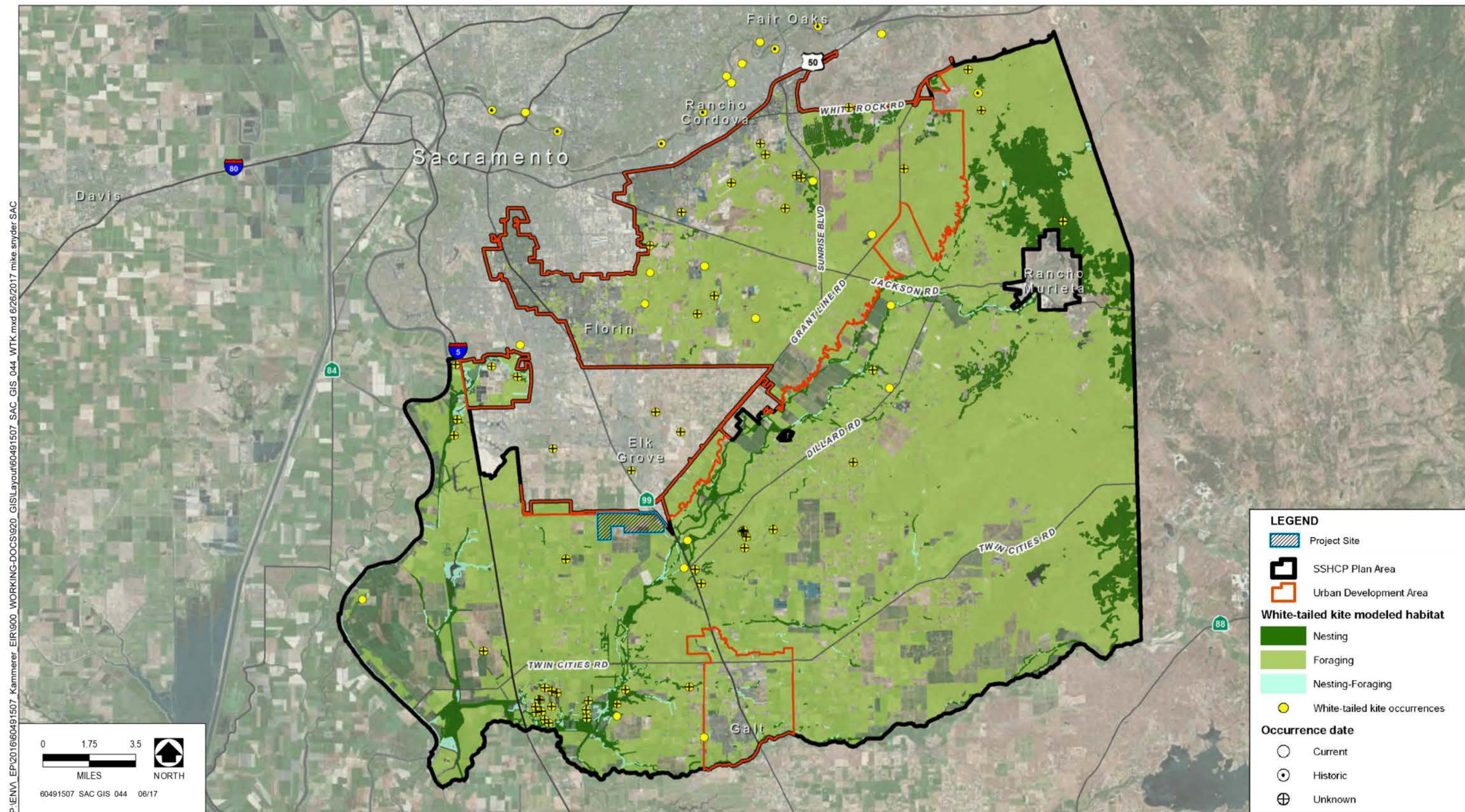


Source: SSHCP 2017

Exhibit 3.4-4

SSHCP Swainson's Hawk Occurrences

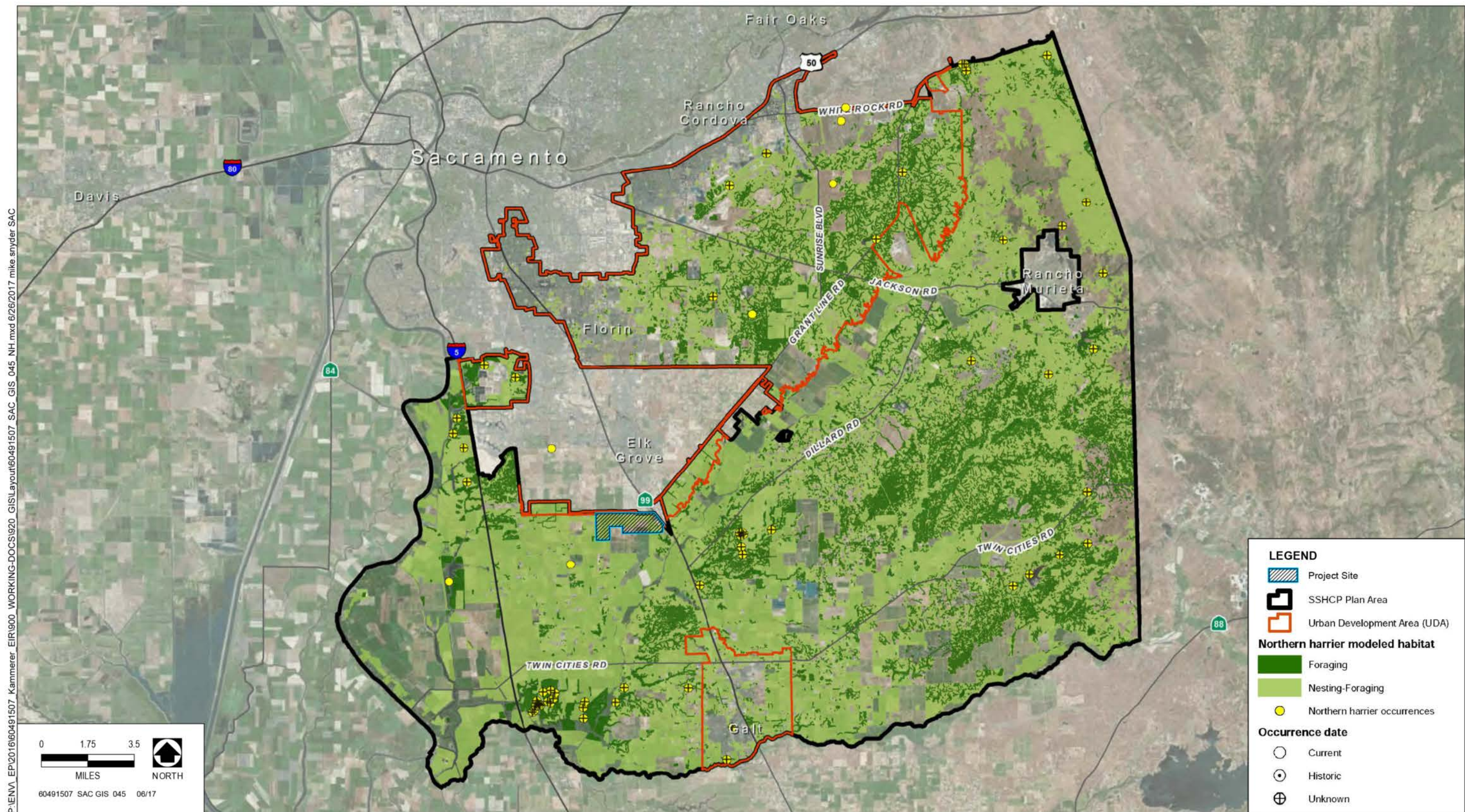
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Source: SSHP 2017

Exhibit 3.4-5 **SSHCP White-Tailed Kite Occurrences**

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Source: SSHCP 2017

Exhibit 3.4-6 SSHCP Northern Harrier Occurrences

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Please see response to Comment O-9 for a discussion of the calculation of 103,085 acres of upland habitat in the SSHCP area that is outside of the 100-year floodplain.

The commenter calculates that 63,657 acres are available within PPU 6 (after deducting 28,076 acres of already preserved land, and 3,436 acres of low density development), but states that the availability of this acreage is compromised by floodplain and sea level elevations. The commenter states that sea level rise is essentially synonymous to the 100-year floodplain in terms of elevation considerations, and refers to a figure in an earlier submittal to support the claim that very little upland forage opportunities in PPU. Presumably the commenter is referring to Figure 2. *Risk Landscape Based on Current Elevations, Sea Level Rise in 2100, and Potential for Levee Failure*, which was submitted as part of Attachment A to the commenter's March 31, 2017 comment letter on the DEIR. The commenter explains in that earlier comment letter that the figure was an initial draft from a modeling exercise that looked at conservative sea level rise predictions between now and 2100 for the Delta and surrounding landscapes. The commenter does not provide support for the assertion that sea level rise is synonymous with the 100-year floodplain, does not cite a reference that would describe the assumptions and methods of the modeling to explain how Figure 2 was developed, and does not quantify the extent of the anticipated reduction of 63,657 acres based on anticipated inundation, but instead relies on this figure as documentation that with this projected sea level rise eventually very little upland forage opportunities would remain in PPU 6.

The information provided by the commenter on the effect of sea-level rise and floodplain inundation on future availability of high value crane foraging habitat in PPU 6 is too speculative and unsupported by evidence to warrant revisions to the analysis of impacts on greater sandhill crane foraging habitat. Furthermore, the commenter does not accurately characterize the SSHCP's conservation objectives for greater sandhill crane, implying that mitigation for greater sandhill crane impacts in PPU 6 must occur in exclusively in PPU 6.

The following are the SSHCP objectives that include measures for greater sandhill crane (from Table 7-1 Biological Goals, Measurable Objectives, and Conservation Actions, page 7-17).

- Objective AG2. Of the 9,696 acres preserved under Objective AG1, maintain at least 2,000 of those acres of high-quality foraging crops (such as corn, alfalfa, or wheat) preferred by tricolored blackbird (*Agelaius tricolor*), greater sandhill crane (*Grus canadensis*), and the Covered raptor species. The 2,000 acres will be distributed in strategic locations throughout PPUs 4, 5, or 6 in plots of 20 acres or more.
- Objective GS1. During assembly of the SSHCP Preserve System, ensure that a minimum of 257 acres of modeled roosting or roosting/foraging habitat for greater sandhill crane is preserved. Roosting habitat will be preserved and maintained within PPUs 4, 6, and 8, with a minimum of 75% within PPU 6 (see Objectives VP1, SW1, and FWM1).

- Objective GS3. During assembly of the SSHCP Preserve System, ensure that a minimum of 184 acres of modeled roosting habitat or roosting/foraging habitat for greater sandhill crane is established and/or re-established. Re-establish two new roost sites (minimum of 90 acres of Freshwater Marsh/Seasonal Wetland complex each) every 2 miles in the gap between the Cosumnes population and the Stone Lakes' population or other strategic locations if that gap is closed by another HCP or conservation project (see Objectives VP2, SW2, and FWM2).
- Objective GS5. As part of the 2,000 acres preserved under Objective AG2, establish and maintain 10 food plots in strategic locations totaling a minimum of 200 acres within an agricultural setting for greater sandhill crane foraging habitat within PPU 6. Maintain the 200 acres among the 10 food plots as irrigated pasture or planted with crops preferred by greater sandhill crane as foraging habitat. Crops may include alfalfa, corn, wheat, or rice. Strategic placement of food plots will include locations for food plots in upland areas above the floodplain.
- Objective GS6. During assembly of the SSHCP Preserve System, ensure that a minimum of 1,000 acres of high-value modeled foraging habitat for greater sandhill crane outside the 100-year floodplain is preserved (see Objectives VP1, SW1, and FWM1).

The target acreage identified in SSHCP Objective GS6 (page 7-26) requires preservation of a minimum of 1,000 acres of high-value modeled foraging habitat for greater sandhill crane outside the 100-year floodplain, but does not specify that this acreage needs to be entirely in PPU 6. Of the 9,962 agricultural acres that need to be preserved, SSHCP Objective AG2 requires 2000 of the 9,962 acres be high quality foraging crops for greater sandhill crane to be distributed in PPU 4, 5 and 6 (i.e., not exclusively in PPU 6).

The comment is noted, but no evidence has been provided that would warrant changes to the analysis and conclusions in the Recirculated Draft EIR regarding the impacts of the project on greater sandhill cranes.

Comment RO1-11: *The commenter states that mitigation measure 3.4-4 must require that the mitigation for the SOIA area be within the project footprint to protect valuable and very rare upland forage habitat for sandhill cranes near their population stronghold. It is our contention that this will still not mitigate the impact to less than significant, but it at least attempts to mitigate with equivalent habitat values, and it attempts to address the rarity of upland forage mitigation opportunities within the greater sandhill population stronghold.*

Mitigation Measure 3.4-4 already requires that the suitability of preservation habitat for sandhill cranes shall be determined by the City after consultation with CDFW and a qualified biologist, and that the preservation habitat shall be located within five miles of the Cosumnes River Floodplain wintering population site, which is part of the sandhill crane population stronghold. The comment is noted.

Comment RO1-12: *The commenter states that climate change and sea level rise have the potential to make the cyclical flooding impacts to lowland forage areas permanent impacts for the greater sandhill crane and this should be stated clearly in the Recirculated Draft EIR. For greater sandhill cranes, the impact of sea level is, like stated for the Swainson's hawk (Recirculated Draft EIR, page 5-6): another human-induced factor that could substantially reduce the extent and quality of habitat for this species. The SOIA could have a cumulatively considerable contribution to this significant impact on Swainson's hawk because there is a limited amount of suitable habitat land available and there would be a net loss of habitat regardless of the acreage preserved as compensatory mitigation.' This needs to also be clearly stated for the greater sandhill crane.*

The comment is noted; however, Section 5.3.2 Cumulative Impact Analysis of the Recirculated Draft EIR already states that the loss of 1,156 acres of agricultural habitat from the SOIA Area could have a cumulatively considerable contribution to impacts on the sandhill crane and other species dependent on agricultural habitats. Although mitigation measures are proposed to compensate for the loss of habitat from the SOIA Area, the Recirculated Draft EIR concludes that loss of habitat from the region is considered a significant cumulative impact. Implementation of mitigation measures described in the Recirculated Draft EIR would reduce impacts on sandhill cranes resulting from future development of the SOIA Area. But, the Recirculated Draft EIR concluded that no additional feasible mitigation available would avoid this impact, and therefore the impact is significant and unavoidable.

Comment RO1-13: *The commenter notes that it should be clearly stated that for the greater sandhill crane that the cumulative impact of the SOIA could be lessened by preserving as much upland forage habitat as possible near the greater sandhill crane population stronghold (page 5-6).*

Please see the Response to Comment O1-11, which states that Mitigation Measure 3.4-4 already requires that the suitability of preservation habitat for sandhill cranes be located within five miles of the Cosumnes River Floodplain wintering population site. The comment is noted.

Comment RO1-14: *The commenter states that the Recirculated Draft EIR grossly misstates the way the Conservation Strategy for the SSHCP works. On page 3.4-51 of the Recirculated Draft EIR, it states: 'The SSHCP does not categorize specific areas to acquire for preservation lands, and would rely on purchasing suitable land from willing sellers anywhere within the undeveloped portions of the plan area'. This is patently false. This misunderstanding was used to argue that the 1,156 acres of the SOIA area would be an insignificant increase in the demand for the inventory of the SSHCP. In fact, the SSHCP very clearly categorizes specific areas to acquire, though it avoids any specific parcels. The Chapter 7 Conservation Strategy of the SSHCP lays out the habitat acquisition targets for each PPU in the Plan Area. For PPU 6 on page 7-89 of the SSHCP ('Overview of Conservation Strategy in PPU 6'), it states: 'Approximately 9750 acres will be preserved in PPU 6.' If the preparers of this Recirculated Draft EIR read Chapter 7, they would clearly see that*

there are specific conservation targets for each PPU, and that mitigating randomly within the 250,038 acres of inventory outside of the UDA is prohibited by the SSHCP.

The commenter is correct in that a more appropriate characterization of the process by which the SSHCP Preserve System areas is assembled is that specific *properties*, rather than *areas*, are not targeted for acquisition. This text change is shown in the Response to Comment A5-13.

Page 7-88 of the SSHCP states that PPU 6 currently encompasses 58,458 acres of agricultural lands. The 1,156 acres in the SOIA area is less than 2% of those 58,458 acres. This percentage represents only a minor increase in the demand for the inventory of potential mitigation lands of the SSHCP which would be required to satisfy the SSHCP requirement to preserve 9,750 acres of agricultural lands in PPU 6.

Please see Response to Comment O1-10 for a description of the SSHCP Conservation Objectives for greater sandhill crane, and a discussion of how the SSHCP provides some flexibility in how mitigation lands are distributed among the planning units within the SSCHP plan area.

Comment RO1-15: *The commenter notes that the Recirculated Draft EIR misstates the impacts of the SOIA approval on the SSHCP, asserting that they are so significant that it could impede the SSHCP from successfully implementing its conservation strategy in PPU 6. The commenter states that the SOIA area will directly impact habitat in PPU 6: the SOIA area is 1,156 acres, and a 1:1 mitigation for habitat in the same PPU is an additional burden of 1,156 acres on the SSHCP's inventory in PPU 6- a burden totaling 2,312 acres of inventory removed from the SSHCP. PPU 6 consists of 95,196 acres outside of the UDA. According to Table 7-2 ('Summary of SSHCP Preserve System and Existing Preserves by Planning unit') on page 7-63 of the draft SSHCP, 28,079 acres of PPU 6 are already in existing preserves. And according to section 7.5.2.3 ('PPU 6' on page 7-88 of the draft SSHCP), there are currently 3,436 acres of low density development in PPU 6. The commenter notes that simple math (total acreage minus the land already preserved and the land already developed) yields a total of 63,657 acres of available inventory in PPU 6. As stated correctly in this Recirculated Draft EIR, mitigation acres will only be acquired from willing sellers -some may wish sell, some may not. The commenter notes that this uncertainty is encompassed in the concept of 'feasibility of acquisition.' Given the need for willing sellers, it represents how much habitat is available compared to how much habitat is needed for mitigation. If there is 100 acres of inventory, and fifty are needed for mitigation, the feasibility for acquisition ratio is 50%. The lower the feasibility for acquisition ratio, the more likely that enough willing sellers will be found to satisfy the acquisition requirements of the Conservation Strategy of an HCP. The commenter states that CDFW maintains that a ratio of 15% or less is acceptable. The commenter notes that the SSHCP conservation target for PPU 6 is 9,750 acres, and there are 63,657 acres available, though not all suitable for mitigation because of elevation (all Swainson's hawk mitigation must be above sea level), after deducting the lands already preserved and developed from the figure for the total number of acres in the unit (95,196 acres), with the*

gross feasibility for acquisition for PPU 6 at 15.3%, just over the ratio that CDFW maintains is acceptable, and not accounting for acquisition criteria. The commenter notes that adding in the additional burden of the SOIA approval on PPU 6 inventory in the SSHCP, that ratio climbs upward to 18.94% (9,750 acre target for the SSHCP plus 2,312 acres of direct impact and then required mitigation for SOIA area, divided by the available habitat in the unit, which is 63,657), significantly higher than the ratio that CDFW considers acceptable (and without adjusting the ratio to account for the significant acreage that is below sea level and therefore not suitable for mitigation for Swainson's hawks). The commenter asserts that this is a very significant impact on the SSHCP's Conservation Strategy in PPU 6 and sets up the SSHCP for failure.

In calculating the gross feasibility for acquisition for PPU 6, the commenter explains in Comment O1-10 the origins of the 63,657-acre figure. The 63,657 acres represents the 95,196 acres total in PPU 6 minus 28,076 acres of already preserved land, and minus 3,436 acres of low density development. The total acreage using that calculation would be 63,684 acres rather than 63,657, but the figures are close. The commenter presents CDFW's 'feasibility of acquisition' concept and states that a feasibility of acquisition ratio of 15% or lower is acceptable to CDFW, with the gross feasibility for acquisition for PPU 6 at 15.3%. However, the commenter provides no information or references describing the basis of the 15% threshold as a measure of likelihood of successfully securing mitigation land, and no references or confirmation that this is a standard CDFW guidance to apply when seeking mitigation lands. The CDFW March 8, 2017 comment letter on Notice of Completion of an Amendment Environmental Impact Report does not mention this ratio, nor is guidance on this topic available on CDFW's Natural Community Conservation Plan webpage (<https://www.wildlife.ca.gov/Conservation/Planning/NCCP>). The comprehensive *Habitat Conservation Planning and Incidental Take Permit Processing Handbook* (USFWS and NMFS 2016) does not mention a feasibility of acquisition concept or 15% threshold, although it provides extensive guidance on how to develop and acquire a preserve system for an HCP. The SSHCP includes the following language with respect to willing landowners and potential limitations on mitigation inventory (page 9-20):

'It is possible that one or several landowners who own key resources of interest to the Implementing Entity will refuse to sell, or that negotiations to sell will fail. It is impossible to predict where this may occur and in what context it will occur (e.g., how much of the Preserve System has been acquired, the extent of resources remaining to protect). This situation, if it occurs, is only expected to occur near the end of the Permit Term, when most or all of the development impacts will likely have occurred; consequently, any delays in land acquisition associated with a lack of willing sellers will affect few Covered Activities. This situation can be avoided if the Implementing Entity begins negotiations with key landowners early in the SSHCP Permit Term.'

The SSHCP recognizes that uncertainty is inherent in the process of acquiring lands for the Preserve System, but does not offer any guidance on a 15% threshold specified by CDFW to assess feasibility of acquisition.

The comments are noted, but the commenter has offered no evidence that the proposed project would impede successful implementation of the SSHCP conservation strategy. Please also see the Response to Comments O1-10 and O1-14, which discuss the effects of the SOIA on implementation of the SSHCP Conservation Strategy in PPU 6. Please see also Master Response 2.

Comment RO1-16: *The commenter notes that the Recirculated Draft EIR misstates the listing status of the greater sandhill crane (page 3.4-41). It is not a federally listed species. It is listed as threatened under the California Endangered Species Act, and it is a California Fully Protected Species.*

The commenter correctly notes that greater sandhill crane is not a federally listed species, but rather is listed as threatened under the California Endangered Species Act, and it is a California Fully Protected Species. Table 3.4-3 correctly shows the listing status of greater sandhill crane as state-listed, but it is incorrectly described as a federally-listed species on page 3.4-41. The text on page 3.4-41 has been revised as shown below to correct this error.

Converting land in the SOIA Area from agricultural to urban land uses would result in removal of approximately 750 acres of cropland (hayfields and fallow fields) that provides potential winter foraging habitat for the State-~~federally~~ listed and Fully Protected greater sandhill crane, as well as California species of special concern, lesser sandhill crane.

These revisions do not change the analysis or conclusions in the Recirculated Draft EIR.

Comment RO1-17: *The commenter notes that CEQA does not specifically require looking at climate change in the context of covered species, the SSHCP does. ‘The SSHCP Conservation Strategy was developed with consideration of projected future effects of climate change (page 11-9) ...’ The SSHCP looked at the effects of climate change as ‘changed circumstances,’ and for sea level rise they identified an increase of 12 to 18 inches by 2050, and 21 to 55 inches by 2100. The maps included in the DEIR comment letter assumed a 36 to 48 inch sea level rise, so they are completely relevant. Not looking at the impact of sea level rise on greater sandhill cranes in the context of the SSHCP, which was developed with climate change in mind, means that it is not possible to understand the full impact of the development of the SOIA area on the SSHCP’s Conservation Strategy. So, this Recirculated Draft EIR still needs to consider and address the concerns presented about greater sandhill cranes and sea level rise presented in the Recirculated Draft EIR comment letter.*

Please see the response to Comment O1-10.

Comment RO1-18: *The commenter expresses the opinion that LAFCo should deny the application.*

The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

RO2



September 11, 2017

Sacramento LAFCo
1112 I Street, Suite 100
Sacramento, Ca. 95814
Attention: Don Lockhart
Don.Lockhart@SacLafco.org

Please send all notices & correspondence to:
Friends of the Swainson’s Hawk
8867 Bluff Lane
Fair Oaks, CA 95628
email: swainsonshawk@sbcglobal.net
916-769-2857

Comments of the Friends of the Swainson’s Hawk, on the Recirculated Environmental Impact Report for the Kammerer Road/Highway 99 Proposed Sphere of Influence Amendment [LAFC # 07-15]

Dear Mr. Lockhart:

The Application to LAFCo proposes to expand Elk Grove’s Sphere of Influence (“SOI”) by approximately 1,156 acres onto land presently zoned and used for agriculture and also used by wildlife for habitat. It conflicts with on-going state and local planning for conservation and mitigation programs to offset the impacts of already-approved urban development and major infrastructure to serve existing urban areas. We commented March 31, 2017 on the Draft Environmental Impact Report (LAFC # 07-15). We concur with and endorse the Comments submitted by the Environmental Council of Sacramento on the DEIR and the REIR. Most of those comments are still relevant. This letter addresses only changes made by the Recirculated EIR.

RO2-1

Role of California Department of Fish and Wildlife (CDFW) in Biological Resources Mitigation Measures

In several mitigation measures for impacts to Biological Resources, the measures refer to “coordination” with California Department of Fish and Wildlife. This term is undefined. Without an explicit definition of “coordination”, it is not possible to determine if the mitigation measure has been implemented. The measure is not capable of implementation. At minimum, the measure should require the written consent of CDFW to the implementation of the proposed mitigation measures requiring “coordination.”

RO2-2

Mitigation Measure 3.4-2c: Prepare and Implement a Swainson’s Hawk Foraging Habitat Mitigation Plan

The MM 3.4-2c is flawed. It mandates a fragmented, project by project mitigation of lost foraging habitat in the SOIA area, allowing unknown, multiple conservation operators, locations to be determined, uncertain number of mitigation acres, and lacks effective performance criteria

RO2-3

and guarantees. There are no opportunities for adaptive management in the mitigation program, opportunities that exist in the more comprehensive and planned habitat conservation program in the SSHCP.

MM 3.4-2c should require the City of Elk Grove to acquire a minimum 750 acre preserve on the model of their Delta Breeze preserve, in advance of completing any annexation within the SOIA, and make this land available exclusively to mitigate for the first 750 acres of development in the SOIA. It should prohibit projects of less than 40 acres from eligibility for annexation unless they are mitigated in a prior Elk Grove preservation of a minimum 750 acre preserve. After development of 750 acres in the SOIA, Elk Grove should be required by LAFCo to acquire and preserve a second preserve sufficient to mitigate for the remaining SOIA annexations and development.

The fact that the mitigation measure allows project by project mitigation for annexation, rather than an overall SOIA mitigation plan for the area, demonstrates that the anticipated urban development may not be planned and orderly development. It may proceed in uncoordinated pieces with unknown consequences for the ultimate mitigation of lost and compromised Swainson's Hawk habitat in the plan area.

The MM 3.4-2c should clearly state the number of foraging habitat acres in the project area and explain how that number was calculated and the justification for it. It should also clearly state how the loss of the large landscape agricultural area will be mitigated to retain the value of contiguous foraging habitat adjacent to known nesting habitat. We believe that number is 1156 acres if mitigation is to be consistent with County policies and the SSHCP.

The MM 3.4-2c (Kammerer Road/Highway 99 SOIA Recirculated EIR AECOM Sacramento LAFCo [LAFC#07-15] 3.4-35 Biological Resources) states:

Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, preserve suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation for Swainson's hawk foraging habitat value lost as a result of the project. ~~Because the SOIA Area is currently zoned Ag-80, it is deemed to provide 100 percent foraging habitat value and the entire acreage must therefore be compensated at a 1:1 ratio.~~ Loss of foraging habitat resulting from possible future off-site improvements shall be compensated by preserving suitable Swainson's hawk foraging habitat to ensure 1:1 replacement of habitat value, based on zoning of the affected land, lost as a result of the project. The suitability of preservation habitat shall be determined by the City after ~~consultation~~ coordination with CDFW and a qualified biologist and shall be located within the geographical foraging area of the local nesting population as determined acceptable to CDFW.

Please note that the phrase "based on zoning of the affected land" should be stricken; the assessment can be made best by CDFW.

We strongly object to the reference to "**replacement of habitat value**" since that involves qualitative judgment of "habitat value" for which no standard performance criteria exist. The mitigation measure should ensure that 1156 acres of high quality mitigation are required to offset the direct loss of foraging habitat on project site, and provide number of acres likely to be impacted in offsite improvements. In addition, the REIR should have accounted for mitigation to offset indirect and cumulative impacts of the SOIA approval. MM 3.4-2c by mitigating 1:1 for the project site only contributes to a program that

preserves half of the baseline habitat available to the species. This conservation hardly compensates for direct impacts and therefore could not compensate for indirect and cumulative impacts as claimed.

To explain further the issue, consider that on page 3.4-30, the REIR states:

“suitable foraging habitat. . . consists of alfalfa, disked fields, fallow fields, dry-land pasture, beets, tomatoes, irrigated pasture, grains, other row crops, and uncultivated grasslands (Estep 1989, Estep pers. comm. 2007, Estep 2009a, Estep 2009b).” It also refers to “the loss of 750 acres of foraging habitat from the SOIA Area, and potentially more acreage at off-site improvement areas”

This paragraph implies that the REIR expects MM 3.4-2c to result in mitigation only for part of the SOIA acres converted to urban use. However, on p. 3.4-30, the REIR also states (in contradiction):

“Converting land in the SOIA Area from agricultural to urban land uses would result in removal of approximately 1,150 acres of cropland that provides suitable foraging habitat for Swainson’s hawk, white-tailed kite, northern harrier, and burrowing owl. Swainson’s hawk is listed as threatened under CESA, white-tailed kite is a fully protected species, and northern harrier and burrowing owl are California species of special concern.” AND

“Although some of the SOIA Area is currently planted in vineyards that are not considered suitable foraging habitat for Swainson’s hawk, the entire SOIA Area is currently zoned AG-80 and is therefore assumed to provide 100 percent foraging habitat value according to the Sacramento County Department of Environmental Review and Assessment. The draft SSHCP (Sacramento County et al. 2017a) modeled the SOIA Area as high-value foraging habitat for Swainson’s hawk, and also as foraging habitat for white-tailed kite.”

We would add that the Sacramento County Department of Environmental Review and Assessment/California Department of Fish and Wildlife Swainson’s Hawk mitigation program is unique and the tradeoffs in the program demand that the SOIA mitigate for full habitat value under this program to be consistent with the assumptions of the program adopted for this area by the County.

Both the County Swainson’s Hawk Mitigation Program and the South Sacramento Habitat Conservation Plan would require mitigation for the entire SOIA area of over 1100 acres. This is a large landscape agricultural area, adjacent to other large landscape agricultural areas that provide raptor foraging habitat and nesting habitat. Even if the annexation included only vineyards, the conversion to urban uses would have a profound effect on the foraging values of other properties in the SOIA and nearby. As noted in our DEIR comments, scientific evidence submitted shows that Swainson’s Hawks do use vineyards for foraging. Moreover, if the vineyards are not converted to urban use, those acres remain available for conversion to SOIA foraging habitat in future.

Every other mitigation program in Sacramento County restricts habitat mitigation land for Swainson’s Hawk impacts to locations in Sacramento County. The City of Elk Grove ordinance does this. The proposed REIR measure does not. These programs and the South Sacramento Habitat Conservation Plan have other criteria on the location and suitability of mitigation land for this purpose. MM 3.4-2c establishes no firm criteria for suitable mitigation land such as excluding lands below sea level (as the SSHCP does) or requiring CDFW approval of the mitigation property. The only qualification is “shall be located within the geographical foraging area of the local nesting population as determined acceptable to CDFW.” This is hardly a recipe for replacing the lost habitat with permanent protection of like habitat and is inconsistent with the County and City of Elk Grove policies.

As pointed out elsewhere, MM 3.4-2c impacts the South Sacramento Habitat Conservation Plan implementation by removing suitable mitigation land from availability (the SOIA) in PPU#6 while at the same time competing for suitable, available mitigation land in this location for mitigation of impacts of

RO2-3
cont.

already approved development inside the USB. The REIR erred on p. 3.4-41 in concluding that 103,000 acres are available for mitigating impacts on the SOIA farmlands. The appropriate comparison is within the PPU#6 only. (See ECOS Comment letter 9/11/17.)

The REIR doesn't attempt to ensure that conflict between the SOIA natural resources mitigation and the SSHCP program be reduced. LAFCo could require that South Sacramento Conservation Agency approve the SOIA mitigation program or adopt the area into the SSHCP prior to approval of any annexation.

The REIR makes no attempt to consider a higher mitigation ratio (such as not "layering" farmland mitigation and Swainson's Hawk mitigation for the SOIA). Because it is outside the USB, the SOIA needs to go above and beyond the mitigation ratios and expectations set for development of lands within the USB. In setting those mitigation requirements, the County assumed that County policies would protect the natural resources outside the USB. The SOIA, if approved, would change that and set precedent for further urban expansion in lands long protected by County policies for agriculture and wildlife uses. LAFCo needs to fill that gap with additional mitigation measures or deny approval.

We recommend any mitigation be carried out within the SOIA area to minimize the impact on the SSHCP and limit other negative impacts of the SOIA. This would result in conversion of at least some vineyard area to foraging habitat, with a potential net improvement in foraging habitat available in this area with the project compared to no project. Buffers and other policies protecting agriculture in the SOIA area would be needed. This approach could be combined with the reduced size alternative for annexation, allowing applicants to share development rights and mitigation obligations in a self-mitigated plan.

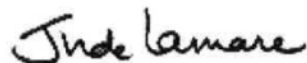
Impact 3.4-9 Conflicts with provisions of an adopted habitat conservation plan.

As noted above, additional mitigation is feasible and needed to offset the negative impact of the SOIA on the availability of suitable habitat land in PPU#6 and the feasibility of acquisition of necessary mitigation within the South County.

One of the many benefits of regionally planned habitat conservation is that key stakeholders reach agreement about the ultimate cumulative impacts of growth and how to offset them with conservation. A separate Elk Grove program introduces more uncertainty and potential conflict, including bidding wars that ultimately send land values artificially high (hurting the public interest). The separate Elk Grove program prevents the level of certainty for wildlife mitigation that a regional conservation program is designed to achieve.

Please keep us informed regarding future public review of the proposed application, and public hearings. We prefer to receive email notification of public review documents and hearings at swainsonshawk@sbcglobal.net.

Thank you for this opportunity to comment.



Judith Lamare, Ph.D. Co-Chair,



James P. Pacht, Co-Chair

C: Tanya Sheya, CDFW

RO2-3
cont.

RO2-4

Lockhart. Don

From: Judith Lamare <judelam@sbcglobal.net>
Sent: Monday, September 11, 2017 10:48 AM
To: Lockhart. Don
Cc: Tanya@Wildlife Sheya; Matt Baker; Sean Wirth; rmburness@comcast.net; Jim Pachl
Subject: REIR Kammerer99
Attachments: CosPreserveParcelsAnnotated.pdf; ATT00001.htm



Dear Mr Lockhart:

Please print and review and add this email and attached map to comment on the Kammerer 99 REIR.

The REIR errs in the following description:

The Cosumnes River Preserve (Preserve), located approximately seven miles southwest of the SOIA Area, consists of approximately 45,859 acres of wildlife habitat and agricultural lands owned by seven land-owning partners."

In fact, Preserve ownership is as close as immediately across 99 from the proposed SOI expansion.

The REIR fails to locate the SOIA as between two large and very important preserves in South County - CRP and Stone Lakes NWR.

Attached is a map of the preserve.

RO2-5





Comment RO2-1: *The commenter introduces the letter and states that they would like to incorporate previous comments made on the Draft EIR as well as comments submitted by ECOS on the Draft EIR and the Recirculated Draft EIR.*

Responses to Comments submitted on the Draft EIR are provided in Chapter 2, 'Responses to Comments on the Draft EIR.' The comment does not specify additional information needed in the Recirculated Draft EIR. The comment is published in this Final EIR for decision maker consideration.

Comment RO2-2: *The commenter notes that in several mitigation measures for impacts to Biological Resources, the measures refer to 'coordination' with California Department of Fish and Wildlife. This term is undefined. Without an explicit definition of 'coordination', it is not possible to determine if the mitigation measure has been implemented. The measure is not capable of implementation. At minimum, the measure should require the written consent of CDFW to the implementation of the proposed mitigation measures requiring 'coordination.'*

Please see Response to Comment A5-13.

Comment RO2-3: *RO2-3a. The commenter states that MM 3.4-2c is flawed and mandates a fragmented, project by project mitigation of lost foraging habitat in the SOIA area, allowing unknown, multiple conservation operators, locations to be determined, uncertain number of mitigation acres, and lacks effective performance criteria and guarantees. There are no opportunities for adaptive management in the mitigation program, opportunities that exist in the more comprehensive and planned habitat conservation program in the SSHCP.*

: *RO2-3b. The commenter states that MM 3.4-2c should require the City of Elk Grove to acquire a minimum 750 acre preserve on the model of their Delta Breeze preserve, in advance of completing any annexation within the SOIA, and make this land available exclusively to mitigate for the first 750 acres of development in the SOIA. In addition, the commenter notes that MM 3.4-2c should prohibit projects of less than 40 acres from eligibility for annexation unless they are mitigated in a prior Elk Grove preservation of a minimum 750 acre preserve, and after development of 750 acres in the SOIA, Elk Grove should be required by LAFCo to acquire and preserve a second preserve sufficient to mitigate for the remaining SOIA annexations and development.*

: *RO2-3c. The commenter notes that the mitigation measure allows project by project mitigation for annexation, rather than an overall SOIA mitigation plan for the area, demonstrates that the anticipated urban development may not be planned and orderly development. It may proceed in uncoordinated pieces with unknown consequences for the ultimate mitigation of lost and compromised Swainson's Hawk habitat in the plan area.*

RO2-3d. The commenter states that the MM 3.4-2c should clearly state the number of foraging habitat acres in the project area and explain how that number was calculated and the justification for it. It should also clearly state how the loss of the large landscape agricultural area will be mitigated to retain the value of contiguous foraging habitat

adjacent to known nesting habitat. The commenter believes that number is 1156 acres if mitigation is to be consistent with County policies and the SSHCP.

RO2-3e. The commenter notes that MM 3.4-2c states: 'Before the approval of grading and improvement plans or before any ground-disturbing activities, whichever occurs first, preserve suitable Swainson's hawk foraging habitat to ensure 1:1 mitigation for Swainson's hawk foraging habitat value lost as a result of the project. ~~Because the SOIA Area is currently zoned Ag 80, it is deemed to provide 100 percent foraging habitat value and the entire acreage must therefore be compensated at a 1:1 ratio.~~ Loss of foraging habitat resulting from possible future off-site improvements shall be compensated by preserving suitable Swainson's hawk foraging habitat to ensure 1:1 replacement of habitat value, based on zoning of the affected land, lost as a result of the project. The suitability of preservation habitat shall be determined by the City after ~~consultation~~ coordination with CDFW and a qualified biologist and shall be located within the geographical foraging area of the local nesting population as determined acceptable to CDFW.'

The commenter further notes that the phrase 'based on zoning of the affected land' should be stricken; the assessment can be made best by CDFW. We strongly object to the reference to 'replacement of habitat value' since that involves qualitative judgment of 'habitat value' for which no standard performance criteria exist. The commenter states that the mitigation measure should ensure that 1156 acres of high quality mitigation are required to offset the direct loss of foraging habitat on project site, and provide number of acres likely to be impacted in offsite improvements. In addition, the commenter states that the REIR should have accounted for mitigation to offset indirect and cumulative impacts of the SOIA approval. The commenter notes that by mitigating 1: 1 for the project site MM 3.4-2c only contributes to a program that preserves half of the baseline habitat available to the species, which does not compensate for direct impacts and therefore could not compensate for indirect and cumulative impacts as claimed.

In addition, the commenter further notes that on page 3.4-30, the REIR states: 'suitable foraging habitat.... consists of alfalfa, disked fields, fallow fields, dry-land pasture, beets, tomatoes, irrigated pasture, grains, other row crops, and uncultivated grasslands (Estep 1989, Estep pers. comm. 2007, Estep 2009a, Estep 2009b).' It also refers to 'the loss of 750 acres of foraging habitat from the SOIA Area, and potentially more acreage at off-site improvement areas ... ' The commenter states that that this paragraph implies that the REIR expects MM 3.4-2c to result in mitigation only for part of the SOIA acres converted to urban use. However, on p. 3.4-30, the REIR also states (in contradiction): 'Converting land in the SOIA Area from agricultural to urban land uses would result in removal of approximately 1,150 acres of cropland that provides suitable foraging habitat for Swainson's hawk, white-tailed kite, northern harrier, and burrowing owl. Swainson's hawk is listed as threatened under CESA, white-tailed kite is a fully protected species, and northern harrier and burrowing owl are California species of special concern.' AND 'Although some of the SOIA Area is currently planted in vineyards that are not considered suitable foraging habitat for Swainson's hawk, the entire SOIA Area is currently zoned AG-80 and is therefore assumed to provide 100 percent foraging habitat value according to the

Sacramento County Department of Environmental Review and Assessment. The draft SSHCP (Sacramento County et al. 2017a) modeled the SOIA Area as high-value foraging habitat for Swainson's hawk, and also as foraging habitat for white-tailed kite.'

The commenter adds that the Sacramento County Department of Environmental Review and Assessment/California Department of Fish and Wildlife Swainson's Hawk mitigation program is unique and the tradeoffs in the program demand that the SOIA mitigate for full habitat value under this program to be consistent with the assumptions of the program adopted for this area by the County. Both the County Swainson's Hawk Mitigation Program and the South Sacramento Habitat Conservation Plan would require mitigation for the entire SOIA area of over 1100 acres. The commenter notes that even if the annexation included only vineyards, the conversion to urban uses would have a profound effect on the foraging values of other properties in the SOIA and nearby. As noted in the commenter's DEIR comments, scientific evidence submitted shows that Swainson's Hawks do use vineyards for foraging, and that if the vineyards are not converted to urban use, those acres would remain available for conversion to SOIA foraging habitat in the future.

RO2-3f. The commenter states that every other mitigation program in Sacramento County restricts habitat mitigation land for Swainson's Hawk impacts to locations in Sacramento County, but the City of Elk Grove ordinance and the REIR measure does not. The commenter notes that these programs and the SSHCP have other criteria on the location and suitability of mitigation land for this purpose, and that MM 3.4-2c establishes no firm criteria for suitable mitigation land such as excluding lands below sea level (as the SSHCP does) or requiring CDFW approval of the mitigation property. The only qualification is 'shall be located within the geographical foraging area of the local nesting population as determined acceptable to CDFW.' This is hardly a recipe for replacing the lost habitat with permanent protection of like habitat and is inconsistent with the County and City of Elk Grove policies.

: RO2-3g. The commenter notes that MM 3.4-2c impacts the South Sacramento Habitat Conservation Plan implementation by removing suitable mitigation land from availability (the SOIA) in PPU#6 while at the same time competing for suitable, available mitigation land in this location for mitigation of impacts of already approved development inside the USB. The REIR erred on p. 3.4-41 in concluding that 103,000 acres are available for mitigating impacts on the SOIA farmlands. The appropriate comparison is within the PPU#6 only. (See ECOS Comment letter 9/11/17.)

RO2-3h. The commenter states that the REIR doesn't attempt to ensure that conflict between the SOIA natural resources mitigation and the SSHCP program be reduced. LAFCo could require that South Sacramento Conservation Agency approve the SOIA mitigation program or adopt the area into the SSHCP prior to approval of any annexation.

The commenter states that the REIR makes no attempt to consider a higher mitigation ratio (such as not 'layering' farmland mitigation and Swainson's Hawk mitigation for the SOIA), noting that because it is outside the USB, the SOIA needs to go above and beyond the

mitigation ratios and expectations set for development of lands within the USB. The commenter notes that in setting those mitigation requirements, the County assumed that County policies would protect the natural resources outside the USB. The commenter asserts that the SOIA, if approved, would change that and set precedent for further urban expansion in lands long protected by County policies for agriculture and wildlife uses. LAFCo needs to fill that gap with additional mitigation measures or deny approval.

RO2-3i. The commenter recommends any mitigation be carried out within the SOIA area to minimize the impact on the SSHCP and limit other negative impacts of the SOIA. This would result in conversion of at least some vineyard area to foraging habitat, with a potential net improvement in foraging habitat available in this area with the project compared to no project. Buffers and other policies protecting agriculture in the SOIA area would be needed. This approach could be combined with the reduced size alternative for annexation, allowing applicants to share development rights and mitigation obligations in a self-mitigated plan.

RO2-3a. The commenter characterizes Mitigation Measures 3.4-2c as flawed, with fragmented, project-by-project mitigation, no adaptive management opportunities, and unidentified locations and acreages of future mitigation lands. The commenter is correct in stating that the size and location of mitigation is unknown because as stated in Chapter 2, ‘Project Description,’ of the Recirculated Draft EIR, future development could occur in some or all of the SOIA area. Because the timing and scope of future development is unknown, the extent of future impacts on Swainson’s hawk foraging habitat is unknown. Therefore Mitigation Measure 3.4-2c does not specify the amount of mitigation lands, but does specify the ratio, and also specifies the following requirements: to consult with CDFW regarding the appropriateness of the mitigation land; to manage the land to maintain Swainson’s hawk foraging values; to prohibit activities that would substantially impair or diminish the land’s capacity as suitable Swainson’s hawk foraging habitat; to transfer mitigation land through either conservation easement or fee title, to a third-party, nonprofit conservation organization, with the City and CDFW named as third-party beneficiaries; monitoring in perpetuity to assure compliance with the terms of the easement; and an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement.

These requirements do not translate to a ‘mandate’ for a fragmented approach to mitigation, nor do they preclude adaptive management of the mitigation lands to maintain Swainson’s hawk foraging values, but rather provide the specific elements needed to develop an effective approach for mitigating potential impacts on Swainson’s hawk foraging habitat.

RO2-3b. With respect to the commenter’s statement that Mitigation Measures 3.4-2c should require a minimum acquisition of 750 acres, please note that the extent of future impacts on Swainson’s hawk foraging habitat is unknown, as discussed above. Therefore Mitigation Measure 3.4-2c does not specify the required acreage of mitigation lands, and instead requires mitigation at a 1:1 ratio.

RO2-3c. The commenter's concern about project-by-project, uncoordinated mitigation is noted. However, the provision to allow smaller projects to mitigate through in-lieu impact mitigation fee payment is specifically designed to reduce the potential for small, fragmented mitigation sites that do not provide high-value foraging habitat for Swainson's hawks. Rather than each project under 40 acres creating their own mitigation site of less than 40 acres, future project applicants would pay a per-acre fee into a Swainson's hawk mitigation program, which funds land/easement acquisition on suitable foraging habitat that will be managed in perpetuity for the benefit of Swainson's hawk.

RO2-3d. Regarding the commenter's request that Mitigation Measure 3.4-2c should state the number of foraging habitat acres in the proposed SOIA Area, and explain how that number was calculated, please see page 3.4-30 of the Recirculated Draft EIR. As described there, the entire SOIA Area is currently zoned AG-80 and is therefore assumed to provide 100 percent foraging habitat value according to the Sacramento County Department of Environmental Review and Assessment. Also on page 3.4-30, the Recirculated Draft EIR correctly states that only 750 acres of that is considered high quality foraging habitat for Swainson's hawk. References to specific acreages, either 1,156 or 750 acres, are appropriately omitted from Mitigation Measures 3.4-2c because the extent of future impacts on Swainson's hawk foraging habitat and associated mitigation requirements is unknown at this time.

RO2-3e. With respect to the commenter's objection to the phrase 'based on zoning of the affected land' in Mitigation Measure 3.4-2c, this phrase was inadvertently left in place. Mitigation Measure 3.4-2c has been revised as shown below to clarify that mitigation will be based on habitat value of the affected lands rather than zoning, and that the assessment of habitat value shall be made in consultation with CDFW.

Loss of foraging habitat resulting from possible future off-site improvements shall be compensated by preserving suitable Swainson's hawk foraging habitat to ensure 1:1 replacement of habitat value, ~~based on zoning of the affected land~~, lost as a result of the project. The habitat value of the affected land and the suitability of preservation habitat shall be determined by the City after ~~coordination~~ consultation with CDFW and a qualified biologist and shall be located within the geographical foraging area of the local nesting population as determined acceptable to CDFW.

In addition, the following text has been added to page 3.4-43 to further clarify that mitigation will be based on habitat value of the affected lands rather than zoning, and that the assessment of habitat value shall be made in consultation with CDFW.

The SOIA Area is currently zoned as AG-80, and therefore under existing County of Sacramento Swainson's hawk mitigation policy all of the SOIA Area would be considered as 100 percent foraging habitat for this species, even those areas such as vineyards that are unsuitable for Swainson's hawk foraging. Because the future zoning in the SOIA Area at the time of annexation and

development is unknown, Mitigation Measure 3.4-2c specifies that that Swainson's hawk foraging habitat mitigation would be based on the assessment of the foraging habitat value of the affected lands, in consultation with CDFW, rather than on zoning.

The commenter statement that mitigating 1:1 only preserves half of the baseline habitat available to the species, which does not compensate for direct impacts and therefore could not compensate for indirect and cumulative impacts, is noted. The Recirculated Draft EIR acknowledges that only a finite amount of land is available within the foraging range of the local nesting population, and even with preservation of foraging habitat to compensate for losses that would occur in the SOIA Area, there would still be an overall net loss of foraging habitat available to the local nesting population. This was the basis for the Recirculated Draft EIR conclusion that the impact on Swainson's hawk would remain significant and unavoidable. The 1:1 mitigation ratio is the standard set forth by CDFW, and as the agency charged with protecting this state-listed species, CDFW sets the standard for appropriate mitigation.

The commenter's statement that both the Sacramento County Swainson's Hawk Mitigation Program and the South Sacramento Habitat Conservation Plan would require mitigation for the entire SOIA Area of over 1,100 acres is noted.

RO2-3f. With respect to the commenter's statement that Mitigation Measures 3.4-2c is inconsistent with the Sacramento County's and the City of Elk Grove policies, please note that the County and City have the same basic requirements, with mitigation by one of the following options:

- ▶ Provide direct land preservation to the City by fee title or conservation easement on a per acre basis (1:1 mitigation ratio)
- ▶ Pay Swainson's hawk impact mitigation fee on a per acre basis for habitat impacted
- ▶ Purchase mitigation credits at a mitigation bank acceptable to the City and CDFW

Regarding the commenter's statement that the mitigation lands should be restricted to Sacramento County, the commenter does not provide any information explaining why restricting mitigation lands by county boundaries would improve recovery and conservation outcomes for Swainson's hawks. Please note that the conservation easements that the City has accepted for Swainson's hawk are currently dispersed throughout southern Sacramento County, and based on the locations of those past conservation easements it is likely that future mitigation lands would also be within County boundaries.

As described on the City of Elk Grove's Swainson's hawk program webpage (http://www.elkgrovecity.org/city_hall/departments_divisions/planning/resources_and_policies/swainsons_hawk_program), the City's goal in securing these easements was to preserve areas that would ensure the maximum benefit to the Swainson's hawk by

maintaining habitat connectivity with adjacent open foraging habitat lands (City of Elk Grove 2017c).

With respect to excluding mitigation lands that are below sea level, as the SSHCP does, please note that the mitigation measure requires the City to consult with CDFW on the suitability of preservation habitat. CDFW will provide guidance about appropriate criteria that would establish the suitability of City-proposed mitigation lands for Swainson's hawks, including the elevation of those lands.

Regarding the commenter's statement about affecting SSHCP implementation by removing suitable mitigation land from availability in PPU6, and competing for available mitigation lands, please see the Response to Comment O1-9

The commenter's recommendation to mitigate only within the SOIA Area to minimize the impact on SSHCP implementation, and to avoid conflict between the SOIA natural resources mitigation and the SSHCP, is noted. Please see responses to Comments O1-9, O1-10, O1-11, O1-14, and O-15 for a discussion of the relationship of the SOIA to the SSHCP. Please see also Master Response 2.

RO2-3g. Regarding the comment that the Recirculated Draft EIR does not attempt to reduce conflict between the SOIA natural resource mitigation and the SSCHP program, please see page 3.4-69 of the Recirculated Draft EIR, which describes consistency of the SOIA mitigation measures with the SSCHP. With respect to the commenter's suggested mitigation measure to require the South Sacramento Conservation Agency to approve the SOIA mitigation program or adopt the area into the SSHCP prior to approval of any annexation, a mitigation measure requiring action by another party such as the South Sacramento Conservation Agency is not feasible because there is no mechanism to enforce such a measure. Neither LAFCo nor the City has any authority to ensure the ongoing existence of such an agency or commitment to reviewing future implementation of mitigation requirements.

RO2-3h. With respect to the comment that recommendation that the Recirculated Draft EIR should require a higher mitigation ratio because the SOIA is outside the USB, please note that the 1:1 mitigation ratio is the standard set forth by CDFW for mitigation for loss of Swainson' hawk foraging habitat. As the agency charged with protecting this State-listed species, CDFW sets the standard for appropriate mitigation.

RO2-3i. Regarding the comments that mitigation should occur within the SOIA Area, with a reduced size alternative for annexation, and buffers and other policies protecting agriculture in the SOIA Area, please note that the Recirculated Draft EIR already considered a reduced size alternative.

Comment RO2-4: *The commenter states that additional mitigation is feasible and needed to offset the negative impact of the SOIA on the availability of suitable habitat land in PPU6 and the feasibility of acquisition of necessary mitigation within the South County, noting that one of the many benefits of regionally planned habitat conservation is that key stakeholders reach*

agreement about the ultimate cumulative impacts of growth and how to offset them with conservation. They note that a separate Elk Grove program introduces more uncertainty and potential conflict, including bidding wars that ultimately send land values artificially high (hurting the public interest), and prevents the level of certainty for wildlife mitigation that a regional conservation program is designed to achieve.

Please see response to Comment O1-10

Comment RO2-5: *The commenter states that the Recirculated Draft EIR errs in the following description: ‘The Cosumnes River Preserve (Preserve), located approximately seven miles southwest of the SOIA Area, consists of approximately 45,859 acres of wildlife habitat and agricultural lands owned by seven land-owning partners.’ In fact, Preserve ownership is as close as immediately across 99 from the proposed SOI expansion. The REIR fails to locate the SOIA as between two large and very important preserves in South County – CRP and Stone Lakes NWR.*

The seven miles referred to is the distance of the SOIA Area in relation to the Cosumnes River Preserve Visitor Center, rather than the distance to the nearest boundary of the Cosumnes River Preserve. To clarify the location of the Cosumnes River Preserve property in relation to the SOIA Area, the following revision has been made on page 3.4-2

The Cosumnes River Preserve (Preserve), located approximately ~~seven~~ 0.5 miles ~~southwest~~east of the SOIA Area, consists of approximately 45,859 acres of wildlife habitat and agricultural lands owned by seven land-owning partners.

These revisions do not change the analysis or conclusions in the Recirculated Draft EIR. Please note that page 3.4-55 of the Recirculated Draft EIR describes the regional setting of the SOIA Area in the context of the Cosumnes River and Cosumnes River Preserve, Stone Lakes Wildlife Refuge, and the Woodbridge Ecological Reserve.

3.2.3 INDIVIDUALS

Letter RI1 – Lynn Wheat

RI1

Lockhart. Don

From: lynn wheat
Sent: Monday, September 04, 2017 7:52 PM
To: Lockhart. Don
Subject: Recirculated DEIR Kammerere Road/Highway 99 Sphere of Influence Amendment
Attachments: attachment 1.pdf; attachment 2].pdf

RECEIVED

SEP 05 2017

SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

September 4, 2017

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

Via email and mail delivery

Dear Mr. Lockhart:

Thank you for the opportunity to submit comments on the Recirculated DEIR for Kammerer Road/Highway 99 Sphere of Influence Amendment.
(LAFC#07-15).

Project Description:

The description within the Recirculated DEIR does not include any developmental proposal and does not provide for any changes in land use. However, the July 31, 2015 Sacramento Business Journal quoted Kamilos Cosa and Feletto Development Co to have both residential and commercial development. The residential portion would have about 5,000 housing units, and the commercial component would create 20,000 jobs. It is my opinion that the applicant has publicly described the development concept in sufficient detail that warrants further EIR analysis of that concept

RI1-1

Hazards 3.9

Transportation:

The city's general plan update references the JPA connector (Grantline Road and Kammerer Road). This connector needs to be considered as a transportation line for truck traffic that may be carrying hazardous materials.

RI1-2

The rail lines need to be included when addressing the transportation of hazardous materials. The DEIR vaguely states that one local user transports hazardous material on the rail line, but ignores the daily transporting of hazardous material on the same rail line by other users outside of the city. The Recirculated DEIR needs to take a proactive approach to risk.

Suburban Propane

The city of Elk Grove has long ignored the concerns expressed by residents, first responders, as well as Suburban Propane regarding increased density around the two 12 million gallon propane storage tanks.

RI1-3

The City of Elk Grove, Cosumnes Community Service District (CSD), and Sacramento County collaborated on the Local Multi-Hazard Mitigation plan in September 2011 and recently updated in 2016. CSD does identify the propane tanks as local hazards in their section of the Plan. This document should be referenced in the EIR.

In May of 2015, CSD hired the firm of City Gate Associates to complete an assessment of services entitled "Technical Report Standards of Cover and Headquarter Services". Volume 2 of the Technical Report Standards of Cover and Headquarter Services Assessment identified the propane tanks as a "high/special risk occupancy". This was defined in the report as: "Any facility, including without limitation, a structure, infrastructure, property, equipment or service, that if adversely affected during a hazard event may result in severe consequences to public health and safety or interrupt essential services and operations for the community at any time before, during and after the hazard". This report described the storage propane tanks as follows: "Finally the District, just off Highway 99, has the largest propane storage facility west of the Mississippi". The Local Multi-Hazardous Mitigation Plan and the 2016 Elk Grove General Plan Safety Element do not address human caused risk such as terrorism. This document should be referenced in the EIR.

Department of Homeland Security identified 64 of the highest risk urban areas in the country for possible terrorist attack. Sacramento/Elk Grove were identified in the second highest risk tier of 54 cities. As cited in the Elk Grove Citizen of December 2009 "The 2009-10 federal Homeland Security Appropriations Bill, signed in late October, included a \$750,000 Federal Emergency Management Agency (FEMA) earmark for an emergency operations center in Elk Grove. The center would be a communications hub used by various agencies to coordinate the response to a large-scale disaster. The funding will also provide for video cameras that would provide views of traffic at major intersections and roadways leading into and out of the city to relieve traffic congestion as well as "locations determined to be 'sensitive' for the purposes of Homeland Security," according to a January Elk Grove staff report spelling out the city's request for the funding. "It will be a tremendous asset to have in the south Sacramento region in the case of a natural or man-made disaster," Hume said in the statement. In a statement issued by the city, Elk Grove Mayor Pat Hume said the center has been a priority for the Elk Grove City Council. The center will be the only one of its kind in south Sacramento County. The city council discussed a desire for federal funding for an emergency operations center as early as 2005, city records show. Outside agencies such as the city and county of Sacramento, and the California and U.S. Departments of Homeland Security could also be called on to use the center, Frost said."

RI1-3
cont.

A February 2015 Report prepared by Northwest Citizen Science Initiative entitled "Portland Propane Terminal" discussed large propane storage facilities within urban areas. This report discussed and referenced the propane tanks located in Elk Grove. The report describes one credible scenario that if the 1999 terrorist plot not been stopped by the FBI, significant loss of life and property damage would have occurred in the immediate area. The report recommends an evacuation zone of at least 2.6 miles based on the collected data and ALOHA source point (submitted with DEIR comments) This document should be referenced in the EIR.

Referenced on page 3.9-3 is a summary of the Suburban Propane NOP comment letter. The EIR needs to include and address the documented studies cited within the letter and needs to include more recent scientific studies as the one noted above. (Letter dated April 2, 2016 pgs1-9, Attachment 1).

The Elk Grove Patch article of 2011 is misleading because it omits other references from trained professionals that have reached different conclusions. For example, "...But asked if the department's original concerns have been allayed, Apple said, "Our stance hasn't changed at all. It's an industrial use and we try to keep high-density residential development away from industrial areas.

...Mark Meaker, Elk Grove's fire chief at the time, wrote in a 2000 letter to city staff that the threat of terrorism or accidents made it "categorically inappropriate to allow any high-density and /or residential development within one half mile of Suburban Propane." Even a development within a mile-like then under consideration and ultimately approved by city leaders-was "inadvisable, Meaker wrote.

...Other Hampton Village residents also seem comfortable with the risk-or at least resigned. I don't love the traffic here on a daily basis, Lohan said. Say there was a fire all across here, people wouldn't be able to get out."

Other news article references related to Suburban Propane and needing to be included within the EIR include,

Sacramento Business Journal December 9, 2001 "Elk Grove project ignores nearby propane risk. The director of the Chemical-Biological National Security Program at Lawrence Livermore Laboratory, one of the world's foremost experts on explosions, recently testified in the trial of the two men accused of planning to blow up the two 12-million gallon tanks at the Suburban Propane facility in Elk Grove. The director testified that if the two accused men would have been successful in the terrorist plot, a "gigantic fireball" would have been created, causing injuries and damage up to 1.2 miles away".

Sacramento Bee October 31, 2001 High toll foreseen in a propane blast. (see Pgs. 1-2 Attachment 2).

The DEIR references a study prepared by Quest consulting in 2000 for the City of Elk Grove. The complete study needs to be included in the EIR. The study and information cited in the Elk Grove General plan did not address human caused hazards in particular terrorism.

There is local precedent for doing a level of analysis of terrorist-related risks. The DEIR focuses solely on industrial accidents. The City of Roseville's 2016 Local Multi-Hazard Mitigation Plan broadly describes the risks associated with "human caused hazards to include terrorism".
(<http://www.roseville.ca.us/civicax/filebank/blobdload.aspx?BlobID=36106>)

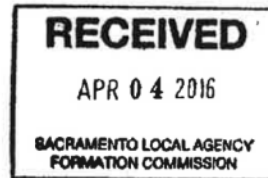
Thank you for the opportunity to comment on the recirculated DEIR. I look forward to be notified when a public hearing is scheduled on this and the FEIR is released.

Sincerely,

Lynn Wheat

RI1-3
cont.

LAW OFFICES OF
JOHN R. FLETCHER



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.

RI1-4

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.

RI1-4
cont.

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.

R11-4
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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

R11-4
cont.

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.

RI1-4
cont.

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.

RI1-4
cont.

- 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.

R11-4
cont.

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.

RI1-4
cont.

Suburban Propane
Opposition to Kammerer Rd./Hwy 99 SOI Amendment
April 4, 2016
Page 9 of 9

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

JRF/mic

RI1-4
cont.

An expert testifies
an alleged plot could
have ignited a deadly
fireball in Elk Grove.

By Denny Walsh
BEE STAFF WRITER

A scientific expert testified Tuesday that a "gigantic fireball" would erupt in Elk Grove from blowing up two huge propane tanks, causing fatal third-degree

burns to roughly 50 percent of the people caught outdoors within a half-mile radius.

Given the chain reaction projected by Ronald Paul Koopman, another people within that same half-mile radius would be seriously injured from fragments, debris, firebrands and falling structures, he testified.

In addition, he told a jury in Sacramento federal court, concrete and cinder block walls would shatter, steel panel build-

ings would collapse, and wood structures would be destroyed but remain standing.

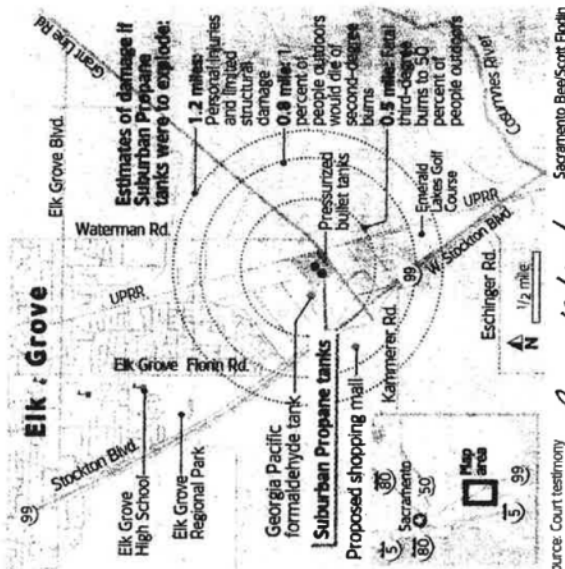
Within that radius, according to testimony Monday by FBI Special Agent Thomas Reynolds, are a resin manufacturing plant, a pallet recycling plant, a printing plant, a truck service center, a trucking company, an online used-vehicle dealership and its repair and inspection garage, a box factory, an irrigation supply

▶ TRIA page B4

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By Denny Walsh
BEE STAFF WRITER

A scientific expert testified Tuesday that a "gigantic fireball" would erupt in Elk Grove from blowing up two huge propane tanks, causing fatal third-degree



Source: Court testimony

Sacramento Bee/Scott Bodin

See 10/31/01

AECOM
Comments

Trial: Defendant opted not to be questioned by 'enemies'

► CONTINUED FROM B1
house and a service station and mini-mart.

Within eight-tenths of a mile, approximately 1 percent of the people who are outdoors would die from second-degree burns, and others would be injured, Koopman testified. Glass windows would shatter and unstrengthened structures could be damaged enough to make them uninhabitable, he said.

Personal injuries from breaking glass and flying debris, and limited structural damage would result up to 1.2 miles from the blast, Koopman told the jury. That, he added, would be "well into" a neighboring residential development.

The results would be even worse, he said, if the blast ruptured a 40,000-gallon formaldehyde storage tank at the resin manufacturing plant. When released, Koopman said, formaldehyde forms a highly toxic and flammable gas that is probably carcinogenic, and would cause people to have life-threatening symptoms. The vapor would travel downwind for almost a mile, he said.

Koopman was the final government witness in the trial of Kevin Patterson and Charles Kiles, who are charged with conspiring to build and use "a weapon of mass destruction" on two 12-million-gallon liquid propane storage tanks near Grant Line Road off Highway 99.

Patterson, 44, and Kiles, 51, anti-government militia members from El Dorado County, face maximum terms of life in prison if convicted. They were arrested Dec. 3, 1999, and have been held without bail since then.

Assuming that a bomb or projectile penetrated the two propane tanks, which is what Patterson and Kiles were allegedly planning, Koopman testified that the refrigerated liquid would spill onto the bermed area around the tanks and create a vapor cloud about six-tenths of a mile long. Prosecutors presented evidence that the pair's plan called for a

timed secondary explosion to ignite the cloud.

Koopman said the fire from that blast would almost certainly heat the propane in the plant's four 60,000-gallon, bullet-shaped pressurized tanks to the point that they would blow simultaneously. That would result in the fireball, known as a BLEVE, or boiling liquid expanding vapor explosion.

A blast of that magnitude would likely rupture the nearby formaldehyde tank, he said.

Koopman has been a scientist at the Lawrence Livermore National Laboratory for 34 years, and is currently the coordinator of the Chemical-Biological National Security Program. He spent 10 years researching the hazards of propane and other liquid gas fuels. That project included explosions set off by his research team in the Nevada desert.

He testified over the objections of defense attorneys Dwight Samuel and Hayes Gable III. Samuel argued that Koopman's testimony lacked adequate foundation because an FBI explosives expert testified Monday that he did not know whether the bomb for which Patterson had ingredients could penetrate both the walls of the tanks and an inner layer of insulation. Samuel also argued that the explosives expert's knowledge of chemistry is lacking.

U.S. District Judge Edward J. Garcia rejected the defense's move to keep Koopman off the stand. The judge ruled that, if the defendants intended to blow up the tanks, how successful they might have been was immaterial.

When lead prosecutor Jodi Rafkin finished questioning Koopman, the defense attorneys declined to cross-examine him and the government rested its case.

FBI Special Agent W. Mark Whitworth testified Monday that when Patterson was arrested, he had all the items necessary to make a 33- to 40-pound ammonium nitrate fuel oil bomb. An ANFO bomb is what Timothy

McVeigh used in 1995 to destroy the Alfred P. Murrah Federal Building in Oklahoma City, killing 168 people and wounding more than 500 others. Garcia has banned any mention of the Oklahoma City bombing at the Sacramento trial.

Whitworth works at the FBI lab in Washington, D.C., and is leading the investigation into the explosion a year ago that killed 17 American sailors and injured 39 others aboard the destroyer USS Cole while it was refueling in Yemen.

The bomb that could have been made from the material seized in a search of Patterson's residence would pack the same wallop as 28 to 34 pounds of TNT, Whitworth testified. He said such a bomb could breach three-quarter-inch steel.

Under Samuel's cross-examination, Whitworth acknowledged he does not know what the damage would be to the propane tanks' three-quarter-inch steel outer layer plus the 24 inches of insulated inner shell designed to control the temperature.

Patterson had been expected to testify, but Samuel told Garcia on Tuesday that his client had changed his mind unless he could be questioned solely by jurors.

"Why?" the judge asked.

"I don't want to be manipulated into some cul-de-sac of compromise by my enemies," the defendant replied.

Pressed by Garcia on the identity of those enemies, Patterson said the government is his enemy.

"Do you mean the prosecutors?" the judge asked.

"Yes," Patterson answered.

Garcia denied the request.

Patterson's mother, Regina Patterson, gave brief testimony regarding her son's personal history. Samuel then rested. Gable put on no witnesses.

Closing arguments are scheduled today.

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The Bee's Denny Walsh can be reached at (916) 321-1189 or dwalsh@sacbee.com.

RI1-6

Comment RI1-1: *The commenter states that the applicant has publicly described the development concept (5,000 housing units and 20,000 jobs) in sufficient detail that warrants further EIR analysis of that concept.*

As stated throughout the Recirculated Draft EIR, the project does not include any development proposal and does not provide for any changes to land use. Any future City of Elk Grove development would first require an annexation request to Sacramento LAFCo. Annexation may occur in multiple phases or under a single application, depending on the timing and nature of future project applications.

The Recirculated Draft EIR acknowledges future urbanization of those areas as a connected action and evaluates the potential environmental effects of potential future development in the SOIA Area. While there are no changes to land use, land use designation, or zoning proposed as part of this project, in order to facilitate environmental analysis for this SOIA request, the applicant has developed a conceptual land use scenario. As stated in Chapter 2, 'Project Description,' of the Recirculated Draft EIR, the applicant-proposed array of land uses has been derived from the recently approved Southeast Policy Area (SEPA) land use distribution adjacent to the north, in order to facilitate project analysis, but it is not restrictive. The number of housing units and job generating land uses are estimates that allow the public and agency decision makers with information on the potential impacts of future development. The project does not restrict a different type or intensity of development within the SOIA Area and also does not include any indication of any timeline of development or phasing for future development. Future applications for development within the SOIA Area or annexation will require subsequent project-specific CEQA review. The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

Comment RI1-2: *The commenter states that the Draft EIR fails to identify and address the nearby Capital SouthEast Connector and railroad tracks, which could carry potentially hazardous materials.*

The Draft EIR and Recirculated Draft EIR acknowledge the future presence of the Capital SouthEast Connector. Please see Sections 3.14 and 3.12, in particular.

Impacts on future development from existing environmental hazards are outside of the scope of CEQA, except where future development would exacerbate existing hazards. (*California Building Industry Association v. Bay Area Air Quality Management District* (2015) 62 Cal.4th 369, Case No. S213478.) Per the Court: 'In light of CEQA's text, statutory structure, and purpose, we conclude that agencies generally subject to CEQA are not required to analyze the impact of existing environmental conditions on a project's future users or residents. But when a proposed project risks exacerbating those environmental hazards or conditions that already exist, an agency must analyze the potential impact of such hazards on future residents or users. In those specific instances, it is the project's impact on the environment – and not the environment's impact on the

project – that compels an evaluation of how future residents or users could be affected by exacerbated conditions.’ Thus, the EIR is not required to consider the impact of risk associated with the JPA connector or railroad tracks with future development within the SOIA Area, unless that development would exacerbate existing hazards. Development within the SOIA Area would not add to the potential for the railroad tracks or SouthEast Connector to carry potentially hazardous materials. In addition, with enforcement of existing hazardous materials regulations and the application of relevant City of Elk Grove policies and code requirements as conditions of approval, future development in the of the proposed SOIA Area and, potentially, off-site improvement areas would be designed to minimize potential impacts from the release of hazardous materials and to minimize both the frequency and the magnitude if such a release occurs.

Comment RI1-3: *The commenter states that the City of Elk Grove has ignored concerns about the Suburban Propane facility and should reference the Local Hazard Mitigation Plan. The commenter states that the Local Hazard Mitigation Plan and the Elk Grove General Plan Safety Element do not address human-caused risk such as terrorism. The commenter states that Sacramento and Elk Grove have been identified to be at risk of possible terrorist attack. The commenter provides information on a potential emergency operations center in Elk Grove. The commenter provides other articles and states that they need to be included and addressed in the DEIR. The commenter states that the DEIR does not reference any current research on the impacts of the Suburban Propane storage tanks or the effects of increased density should an evacuation be necessary within the urban setting.*

See Master Response 3.

CEQA statutes and Guidelines do not address the issue of terrorism. Impacts on emergency evacuation plans are considered in Impact 3.9-4 in Section 3.9, ‘Hazards and Hazardous Materials,’ of the Recirculated Draft EIR. The Local Hazard Mitigation Plan is referenced in Section 3.9, ‘Hazards and Hazardous Materials,’ of the Recirculated Draft EIR. LAFCo, the lead agency, has used the same materials regarding Suburban Propane as the City’s General Plan.

The comment does not specify additional information needed in the Recirculated Draft EIR. The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

Comment RI1-4: *This comment is a reproduction of a response to LAFCo’s NOP.*

See Master Response 3. The comment does not specify additional information needed in the Recirculated Draft EIR. The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

Comment RI1-5: *This comment is a reproduction of a newspaper article related to Suburban Propane.*

See Master Response 3. The comment does not specify additional information needed in the Recirculated Draft EIR. The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.



Comments by Michael Monasky
Submitted to Sacramento County Local Agency Formation Commission
Monday, September 11, 2017
Re: Proposed Elk Grove Sphere Of Influence Amendment: LAFC#07-15
State Clearinghouse Number 2016032015

I hereby object to this application for expanding the Sphere Of Influence of the City of Elk Grove for the following reasons.

First: the city has no plan but to continue its southward and eastward march to build yet more sprawling suburban tract homes;

Second: the city has abandoned participation and payment towards the South County Habitat Conservation Plan, which is essential to any effort to spare the region's flora and fauna from extinction, in cooperation with neighboring and attendant agencies;

Third: the city has failed to perform due diligence in recruiting and establishing a mix of a sufficient number of jobs with residential rooftops;

Fourth: the city's economic plan, business outlook, and market forecasts are inaccurate and without factual and practical merit;

Fifth: the city does not demonstrate leadership in producing an environmental plan which spares sufficient land for flood control, groundwater replenishment and management, wildlife corridors, and farming practice;

Sixth: the city endorsed the weakest climate action plan possible under state law;

Seventh: the city, as if engaged in a Ponzi scheme, funds prior development projects with new project funding from future residential community finance districts, thus spurring sprawl;

Eighth: the city spends millions of dollars for non-productive study of hare-brained schemes for elaborate water parks, civic centers, soccer stadiums, and Olympic pools, while failing to attend to its crumbling assets and infrastructure;

Ninth: the city has embarked upon a failed, ghost-shopping mall, and is scrambling for support to convert it to a giant gambling casino, which will put even greater pressure on southward and eastward development;

Tenth: the city's traffic plan includes its partial separation from Regional Transit, while complaining that light rail isn't being considered for full expansion within the city, with worsening congestion.

The City of Elk Grove is a reluctant and alienated player disproportionately contributing to the region's growing and sprawling character. It is incumbent upon SacLAFCo to mitigate this aberrant and destructive behavior because this is the Zero Decade of global warming. Carbon dioxide concentrations are now well above alarming levels in air and oceans. By 2030, methane will be released in far greater quantities, resulting in dangerous ice melts, coastal and delta flooding, droughts, and economic havoc. Please consider these effects in your deliberations. Thank you.

RI2-1

Comment RI2-1: *The commenter states that they object to the SOIA for several reasons, specifically that the City is contributing to the region's growing and sprawling character in multiple ways (including sprawl, not participating in the South Sacramento Habitat Conservation Plan, inaccurate forecasts, lack of a jobs/housing balance, weak climate action plan, and failed shopping mall). The commenter states that LAFCo must stop this behavior which would contribute to climate change.*

The City is not an applicant or lead agency for the proposed SOIA. A summary of LAFCo's responsibility is contained in Section 1.2, 'Overview of the CEQA Process,' of the Recirculated Draft EIR. A summary of consistency with LAFCo policies is provided in Section 3.11, 'Land Use, Population, Housing, Employment, Environmental Justice, and Unincorporated Disadvantaged Communities,' of the Recirculated Draft EIR. The comment does not specify inaccuracies or additional information needed in the Recirculated Draft EIR. Impacts of the project related to greenhouse gas emissions are considered in Section 3.8, 'Greenhouse Gas Emissions.' The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

RI3

September 11, 2017

Don Lockhart
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, #100
Sacramento, CA 95814
Email: don.lockhart@sacLAFCo.org



**Re: Recirculated Draft Environmental Impact Report for the Proposed
Kammerer/99 Sphere of Influence Amendment Application to the City of
Elk Grove**

Dear Mr. Lockhart,

We once again appreciate the opportunity to provide comments on the Recirculated Draft Environmental Impact Report (RDEIR) for the Kammerer/99 Sphere of Influence Amendment (SOIA) Application. As before, we believe that the RDEIR accurately characterizes the impacts associated with the identified conceptual land use scenario, upon future annexation and approval of development by the City of Elk Grove.

On April 4, 2017, we submitted comments on the initial Draft EIR for the SOIA, and based upon our review of the RDEIR it appears that many of these comments have not been addressed in the document. We therefore request that LAFCO address our April 4, 2017 comments (attached) in the Final EIR for the SOIA, as being equally applicable to RDEIR as the comments in this letter, making such changes to the RDEIR as necessary to address these comments prior to certification. We do not believe that any of our April 4, 2017 comments raise any issues or “significant new information” that would require another recirculation of the EIR under CEQA Guidelines Section 15088.5.

We believe that LAFCO needs to remain cognizant of its authority under the Cortese-Knox-Hertzberg Act, which prohibits LAFCO from directly regulating land use but instead reserves that authority to municipalities following completion of annexation proceedings. See Government Code §56375(a)(6). As we have previously stated, mitigation identified at the Sphere of Influence stage should generally be in the form of performance standards, to be demonstrated to LAFCO prior to LAFCO approval of future annexation requests within the SOI area. LAFCO can condition approval of the SOI and future annexation actions (or deny future reorganization) based upon consistency with LAFCO policies. Matters that do not directly implicate LAFCO policies are appropriately left to the City of Elk Grove and other Responsible Agencies, consistent with the statutory limitations expressed in the Cortese-Knox-Hertzberg Act and CEQA.

Our comments on the RDEIR largely remain focused on the structure and content of the mitigation measures as presented, many of which still require mitigation to be demonstrated at the time a future application for annexation is submitted to LAFCO, rather than prior to future development approvals by the City of Elk Grove that would result in a physical change to the environment.

Page 3.2-20 (Mitigation Measure 3.2-1). Our comments of April 4, 2017 continue to apply to Mitigation Measure 3.2-1, particularly as it relates to the identified 5-mile radius requirement.

RI3-1

RI3-2

RI3-3

RI3-4

The City of Elk Grove does not require that mitigation for loss of agricultural land occur within 5 miles of the project site, but rather allows mitigation to be located generally within south Sacramento County. As a practical matter, this requirement conflicts with the current agency and City practice, which allows “stacking” of mitigation for loss of Swainson’s Hawk foraging habitat on the same acreage as mitigation for agricultural land, provided that suitable foraging values are present. Mitigation should be allowed anywhere within south Sacramento County, subject to approval of mitigation sites by the City of Elk Grove and, if appropriate, the California Department of Fish and Wildlife. This is consistent with current agency practice.

RI3-4
cont.

Page 3.4-30, 2nd Paragraph. The South Sacramento Habitat Conservation Plan (SSHCP) does not model the entire SOIA area as high quality foraging habitat for Swainson’s Hawk, as this paragraph states. The portions of the SOIA area currently planted with vineyards are not identified in the SSHCP as high quality foraging habitat. See SSHCP Appendix G-3, at Page G3-463.

RI3-5

Pages 3.4-35, 26 & 37 Mitigation Measure 3.4-2c. Upon annexation, mitigation for impacts to the Swainson’s Hawk will be regulated by the City’s Swainson’s Hawk Ordinance, rather than the more generalized language set forth in Mitigation Measure 3.4-2C. The RDEIR should not specify mitigation requirements that are at variance with the mitigation practices of the City, which are based upon adopted ordinance and are in compliance with CDFW guidance. Mitigation Measure 3.4-2c should also expressly indicate that mitigation for loss of Swainson’s Hawk foraging habitat can be combined (or “stacked”) on the same land provided that suitable foraging habitat is present on the land in question, consistent with Mitigation Measure 3.2-1.

RI3-6

Page 3.4-41, 5th Paragraph. The SSHCP does not model most of the SOIA area as high quality foraging habitat for the Sandhill Crane, as this paragraph states. The portions of the SOIA area currently planted with vineyards are not identified not in the SSHCP as high quality foraging habitat. See SSHCP Appendix G-3, at Page G3-521.

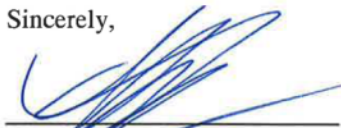
RI3-7

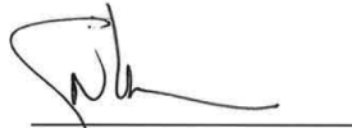
Page-3.4-51. At LAFCO’s September 6, 2017 public hearing to take comments on the RDEIR, it was proposed by staff and the EIR consultant that the third paragraph of Page 3.4-51 be deleted in its entirety. We concur with staff’s recommendation in this regard. We further concur with the conclusion of the RDEIR that implementation of the SOIA would not have a significant impact on implementation of the SSHCP, through increased demand for available mitigation land within the SSHCP’s plan area. As indicated in our comments on Mitigation Measures 3.2-1 and 3.4-2c, the RDEIR should allow mitigation acreage for development within the SOIA to be located anywhere in south Sacramento County possessing suitable habitat, and where a willing seller of a conservation easement can be found. The RDEIR should not artificially limit mitigation opportunities.

RI3-8

Thank you for the opportunity to comment on the RDEIR, should you have any questions about these comments, please feel free to contact us.

Sincerely,


Martin Falletto
Applicant


Gerry Kamilos
Applicant

April 4, 2017

Don Lockhart
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 I Street, #100
Sacramento, CA 95814
Email: don.lockhart@sacLAFCo.org

Re: Draft Environmental Impact Report for the Proposed Kammerer/99 Sphere
Of Influence Amendment Application to the City of Elk Grove

Dear Mr. Lockhart,

We appreciate the opportunity to provide comments on the Draft Environmental Impact Report (DEIR) for the Kammerer/99 Sphere of Influence Amendment (SOIA) Application. We believe that the DEIR is largely sufficient in its assessment of potential environmental impacts of the conceptual scenario for development that has been identified, which would be subject to future annexation proceedings and approval by the City of Elk Grove. Our comments with respect to the DEIR largely are focused upon the structure of the various mitigation measures identified by LAFCO for future implementation.

As the DEIR correctly describes, under the Cortese-Knox-Hertzberg Act, LAFCOs have specified authority and are prohibited from directly regulating land use. The Act provides that LAFCOs do not occupy the role of directly regulating land use, land use density or intensity, property development or subdivision requirements. See Government Code §56375(a)(6). Instead, such authority is left directly to cities, here the City of Elk Grove. CEQA confers no independent grant of authority to any public agency to impose mitigation measures on a project. When imposing measures to mitigate a project's significant environmental effects, a public agency may exercise only powers provided by legal authority independent of CEQA. See Public Resources Code §21004. The CEQA Guidelines specify that CEQA is intended to be used in conjunction with discretionary powers granted to public agencies by other laws and that CEQA does not grant new or independent powers to public agencies. See CEQA Guidelines §15040. We believe that some of the mitigation measures in the DEIR need to be expressed in a manner consistent with these legal limitations.

In general, the language in many of the mitigation measures that would require mitigation action on the part of landowner/developers or the City of Elk Grove "at the time of submittal of any application to annex territory within the SOI Area" should be revised. Because the submittal of an application to LAFCO does not, in and of itself, result in physical changes to the environment, we believe that the identified timing of many of the mitigation measures is premature. Impacts on the environment caused by future development within the SOI area will not occur until annexation has been approved by LAFCO and specific development projects are implemented following approval by the City of Elk Grove. LAFCO's role in assigning mitigation for future impacts of development at the SOI amendment stage is limited to measures necessary to assure

RI3-9

that future annexation will be evaluated by LAFCO in accordance with LAFCO's adopted policies.

Instead of requiring that mitigation for physical impacts occur at the time of application submittal, it is appropriate for LAFCO to establish mitigation in the form of performance standards, to be demonstrated to LAFCO prior to LAFCO approval of future annexation requests within the SOI area. LAFCO's role is not necessarily to impose mitigation requirements directly on landowners or the City of Elk Grove, but LAFCO can condition approval of the SOI and future annexation actions (or deny reorganization) based upon consistency with LAFCO policies. Matters that do not directly implicate LAFCO policies are appropriately left to the City of Elk Grove and other Responsible Agencies, consistent with the statutory limitations expressed in the Cortese-Knox-Hertzberg Act and CEQA.

Below are more specific comments on the DEIR document for LAFCo's consideration in preparing the Final EIR.

Page ES-2. The DEIR refers to a "conceptual land use scenario," that was developed by the applicant. The application included a conceptual holding capacity for purposes of the environmental analysis, but did not include a land use map or proposed land use patterns.

Page 3.1-13 (Mitigation Measure 3.1-1). LAFCO does not have adopted policies that relate to aesthetic impacts in the context of Sphere of Influence consideration or reorganization. This mitigation measure should simply recognize that future impacts from development within the SOI area will be addressed under criteria established by the Elk Grove General Plan and Municipal Code, and in particular, Chapter 19.12 of the Municipal Code which addresses mitigation for impacts to trees.

Page: 3.2-3 The zoning designation of all properties within the SOIA Area is AG-80, as established by the County of Sacramento. Reference on 3.2-17, 3.11-12, 3.11-15 and 3.11-19

Page: 3.2-5. Exhibit 3.2-1 The colors used on the Important Farmland map do not match the Legend. The exhibit should be updated to have clear color consistency or labels on the map to show the classification of each area.

Page 3.2-19 (Mitigation Measure 3.2-1). LAFCO's adopted policies addressing agricultural land conservation do not contain any specific requirements for mitigation of impacts associated with the conversion of agricultural land to urban uses. Indeed, the statutory provisions governing LAFCO authority generally relate to prime farmland, open space and land under a Williamson Act contract, as distinguishable from Unique Farmland or Farmland of Statewide Importance. However, the City of Elk Grove has historically required mitigation for the loss of agricultural land from conversion to urban use, either through requirements to obtain easements over like-kind agricultural land or through payment of mitigation fees, or a combination of both. The City does not have a requirement that agricultural preservation easements, if required as mitigation for a particular project, be established within 5 miles of the project site; this provision should be deleted from proposed Mitigation Measure 3.2-1. Mitigation Measure 3.2-1 should instead simply require that prior to approval of annexation by LAFCO, the City of Elk Grove must

RI3-9
cont.

demonstrate that mitigation of impacts to agricultural land will occur prior to issuance of grading permits by the City of Elk Grove for development within the SOI, in accordance with City policies and CEQA requirements. When the City of Elk Grove requires mitigation for loss of agricultural land by way of a conservation easement, the City consistently requires an endowment of 10% of the acquisition cost of easement rights, which the City has deemed to be an adequate endowment for operation and maintenance. Finally, Mitigation Measure 3.2-1 should specify that land currently encumbered by a Williamson Act contract is suitable for permanent preservation with an approved agricultural easement, as well as for mitigation for loss of habitat if suitable.

Page 3.3-24 (Mitigation Measure 3.3-2A). LAFCO does not have adopted policies that specifically relate to air quality impacts in the context of Sphere of Influence consideration or reorganization. The identification of a reduction threshold of 35% for Reactive Organic Gases (ROG) appears arbitrary and is not consistent with City of Elk Grove and SMAQMD requirements, which mandate a reduction of 15%. See City of Elk Grove General Plan CAQ-30. A requirement for the City of Elk Grove or a future development to prepare an Air Quality Management Plan at the time of application to LAFCO is infeasible, given that a precise plan of development will not likely be known at that juncture. The DEIR should simply identify that future development occurring post-annexation would be required to implement all feasible mitigation for impacts to air quality required by the City and the SMAQMD.

Page 3.3-24 (Mitigation Measure 3.3-2B). Mitigation Measure 3.3-2B requires project development to prepare a bicycle, pedestrian, and transit master plan consistent with general plan policies, prior to submittal of an application for annexation. This is not a feasible mitigation measure, as a precise plan of project development may not exist as the time annexation approval is sought. The DEIR should simply acknowledge that development in the SOI area will be subject to City of Elk Grove General Plan and other adopted policies regarding standards for alternative modes of transportation.

Page 3.4-1 – the second paragraph under “Environmental Setting” should state that less than 0.35% of the SOI area is comprised of canal and irrigation ditch features.

Page 3.4-28 (Mitigation Measure 3.4-1). It is neither feasible nor necessary to require the preparation of seasonal protocol-level endangered species surveys “at the time of application” for annexation. This measure should instead be limited to a demonstration on the part of the City of Elk Grove that standard special status species will be required within the SOI area, as they are elsewhere in the region.

Page 3.4-29 (Impact 3.4-2). This discussion appears to suggest that the entirety of the 1,150-acre SOI area is subject to mitigation requirements as suitable foraging habitat for Swainson’s Hawk. This is not the case, as the DEIR notes that portions of the area are currently planted in vineyards, which are not foraging habitat. This discussion should not apply County of Sacramento planning criteria for determining the suitability of habitat based upon zoning designation alone, as development of the SOI area would occur under the jurisdiction of the City of Elk Grove upon annexation, if later approved by LAFCO. Once specific development proposals are made, site-specific analysis of foraging habitat values would be conducted, and mitigation acreage preserved

RI3-9
cont.

(or fees paid), as dictated by the provisions of the City's Swainson's Hawk Ordinance then in effect.

Page 3.4-31 (Mitigation Measure 3.4-2A). This mitigation measure should simply require that, prior to approval of annexation, the City of Elk Grove will demonstrate to LAFCO that these standard pre-construction measures will be applied. The timing of removal of trees and vegetation during nonbreeding season for raptors should be corrected to be September 1 through February 28, rather than closing on February 31.

Page 3.4-32 – (Mitigation Measure 3.4-2B). CDFW protocols for burrowing owl mitigation do not typically require nest sites to be mitigated on a 1:1 basis when eliminated as a result of development. This measure should instead provide that mitigation for potential impacts on the burrowing owl will be imposed by the City of Elk Grove in accordance with CDFW protocols, and that mitigation for impacts to the burrowing owl can be combined with other required mitigation for loss of Swainson's Hawk foraging habitat and agricultural land, if suitable.

Page 3.4-34 (Mitigation Measure 3.4-2C). As development in the SOI area will not occur unless and until annexation into the City of Elk Grove takes place, mitigation for impacts to the Swainson's Hawk will be regulated by the City's Swainson's Hawk Ordinance, rather than the more generalized language set forth in Mitigation Measure 3.4-2C. The City has established requirements for establishment of an endowment for specified purposes in connection with the acquisition of conservation easements over suitable foraging habitat. The DEIR should not specify mitigation requirements that are at variance with the mitigation practices of the City, which are based upon adopted ordinance and are in compliance with CDFW guidance.

Page 3.4-37 (Mitigation Measure 3.4-4). The DEIR states that up to 750 acres of the SOI consists of suitable foraging habitat for the wintering sandhill crane, but this conclusion does not appear to be based on site-specific analysis. It is known that rice fields within the northern Central Valley are the most valuable dedicated foraging habitat among cropped lands. Exhibit 3.4-1 of the DEIR does not identify any land dedicated to rice production in the SOI area. Fallow cropland and irrigated hayfields and alfalfa fields are of substantially lesser value and sandhill crane seasonal foraging habitat. Mitigation for this species should be assessed and imposed at a later date, based upon site-specific studies and in accordance with adopted regulatory guidance.

Page 3.4-39 (Mitigation Measure 3.4-5). At the time of application to LAFCO for annexation, the City of Elk Grove will not have authority to impose measures to mitigate for impacts to the Western Pond Turtle. This measure should be revised to require that mitigation (if and when required based upon site-specific analysis) will be imposed in accordance with adopted regulatory guidance. LAFCO does not have independent authority to require that off-site improvements be placed to avoid impacts to species, or to make a judgment call as to whether mitigation through avoidance is feasible or infeasible in a particular instance.

Page 3.4-40 (Mitigation Measure 3.4-6). Mitigation for potential impacts to the Giant Garter Snake as a result of future development within the SOI area cannot be accurately assessed until site-specific studies are performed, further to specific plans for development. This mitigation measure should be revised to provide clarification in this regard.

RI3-9
cont.

Page 3.4-43 (Mitigation Measure 3.4-7). LAFCO does not have independent authority to establish performance standards for mitigation for loss of jurisdictional wetlands. The third bullet should be revised to eliminate reference to a “no net loss” standard of mitigation. As with development elsewhere, development within the SOI will be subject to Section 404 permit requirements administered by the United States Army Corps of Engineers, which allow for compensatory mitigation in appropriate situations.

Page 3.6-17 (Mitigation Measure 3.6-1). This measure should be revised in accordance with the previous comments relative to Mitigation Measures 3.3-2A and 2B.

Page 3.9-22 (Mitigation Measure 3.9-2). Updated review of environmental databases, or other environmental analysis of site conditions within the SOI area, should not be required at the time an application for annexation is submitted to LAFCO. Such analysis will be required, and performed, at the time site-specific development is proposed.

Page: 3.10-1. Water Consumption of over 597 million gallons of water per year is based upon the existing cropping; however potential alternative crops that could be farmed would result in significantly greater consumption of water.

Page 3.10-25 (Mitigation Measure 1.10-3). This mitigation measure should simply require that, as a condition of annexation, the City of Elk Grove require the preparation of a drainage master plan, which may be in the form of either an update to the Citywide master plan, or a standalone master plan, as the City deems appropriate. References to facilities crossing or affecting SR-99 should be deleted, as the SOI area drains to the west, away from SR-99. Further, drainage master plans, as required, should allow for a menu of options for how the projects will deal with site-specific drainage issues, subject to defined performance standards. The requirement to survey the ground water elevation in the regional basins appears to be based upon a larger project area than the proposed SOI Area. Please review and revise this mitigation measure accordingly.

Page 3.12-35 (Mitigation Measure 3.12-1). This mitigation measure should be reworded to mirror the adopted construction noise mitigation requirements of the City of Elk Grove.

Page 3.12-47 (Mitigation Measure 3.12-5). This measure should be clarified to indicate that LAFCO does not have authority to directly regulate land use, or to impose conditions that would have the effect of regulating compatibly among future land uses. LAFCO’s role is to recommend such measures to the City of Elk Grove, while finding that such measures would remain within the authority and discretion of the City to address. This approach is permitted under CEQA Guidelines §15091(a)(2).

Page 3.12-51 (Mitigation Measure 3.12-6). See comments under Mitigation Measure 3.12-5 above.

Page 3.14-26 (Mitigation Measure 3.14-1). This mitigation measure references a requirement of “transportation improvement plans,” which is unclear and not further defined. Please confirm that the intent of this measure is to develop a transportation plan that details the transportation

R13-9
cont.

network rather than specifications for the construction of the roads themselves. Unless there is a CalTrans facility involved, this measure should clarify that the City and Sacramento County should be the relevant agencies involved in this future planning effort.

Page 3.14-4. Grant Line Road from East Stockton Boulevard to Waterman Road is listed with a capacity of 18,000 which is the nominal capacity for a 2-lane roadway. In this section with the new railroad overcrossing in place, Grant Line Road is a 4-lane facility with a capacity of 40,000 vpd (High Access Control). There should be a correction of the capacity to 40,000 and a corresponding correction of the V/C ratio and LOS. The LOS should go from F to A. Grant Line Road east of Waterman is correctly identified as a 2-lane roadway.

Page 5-21 Table 5-1. The Daily Capacity of Grant Line Road from Promenade Parkway to East Stockton Boulevard and then from East Stockton Boulevard to Waterman is shown as 18,000 – for a 2-lane roadway. The number of lanes for these sections are 6 and 4 respectively and the correct numbers should be 54,000 and 36,000 with corresponding changes to the V/C ratios and LOS's.

In addition to the comments above, the attached memorandum from Madrone Ecological Consulting, is being submitted for review and consideration.

Thank you for the opportunity to comment on this DEIR, should you have any questions about the comments contained herein, please contact us.

Sincerely,



Martin Feletto
Applicant



Gerry Kamilos
Applicant

RI3-9
cont.



Memo

To: Martin Feletto, Feletto Development, Inc.

From: Ginger Fodge, Principal

Date: March 29, 2017

Subject: Comments on the Kammerer Road/Highway 99 SOIA Draft EIR

Per your request, I am providing comments on the Biological Resources chapter of the Draft EIR prepared for the Kammerer Road/Highway 99 SOIA. I recommend modification to two of the Mitigation Measures, as described below.

Mitigation Measure 3.4-6 for Giant Garter Snake:

The fourth bullet item (Page 3.4-41) begins, *"If wetlands, irrigation ditches, or other potential giant garter snake habitat would be filled, the aquatic habitats shall be dewatered at least 15 days before fill."* I recommend that this sentence be modified to simply state that potential giant garter snake habitat be dewatered at least 15 days before fill. This will eliminate unnecessary restrictions on the fill of aquatic features that are not potential giant garter snake habitat, such as vernal pools/depressional seasonal wetlands.

The fifth bullet item begins, *"If the project involves any ground-disturbing activities in or within 200 feet of waterways that may support giant garter snake, the project proponent/s shall obtain incidental take authorization from the USFWS and CDFW pursuant to ESA and CESA....."* This language is overly restrictive, as ground-disturbing activities within 200 feet of potential giant garter snake aquatic habitat would not necessarily result in take. Suggest that the language be modified to state that if take is expected to occur, incidental take authorization shall be obtained.

Mitigation Measure 3.4-7 for Loss of Waters of the U.S./State:

The fifth bullet item (Page 3.4-43) states, *"If applicable, project applicants shall obtain a USACE Section 404 Individual Permit and Central Valley RWQCB Section 401 water quality certification before any groundbreaking activity within 50 feet of waters or discharge of fill or dredge material into any water of the United States or state."* A Section 404 permit is required for the discharge of dredged or fill material into waters of the U.S. "Groundbreaking activity" within 50 feet of waters of the U.S. that does not result in the discharge of fill material into waters of the U.S. would not require a Section 404 permit/401 Certification. In addition, the placement of dredged or fill material into waters of the state that are not waters of the U.S. would not require a Section 404 permit/401 Certification. Discharges of fill material into non-federal waters of the State of California are currently subject to Waste Discharge Requirements (WDRs); however, the State Water Resources Control Board (SWRCB) is currently developing a state wetland/riparian policy that may

RI3-9
cont.

result in an alternative regulatory mechanism for authorizing the placement of fill into waters of the state. I recommend that the language in this section be modified to acknowledge that WDRs or other authorization as may be adopted by the SWRCB would be required for the fill of non-federal waters of the state.

I also recommend that "USACE Section 404 Individual Permit" be replaced by either "USACE Section 404 Permit" or "Department of the Army Permit," as other types of 404 permits besides Individual Permits (Nationwide Permit or Letter of Permission) may be applicable to projects within the plan area.

The eighth bullet item (Page 3.4-43) begins, "*Water quality certification pursuant to Section 401 of the CWA, or waste discharge requirements (for waters of the state), will be required before issuance of the record of decision and before issuance of a Section 404 permit.*" The USACE would prepare a Record of Decision as part of permit processing for an action where an Environmental Impact Statement (EIS) was prepared, which I do not believe is occurring here. Suggest the language be modified to state that 401 Certification is required prior to issuance of an Individual Permit or Letter of Permission, and is required for a Nationwide Permit authorization to be valid (the USACE can verify that a project can be authorized by a Nationwide Permit and is denied without prejudice until the 401 Certification is issued).

RI3-9
cont.

Comment RI3-1: *The commenter states that they believe that previously submitted comments have not been addressed in the Recirculated Draft EIR and request that LAFCo address previously submitted comments prior to certification of the document.*

Responses to comments submitted on the Draft EIR are provided in Chapter 2, 'Responses to Comments on the Draft EIR.' The comment does not specify additional information needed in the Recirculated Draft EIR. The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

Comment RI3-2: *The commenter states that mitigation identified at this stage should be in the form of performance standards so that LAFCo can condition approval of future annexation requests based on consistency with LAFCo policies.*

CEQA Section 15126.4 stipulates that formulation of mitigation measures should not be deferred to some future time. Therefore, it would not be appropriate to defer mitigation standards to some possible mitigation program that may be adopted by the City of Elk Grove at some future point in time, but is currently unavailable for public review and comment. The comment is noted.

Comment RI3-3: *The commenter states that comments on the Recirculated Draft EIR largely are focused on the structure and content of the mitigation measures, which require mitigation to be demonstrated at the time a future application for annexation is submitted to LAFCo, rather than prior to future development approvals by the City of Elk Grove that would result in physical changes in the environment.*

The proposed project is just to amend the City of Elk Grove SOI, the Sacramento Area Sewer District (SASD) SOI, and the Sacramento Regional County Sanitation District (SRCSD) SOI to add approximately 1,156 acres in an area just south of, and adjacent to the City of Elk Grove's current City limits. As previously stated, the project does not include any development proposal and does not provide for any changes in land use. Any future City of Elk Grove development would first require an annexation request to Sacramento LAFCo. Annexation may occur in multiple phases or under a single application, depending on the timing and nature of future project applications. There are no changes in the existing land use proposed at this time; existing Sacramento County General Plan and zoning designations will remain in place even if LAFCo were to approve the requested SOIA. The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

Comment RI3-4: *The commenter expresses a preference for agricultural mitigation to occur anywhere in Sacramento County instead of within five miles from the SOIA Area and that Mitigation Measure 3.2-1 conflicts with the practice of stacking agricultural and Swainson's hawk foraging mitigation on the same properties.*

The referenced mitigation measure explicitly allows stacking and requires an attempt to locate preserved farmland within 5 miles of the SOIA Area, but allows the mitigation to occur anywhere in Sacramento County.

Comment RI3-5: *The commenter refers to page 3.4-30, 2nd paragraph of the Recirculated Draft EIR and states that the SSHCP does not model the entire SOIA area as high quality foraging habitat for Swainson's hawk, as this paragraph states. The portions of the SOIA area currently planted with vineyards are not identified in the SSHCP as high quality foraging habitat. See SSHCP Appendix G-3, at Page G3-463.*

The commenter is correct, the SSCHP does not characterize those portions of the SOIA area that are planted as vineyards as high quality foraging habitat for Swainson's hawks. The location of high value foraging habitat is shown in Figure 3-25: *Swainson's Hawk Modeled Habitat and Documented Occurrences* of Chapter 3 of the SSHCP. Figure 3-25 does not depict those areas currently planted as vineyard within the SOIA boundaries as high value foraging habitat for Swainson's hawk. The SSHCP (Pages B-474, B-476, B-477, B-485, B-487 of Appendix B: Species Accounts) also provides additional information affirming that vineyards are incompatible foraging crops for Swainson's hawk. Additional text has been added on page 3.4-30 to clarify that not all of the SOIA area is modeled as high value foraging habitat in the SSHCP:

Although some of the SOIA Area is currently planted in vineyards that are not considered suitable foraging habitat for Swainson's hawk, the entire SOIA Area is currently zoned AG-80 and is therefore assumed to provide 100 percent foraging habitat value according to the Sacramento County Department of Environmental Review and Assessment. The draft SSHCP (Sacramento County et al. 2017a) modeled the SOIA Area as high-value foraging habitat for Swainson's hawk, except for those areas planted in vineyards, and also as foraging habitat for white-tailed kite. Although burrowing owls are found within the agricultural landscape of Sacramento County (Exhibit 3.4-3) and the species is known to inhabit agricultural field borders and forage in cultivated fields, the SOIA Area is not modeled in the draft SSHCP as either wintering or nesting habitat for western burrowing owl. Following the ultimate conversion of the SOIA Area to urban uses, the SOIA Area would retain zero foraging habitat value for all of these special-status raptor species.

This additional text does not change the analysis or conclusions of the Recirculated Draft EIR.

Comment RI3-6: *The commenter notes that if the SOIA Area is developed in the future, Swainson's hawk mitigation should be consistent with City practices.*

The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

Mitigation Measure 3.4-2c is consistent with the Sacramento County and City of Elk Grove Swainson's Hawk ordinances/codes and CDFW mitigation guidelines. The mitigation

measure does not defer to a City Program, but rather provides specific detail about the mitigation requirements including consultation with CDFW regarding the appropriateness of the mitigation land, requirement to manage the land to maintain Swainson's hawk foraging values, prohibition of activities that would substantially impair or diminish the land's capacity as suitable Swainson's hawk foraging habitat, transfer of mitigation land through either conservation easement or fee title, to a third-party, nonprofit conservation organization, with the City and CDFW named as third-party beneficiaries, monitoring in perpetuity to assure compliance with the terms of the easement, an endowment or some other financial mechanism that is sufficient to fund in perpetuity the operation, maintenance, management, and enforcement of the conservation easement.

Comment RI3-7: *The commenter refers to page 3.4-41, 5th paragraph, and states that the SSHCP does not model most of the SOIA area as high quality foraging habitat for the Sandhill Crane, as this paragraph states. The portions of the SOIA area currently planted with vineyards are not identified not in the SSHCP as high quality foraging habitat. See SSHCP Appendix G-3, at Page G3-521.*

The commenter is correct in that the SSCHP does not include those portions of the SOIA area that are planted as vineyards as high quality foraging habitat for sandhill cranes. The location of high value foraging habitat is shown in Figure 3-22: *Greater Sandhill Crane Modeled Habitat and Documented Occurrences* in Chapter 3 of the SSHCP. Figure 3-22 does not depict those areas currently planted as vineyard within the SOIA boundaries as high value foraging habitat for sandhill crane. The SSHCP (Pages B-543 and B-544 of Appendix B: Species Accounts) also provides additional information affirming that vineyards are not used by sandhill cranes. Additional text has been added on page 3.4-41 to clarify that not all of the SOIA area is modeled as high value foraging habitat in the SSHCP.

The SSHCP models show that most of the SOIA Area is within high-value foraging habitat for greater sandhill cranes. Those areas planted as vineyards in the SSOIA are not modeled as high value foraging habitat in the SSCHP.

Comment RI3-8: *The commenter states that at LAFCo's September 6, 2017 public hearing, it was agreed that the third paragraph of page 3.4-51 be deleted. The commenter states that they agree with the conclusion of the Recirculated Draft EIR that implementation of the SOIA would not have a significant impact on implementation of the South Sacramento Habitat Conservation Plan. The commenter states that the Recirculated Draft EIR should allow mitigation acreage for development within the SOIA to be located anywhere within south Sacramento County where a willing seller can be found.*

Page 3.4-51 has been revised per the commenter's request.

~~At the time of submittal of any application to annex territory within the SOIA Area following adoption of the SSHCP, the City of Elk Grove will coordinate with CDFW regarding acquisition of mitigation lands, as described in Mitigation Measures 3.4 2c and~~

~~3.4 4. CDFW, one of the SSHCP's Permitting Agencies and a member of the SSHCP's Technical Advisory Committee, would review any property acquisition proposal for mitigation, and would have an opportunity at that time to assess whether acquisition would meet targeted SSCHP objectives and preserve acquisition criteria, and to also reject proposed mitigation that would compete with, or impede, the SSHCP's mitigation acquisitions.~~

This edit does not change the analysis or conclusions of the Recirculated Draft EIR.

At the time of submittal of any application to annex territory within the SOIA Area following adoption of the SSHCP, the City of Elk Grove will consult with CDFW regarding acquisition of mitigation lands, as described in Mitigation Measures 3.4-2c and 3.4-4. CDFW, one of the SSHCP's Permitting Agencies and a member of the SSHCP's Technical Advisory Committee, would review any property acquisition proposal for mitigation, and would have an opportunity at that time to assess whether acquisition would meet targeted SSCHP objectives and preserve acquisition criteria, and to also reject proposed mitigation that would compete with, or impede, the SSHCP's mitigation acquisitions.

Mitigation Measure 3.2-1 states that 'The City shall attempt to locate preserved farmland within 5 miles of the SOIA Area; however, the preserved farmland shall at a minimum be located inside Sacramento County.'

Mitigation Measure 3.4-2c states that 'The suitability of preservation habitat shall be determined by the City after consultation with CDFW and a qualified biologist and shall be located within the geographical foraging area of the local nesting population as determined acceptable to CDFW.' LAFCo's intent is not to artificially limit mitigation opportunities.

Comment RI3-9: *The commenter attaches their previous comment letter for reference.*

Responses to comments submitted on the Draft EIR are provided in Chapter 2, 'Responses to Comments on the Draft EIR.' The comment does not pertain to the adequacy of the environmental impact analysis in the Draft EIR, but is published in this Final EIR for decision maker consideration.

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