

City of Elk Grove
Proposed Sphere of Influence Amendment
Final Environmental Impact Report

SCH No. 2010092076

Sacramento Local Agency Formation Commission

September 27, 2013

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Final Environmental Impact Report
Proposed Sphere of Influence Amendment
City of Elk Grove, Sacramento County, California

State Clearinghouse No. 2010092076

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SECTION 1: INTRODUCTION

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In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the Sacramento Local Agency Formation Commission (LAFCo), as the lead agency, has evaluated the comments received on the Elk Grove Sphere of Influence Amendment Recirculated Draft Environmental Impact Report (Recirculated Draft EIR or RDEIR). For purposes of clarity, the previously circulated Draft EIR was circulated for public comment in September 2011 and is referred to as the Draft EIR. The document circulated for public comment in March 2013 is referred to as the Recirculated Draft EIR or RDEIR. In accordance with CEQA Statute Section 15088.5(f)(1), Sacramento LAFCo will be responding to comments submitted on the Recirculated Draft EIR, and will not be responding to comments submitted during the Draft EIR comment period. This document is organized into these sections:

- **Section 1: Introduction.**
- **Section 2: Master Responses to Comments on the Recirculated Draft EIR**. Provides comprehensive responses to similar topics made in multiple comments.
- **Section 3: Responses to Comments on the Draft EIR**. Provides a list of the agencies, organizations, and individuals that commented on the Recirculated Draft EIR (RDEIR). Copies of all of the letters received regarding the Draft EIR and responses thereto are included in this section.
- **Section 4: Errata**. Includes an addendum listing refinements and clarifications on the Recirculated Draft EIR, which have been incorporated into the document.
- **Section 5: References.**

Because of its length, the text of the Recirculated Draft EIR is not included with these written responses; however, it is included by reference in this Final EIR. None of the corrections or clarifications to the Recirculated Draft EIR identified in this document constitutes "significant new information" pursuant to CEQA Guidelines Section 15088.5. As a result, a recirculation of the Recirculated Draft EIR is not required.

SECTION 2: MASTER RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT EIR

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Some subjects were mentioned frequently in comment letters on the RDEIR. Rather than provide individual responses to each of these comments, the Final EIR includes a "master response" that discusses the topic based on all of the comments received. By responding in this manner, LAFCo is better able to address all aspects of the topic by:

- Simplifying the responses to comments by avoiding unnecessary repetition in individual responses, and
- Addressing issues in a broader context than might be required by individual comments.

When issues are addressed in this broader context, the interrelationships between some of the individual issues raised can be better clarified. It is also possible to provide a single explanation of an issue that is more thorough and comprehensive than would be accomplished by separate, more narrowly focused responses.

The following themes are discussed in the master responses:

1. Level of analysis in the RDEIR, adequacy and enforceability of mitigation measures, and deferred mitigation
2. Cumulative impacts
3. Plan consistency
4. Water supply
5. Hydrologic resources
6. Urban Decay/blight
7. SOIA boundary and the need for the SOIA
8. Impacts of the SOIA on existing and planned habitat conservation plans and preserves and adequacy of the Biological Resource analysis
9. Comments submitted on the original Draft EIR

Master Response 1 - Level of Analysis, Enforceability of Mitigation Measures, and Deferred Mitigation

A number of comments on the RDEIR raise the concern that the analysis and mitigation of impacts to aesthetics, agricultural resources, air quality, biological resources, cultural resources, greenhouse gas, geology, hazards and hazardous materials, hydrology and water quality, and land use is inadequate and/or improperly deferred. This response addresses comments ECOS-1-19, FOSH-1-59, FOSH-1-

60, FOSH-1-62, GRASP-7, TNC-6, ECOS-2-2, ECOS-2-3, ECOS-2-4, ECOS-2-5, ECOS-2-74, ECOS-2-113, ECOS-2-135, ECOS-2-136, ECOS-2-140, FOSH-3-3, FOSH-3-5, FOSH-3-6, FOSH-3-8, LEE-2-3, TAY-6, TAY-14, TAY-16, TAY-20, and MON-6.

Level of Analysis

The level of specificity required in an EIR is determined by the nature of the proposal being reviewed and what level of analysis is reasonably feasible (CEQA Guidelines Section 15145; *Al Larson Boat Shop, Inc. v. Board of Harbor Commissioners* (1993) 18 Cal.App.4th 729, 737-738; *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 733). The proposal here is an amendment of the City's Sphere of Influence (SOI), as described within the project description of the RDEIR. An SOI is a "plan for the probable physical boundaries and service area of a local agency" (Gov. Code, Section 56076). The proposed SOI Amendment (SOIA) would not modify the type of development currently allowed on the 7,869 acres proposed to be added to the existing SOI. Approval of the SOIA would not: 1) change current land use jurisdiction; or 2) authorize any additional services in the area. While an SOIA is a prerequisite to annexation, consistent with Sacramento LAFCo Policies, Standards, and Procedures, the proposed SOIA does not consider or authorize any annexation of land to the City (see RDEIR pages ES-1 and 2-1).

As specifically identified in RDEIR Section 1 (Introduction), the extent of the environmental analysis is guided by the level of detail of the proposed project. Specifically, RDEIR Section 1.1.2 states:

> This RDEIR provides an analysis of the environmental effects of the proposed SOIA project. The environmental impacts of the proposed project are analyzed in the RDEIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be directly or indirectly associated with the amendment of the existing City of Elk Grove SOI. There are no specific land use entitlements proposed at this time in conjunction with the proposed SOIA. No physical development is proposed in conjunction with the application. However, this RDEIR acknowledges that future urbanization of the project area may occur as an indirect result of this SOIA; therefore, this RDEIR contains an analysis of indirect environmental impacts attributable to or which could result from the proposed project.

In addition, Section 3.0 (Environmental Impact Analysis) states:

> As stated within Section 2.2, Project Characteristics, it is possible that the City may request annexation of the entire SOIA Area, or submit multiple annexation applications for portions of the SOIA Area. In addition, it is possible that the City may develop a phased annexation program to further guide development within the SOIA Area. For the purposes of analysis, this EIR assumes that the entirety of the

> SOIA Area would eventually be annexed and subsequently developed. This assumption represents the environmental "maximum impact" project scenario. However, this EIR does not assume a particular timeline for annexation and/or development of the SOIA Area. A phased annexation program may result in lessened environmental impacts. Due to the project not involving any development proposals, the unknown schedule of future annexation applications that may be submitted pursuant to approval of this project, and variability of a phased annexation program, a separate phased annexation program is not analyzed in this EIR. However, a proposal for annexation would be subject to further environmental review (RDEIR page 3-2).

Due to the nature of the proposed SOIA, as it is defined by the Government Code, parcel-specific development cannot be predicted with accuracy at this stage. Instead, the RDEIR focuses on the secondary effects that can be reasonably expected to follow from the SOIA, if approved. Although the SOIA does not include any land use entitlements or annexations, the RDEIR made assumptions regarding land uses within the SOIA based on the City of Elk Grove's General Plan land use designations mix and ratios that would occur within the city limits by the City's General Plan Buildout in order to provide the most detailed and conservative analysis of the probable environmental effects of the proposed SOIA (RDEIR page 2-25).

Enforceability of Mitigation

Comments on the RDEIR also expressed concern that mitigation measures are unenforceable because they are required upon annexation.

First, the following revisions to Mitigation Measures AES-3, AES-4, AG-1, AIR-1, AIR-2, AIR-5, AIR-6, AIR-7, BIO-1a, BIO-2, BIO-5, CUL-1, CUL-2, CUL-3, GEO-1, HAZ-4, HYD-3, HYD-4a, HYD-4b, and POP-1a are made to clarify the enforceability of the mitigation measures. Refer to Section 4, Errata, of this Final EIR for all revisions to the RDEIR.

MM AES-3 To mitigate impacts on visual character, prior to the ~~At the time of~~ submittal of any application to annex all or part of ~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that ~~will impose the following conditions on all discretionary projects~~: (1) Trees that function as an important part of the City's or a neighborhood's aesthetic character or as natural habitat should be retained to the extent feasible during the development of new structures, roadways (public and private, including roadway widening), parks, drainage channels, and other uses and structures; and (2) If trees cannot be preserved on-site, the City may require off-site mitigation or payment of an in-lieu fee. Trees that cannot be preserved shall be replaced either on- or off-site as required by the City, and trees

planted for mitigation should be located in the same watershed as the trees that were removed, when feasible.

MM AES-4 ~~At the time of~~ To mitigate impacts on light and glare, prior to the submittal of any application to annex ~~territory within~~ all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove ~~will impose the following condition on all discretionary projects~~ shall demonstrate to LAFCo, through policy or adopted planning documents, that: All projects in the SOIA Area shall comply with the City of Elk Grove's Citywide Design Guidelines by minimizing the use of reflective materials in building design in order to reduce the potential impacts of daytime glare and designing outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky glow conditions.

MM AG-1 At the time of submittal of any application to change land uses within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that applicants conserve one ~~will require that applicants protect one~~(1) acre of existing farmland of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson 's hawk foraging habitat mitigation). The farmland/wildlife habitat land to be preserved must have adequate, sustainable water supply to support agricultural/habitat use. The City shall consider the benefits of preserving farmlands in proximity to other protected lands.

The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas on the project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson's Hawk habitat), or additional land identified by the City. 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. The City shall demonstrate to LAFCo that it shall impose the conservation easement content standards to include, at a minimum: land encumberment documentation; documentation that the easements are permanent, monitored, and appropriately endowed; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights.

In addition, the City shall demonstrate to LAFCo, through policy or adopted planning documents, that it will impose the following minimum conservation easement content standards:

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 by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval.

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, in an amount determined by the City.

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 or transferred to the City.

Before committing to the preservation of any particular farmland pursuant to this measure, the project proponent shall obtain the City's approval of the farmland proposed for preservation.

MM AIR-1 Prior to the submission of any application to annex ~~territory within~~ any portion of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will ~~that all discretionary projects~~ prepare an Air Quality Mitigation Plan ~~for the SOIA Area~~. The Air Quality Mitigation Plan must reduce the operational emissions of development within the SOIA Area by 35% when compared to the potential emissions that could occur in the SOIA Area in absence of policies and measures included in the Air Quality Mitigation Plan. The City of Elk Grove will coordinate the development of the Air Quality Mitigation Plan with the Sacramento Metropolitan Air Quality Management District (SMAQMD) and Sacramento Area Council of Governments (SACOG), and will use modeling tools approved by those agencies to gauge the effectiveness of the measure.

In the cases in which an application for annexation of the SOIA Area or any portion thereof occurs after the June 15, 2019 State Implementation Plan (SIP) attainment deadline, the SMAQMD confirms the SIP standards have been achieved, and the City of Elk Grove demonstrates that the development proposal is consistent with the new SIP or attainment plan and the SMAQMD concurs with the analysis; a 15% reduction to operational emissions when compared to the potential emissions that could occur in the SOIA Area in absence of Air Quality Mitigation Plan policies and measures is required. ~~incorporate policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as North Natomas. In the case of North Natomas, the emissions will be reduced by 35 percent from the potential emissions that could occur without the adopted air quality policies being implemented.~~

MM AIR-2 At the time of submittal to annex land within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove will require all discretionary projects to comply with all recommended SMAQMD measures to address construction emissions. This will include emission reduction requirements for construction equipment and development of an inspection and enforcement plan associated with construction equipment emissions. Emission reduction requirements shall be met using the emission reduction tools most current at the time of construction (or annexation). In addition, compliance with SMAQMD ~~Rules 402 and 403~~ Rules in effect at the time of construction will be demonstrated.

MM AIR-5 ~~At the time of~~ To mitigate impacts on local mobile source CO concentrations, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will require all discretionary~~

~~projects to demonstrate~~ that the Sacramento Metropolitan Air Quality Management District's (SMAQMD) 2009 Guide to Air Quality Assessment in Sacramento County, as updated in June 2011, or most current guidance on the screening and assessment of CO, PM_{10}, and $PM_{2.5}$ hotspots will be implemented for all development proposals within the SOIA Area. The City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission at the time of any application to annex territory within the SOIA Area. In addition, the City of Elk Grove shall demonstrate that sufficient mitigation will be required of all identified potentially significant CO, PM_{10}, and $PM_{2.5}$ hotspots to reduce the impact to less than significant.

MM AIR-6 ~~At the time of~~ To mitigate impacts to sensitive receptors, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that~~will require~~ all discretionary projects will be required to review existing sources of toxic air contaminants in and around the project site and~~. Discretionary projects will be required~~ to develop mitigation to address sensitive land use (e.g. residential, schools, hospitals) exposure to toxic air contaminants. Methods may include buffers with appropriate landscaping, building design with additional air filtration, and emission source controls. The plan must meet the standards current in use by the Sacramento Metropolitan Air Quality Management District in connection with such toxic air contaminants. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.

MM AIR-7 ~~At the time of~~ To mitigate impacts from objectionable odors, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that ~~will require~~ all discretionary projects ~~to~~ will be required to review existing sources of odor in and around the project site, including (but not limited to) any land use referenced in Sacramento Metropolitan Air Quality Management District's (SMAQMD) CEQA Guidance document as an odor-generating land use~~. Discretionary projects will be required~~and to develop mitigation to address odor impacts that will protect sensitive land use (e.g. residential, schools, hospitals) in consultation with SMAQMD. Methods to address odor impacts may include buffers and emission source controls. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to LAFCo.

MM BIO-1a At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate to LAFCo compliance with all following measures:

A. A reconnaissance-level biological survey of the area to be annexed shall be performed by a professional biologist approved by the lead agency to identify habitats and individuals of special-status species defined in this Recirculated EIR. This will permit the lead agency to track impacts to special-status species on a regional basis rather than on project-by-project basis, when feasible.

B. Avoidance of special-status species and their habitats shall be addressed during project design. If avoidance is infeasible, mitigation of special-status species shall occur pursuant to measure C, below.

C. The City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. The HCMP shall include assessment, disclosure and mitigation for nesting and foraging habitat impacts to protected species, as discussed further in Mitigation Measure BIO-1b and BIO-1c. The HCMP shall be developed in consultation with California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The City of Elk Grove shall demonstrate compliance with all applicable requirements under the federal Endangered Species Act and the California Endangered Species Act and shall obtain approval of the HCMP from CDFW and USFWS, when such approval is required under applicable law. The City of Elk Grove shall consult with Sacramento County during development of the HCMP, in the County's capacity as the lead of the South Sacramento Habitat Conservation Plan (SSHCP). The City of Elk Grove shall~~, and~~ provide proof of consultation with the County, CDFW, and USFWS to LAFCo.

D. If an HCMP is prepared, it shall incorporate mitigation guidelines of these agencies for listed species. For non-listed but sensitive species as defined by this Recirculated EIR, the HCMP shall incorporate ~~include provisions including~~, but will not be limited to the following, goals and policies:

- Require clustering of urban development to retain non-disturbed open space areas.

- Require comprehensive site development standards to minimize removal of existing vegetation and to require installation and long-term maintenance of landscaping in setback and buffer areas. Landscaping in buffer areas adjacent of preserved habitat areas should be of native plant materials, and non-irrigated.
- Require appropriate buffers between development and Right to Farm Ordinance lands, Nature Conservancy Lands, and Stone Lakes National Wildlife Refuge.
- Require buffers between development and drainage canals that serve as habitat and ultimately drain into Stone Lakes National Wildlife Preserve, Nature Conservancy lands, and/or Farmland Preservation Zones; buffers shall be a minimum of 150 feet on either side of said drainage canals.
- Minimize impacts to movement corridors to ensure movement of wildlife.
- Provide for the integrity and continuity of wildlife and plant habitat.
- Support the acquisition, development, maintenance, and restoration of habitat lands for wildlife and plant enhancement.

E. The special-status species referred to herein are those identified under the applicable federal and state laws listed in Table 3.4-2 and -3.

MM BIO-1b To mitigate impacts on nesting for Swainson's Hawk and other raptors (including burrowing owl), prior to the submittal of any application to annex of all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that the following requirements shall be applied to development proposals within the SOIA Area, and required actions will be completed prior to development activity:

- A California Department of Fish and Wildlife (CDFW)-qualified biologist will be retained by the applicant to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the proposed development and active burrows on the development site if accessible. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no ~~less~~ more than ~~14~~15 days ~~and no more than 30 days~~ before the beginning of construction for all project phases. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley shall be followed for surveys for Swainson's Hawk, and the guidelines provided in the California Department of Fish and Wildlife's (CDFW) Burrowing Owl Survey Protocol and Mitigation Guidelines shall be followed for burrowing owls. The results of the survey shall be submitted to the City of Elk Grove and the CDFW.

- If no nests are found, no further nesting mitigation is required.
- If active nests are found, impacts on nesting Swainson's Hawks and other raptors shall be avoided by establishing appropriate buffers around the nests, and impacts to burrowing owls shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined, in consultation with CDFW, that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest.
- If construction-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Construction-related activities may only be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the CDFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the temporary nest disturbance buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior.
- ~~Monitoring of the nest by a qualified biologist during and after construction~~ activities ~~will be required if the activity has potential to adversely affect the nest.~~

MM BIO-5 ~~At the time of~~ To mitigate impacts from conflicts with local biological policies or ordinances, prior to submittal of an application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will demonstrate~~ that tree protection will be consistent with either: (1) the City's current tree preservation standards under Municipal Code Chapter 19.12 or (2) the following mitigation measure. For the purposes of the SOIA Area, Swainson's Hawk nest trees will receive the same consideration as heritage or landmark trees.

MM CUL-1 ~~At the time of~~ To mitigate impacts on historic resources, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will acknowledge~~ that it will impose the following conditions on all discretionary projects:

Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

- The Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.
- All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

MM CUL-2 ~~At the time of~~ To mitigate impacts on archaeological resources, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will acknowledge~~ that it will impose the following conditions on all discretionary projects:

- Should any archaeological resources be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the archaeological resources.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or

historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

MM CUL-3 ~~At the time of~~ To mitigate impacts on paleontological resources, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will acknowledge~~ that it will impose the following conditions on all discretionary projects:

- Should any paleontologic artifact be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the paleontologic artifact.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

MM GEO-1 ~~At the time of~~ To mitigate impacts from seismic hazards, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require a geotechnical report or other appropriate analysis be conducted at time of development application submittal to determine the shrink/swell potential and the stability of the soil for public and private construction projects and to identify measures necessary to ensure stable soil conditions.

MM HAZ-4 ~~At the time of~~To mitigate impacts from hazardous materials sites, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will acknowledge~~ that it will impose the following conditions on all discretionary projects. Prior to site improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search, the site and surrounding area shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.

MM HYD-3 To mitigate impacts to drainage, prior~~Prior~~ to annexation of all~~any~~ or part of the SOIA Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or

adopted planning documents, that it will require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas. This can be accomplished by (1) Preparing a Master Drainage Plan (Plan) for the SOIA Area, and requiring site-specific drainage plans for future projects to conform to requirements of the Plan, or (2) enacting modification of the City's existing Stormwater Master Plan that includes the following components. The Plan shall include disclosure of where stormwater is designed to be released into waterway crossings at State Route 99 and/or Interstate 5 roadway facilities. The Plan shall include a review, analysis, and disclosure of locations where channel capacity inadequacies lie, as well as capacities of bridges crossing State Route 99 and Interstate 5 associated with inadequate channels. The Plan shall identify the need for additional bridge capacity, if necessary. City shall develop measures to minimize, avoid, reduce, or compensate for potential impacts to roadway facilities in consultation with the California Department of Transportation. The City shall provide copies of the Drainage Master Plan and all/any studies and models developed to design the stormwater facilities or that support the Plan. The City shall provide proof of consultation with the California Department of Transportation to LAFCo. In addition, the Master Drainage Plan shall identify areas of potential impacts due to encroachments on channels or levees, measures to provide improvements or maintenance where development in the SOIA Area would affect channels or levees.

The Plan shall require individual projects to prepare a detailed drainage plan that demonstrates attainment of pre-project runoff rates prior to release at the outlet canal and describes the volume reduction measures and treatment controls used to reach attainment. The Master Drainage Plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Master Drainage Plan shall also include the geotechnical report verifying groundwater elevation for the regional basins.

MM HYD-4a Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will prepare a local plan of flood protection that shows the following for land within the SOIA Area: identification of all types of flood hazards (levee failure inundation, 100-year storm flooding, 200-year storm flooding and 500-year storm flooding), and locations of flood management facilities. The City shall provide proof of consultation with the California Department of Transportation to LAFCo.

MM HYD-4b Prior to annexation of any or part of the SOIA Area~~Prior to approval of any development project in the SOIA Area~~, the City of Elk Grove shall demonstrate to

LAFCo, through policy or adopted planning documents, that it will require that new development demonstrate that for land within the 100-year floodplain (to be identified by hydraulic and hydrologic modeling), that post-development storm water run-off peak flows and volumes will not exceed pre-development levels within or downstream of the SOIA Area.

MM POP-1a At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate consistency with ~~consult with~~ the Sacramento Area Council of Governments (SACOG) regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan/Sustainable Community Strategy, and provide LAFCo with evidence of the results of this ~~consultation~~consistency.

These revisions do not present significant new information requiring recirculation pursuant to CEQA Guidelines Section 15088.5(a). All mitigation measures in the RDEIR, as revised by this Final EIR, will be conditions of annexation and thus legally binding (CEQA Guidelines Section 15126.4(a)(2)).

Second, LAFCo approval of the proposed SOIA would establish a new SOI boundary for the City of Elk Grove, but would not entitle any annexation or development of the SOIA Area. Therefore, the SOIA, if approved, would not result in any physical changes to the environment that would require mitigation.

Third, LAFCo must approve any future annexation of the SOIA Area and thus has jurisdiction to enforce the mitigation measures. During LAFCo proceedings on an application for annexation, the Commission will consider whether the City has demonstrated compliance with the mitigation measures, which will become legally binding requirements on the City for the annexation, if approved, and development of the SOIA Area.

Finally, if LAFCo approves the SOIA, LAFCo will adopt a mitigation monitoring and reporting program to monitor the implementation of the mitigation as required by CEQA Guidelines Section 15097.

Deferred Mitigation

Comments raise a concern that Mitigation Measures AIR-1, AG-1, BIO-1a, BIO-1b, BIO-1c, BIO-2, BIO-5, and GHG-1 are deferred. In certain circumstances, the specific design of the mitigation can be permissibly deferred where mitigation is known to be feasible, but practical considerations prevent a lead agency from establishing specific standards early in the development process. Such deferral of the specific design of mitigation is permissible when the lead agency commits itself to devising mitigation measures that will satisfy specific performance standards for evaluating the efficacy of the measures and the project implementation is contingent upon the mitigation measures being in place (*Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884; *Poet, LLC v. California Air Resources Board* (2013) 217 Cal.App.4th 1214; *Sacramento Old City Association v. City Council*

(1991) Cal.App.3d 1011, 1028-1029). The impacts in the RDEIR are impacts that may occur if and when the proposed SOIA Area is developed. However, as discussed above, the development cannot occur until several more steps are completed, including the master planning for the SOIA Area and approval of an application to LAFCo for annexation. Therefore, if and when the City applies for annexation of the SOIA Area, LAFCo and the City of Elk Grove will implement the final design of several mitigation measures at that time. This process ensures that the mitigation measures will comply with current applicable plans and regulatory requirements and the mitigation measures will be more accurately tailored to the actual potential impacts. Accordingly, specific design of Mitigation Measures AIR-1, AG-1, BIO-1a, BIO-1b, BIO-1c, BIO-2, BIO-5, and GHG-1 will be completed in the future when there is more certainty of the form and extent of proposed development.

However, the approval of this proposed SOIA and the approval of any future annexation are contingent upon the implementation of these mitigation measures, and the mitigation measures contain the following specific performance standards consistent with CEQA Guidelines Section 15126.4(a)(1)(B). The following list describes only the performance standards for certain mitigation measures and does not restate the full text of the mitigation measure. For the full text of each mitigation measure, please refer to the appropriate section of the RDEIR and/or updates included in the Final EIR.

> AIR-1 – Preparation of an Air Quality Plan incorporating policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as the City of Galt SOI (Approved 2009) (RDEIR page 3.3-24).
>
> AG-1 – Conservation of existing farmland of equal or higher quality for Prime Farmland, Unique Farmland, or Farmland of Statewide Importance at a 1:1 ratio. (RDEIR pages 3.2-16 through 3.2-17.)
>
> BIO-1a – Avoidance of special-status species and their habitats where feasible. When not feasible, either participation in the SSHCP (note – likely to be the route to mitigation given the SOIA Area's inclusion in the Draft SSHCP) or development of a Habitat Conservation Management Plan that includes requirements for clustering, site development standards, buffers from preserve lands (Stone Lakes NWF and Cosumnes River Preserve). (RDEIR pages 3.4-41 through 3.4-42.)
>
> BIO-1b – Preconstruction nest surveys and avoidance of active raptor nests through establishment of adequate buffers around active nests. No project activity shall occur within the buffer area until young have fledged, the nest is no longer active, or until a qualified biologist has determined, in consultation with CDFW, that reducing the buffer would not result in nest abandonment. (RDEIR pages 3.4-42 through 3.4-43.)

BIO-1c – Mitigation of Swainson's Hawk and greater sandhill crane foraging habitat at a 1:1 ratio. (RDEIR pages 3.4-43 through 3.4-45.)

BIO-2 – No net loss of wetland features (RDEIR page 3.46).

BIO-5 - Demonstrate that tree protection will be consistent with either: (1) the City's current tree preservation standards under Municipal Code Chapter 19.12 or (2) implement a reconnaissance-level tree survey, avoid or minimize impacts to native tree species, or implement a five year monitoring plan (RDEIR page 3.4-49 through 3.4-50).

GHG-1 – Projects must comply with Efficiency Metric; Percent Reduction; or the Climate Action Plan (RDEIR page 3.7-26).

These performance standards are clear, provide flexibility to address the uncertainty of the form and extent of development of the SOIA Area, and would be in proportion to the SOIA impacts as required under CEQA Guidelines Section 15126.4(a)(4)(B). Importantly, the RDEIR acknowledges that there is some uncertainty on the effectiveness of the above mitigation measures to reduce special-status species impacts to less than significant and thus determines this impact to be significant and unavoidable. LAFCo has made any future annexation contingent on the implementation of the mitigation measures which contain performance standards. The mitigation is therefore not impermissibly deferred.

Master Response 2 – Cumulative Impacts

This response addresses comments FOSH-1-46, ECOS-2-86, ECOS-2-87, ECOS-2-88, ECOS-2-148, ECOS-2-149, ECOS-2-150, ECOS-2-157, and SOL-2.

Table 4-1 on RDEIR pages 4-2 and 4-3 includes projects considered in the cumulative analysis, including buildout of the City of Sacramento General Plan, Sacramento County General Plan, Folsom South of Hwy 50 SOI Annexation, Galt SOI amendment, Bay Delta Conservation Plan, and development identified in the SACOG Metropolitan Transportation Plan (MTP), in addition to other development. At the time the NOP for the proposed SOIA was released (October 1, 2010), LAFCo considered the projects listed in Table 4-1 to be reasonably foreseeable "past, present, and probable future projects producing related or cumulative impacts" in accordance with CEQA Guidelines Section 15130(b)(1)(A). In addition, the projects shown in Table 4-1 provide a context that demonstrates a substantial amount of growth in the region in the long term; the addition of other individual projects would not change the conclusions in the RDEIR.

Further, in accordance with CEQA requirements, the RDEIR does not attempt to precisely quantify impacts for these individual projects. CEQA does not require that level of analysis for cumulative projects. CEQA Guidelines Section 15130(b) states, "The discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence, the discussion need not provide as great [a level of] detail as is provided for the effects attributable to the project alone. The

discussion should be guided by standards of practicality and reasonableness, and it should focus on the cumulative impact to which the identified other projects contribute rather than on the attributes of other projects that do not contribute to the cumulative impact." Because of the substantial amount of development planned in the region in the buildout timeframe of those plans, the cumulative analysis considered the cumulative impacts to be significant, unless specifically stated otherwise for a particular resource area.

With regard to cumulative impacts on Swainson's Hawk and cumulative water demand, see Master Responses 8 and 4, respectively. Regarding the request for quantification of cumulative agricultural land loss, as noted above, CEQA does not require the same level of analysis for the cumulative context as is required for the project. Nonetheless, Table 4-1 provides acreages for major reasonably foreseeable development in the region. The table provides the context for the magnitude of development potential and the effects of conversion of agricultural land to accommodate that development.

Master Response 3 – Plan Consistency

This response addresses comments FOSH-1-54, TNC-7, TNC-26, TNC-27, SLNWR-14, ECOS-2-111, ECOS-2-112, ECOS-2-116, ECOS-2-117, ECOS-2-120 through ECOS-2-131, and TAY-12.

Comments on the RDEIR state that potential general plan policy inconsistencies should be considered significant impacts. The requirement for an inconsistency discussion in an EIR is called out in CEQA Guidelines Section 15125(d), Environmental Setting, which states, "The EIR shall discuss any inconsistencies between the proposed project and applicable general plans, specific plans, and regional plans." Statutory authority for CEQA Guidelines Section 15125 is Pub. Resources Code (PRC) Section 21080, which states:

> The criteria shall require a finding that a project may have a "significant effect on the environment" if one or more of the following conditions exist:
>
> (1) A proposed project has the potential to degrade the quality of the environment, curtail the range of the environment, or to achieve short-term, to the disadvantage of long-term, environmental goals.
>
> (2) The possible effects of a project are individually limited but cumulatively considerable. As used in this paragraph, "cumulatively considerable" means that the incremental effects of an individual project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.
>
> (3) The environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly.

CEQA further defines a "significant effect on the environment" as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area affected by the project including land, air, water, minerals, flora, fauna, ambient noise, and objects of historic and aesthetic significance" (CEQA Guidelines Section 15382; see also PRC Section 21068). Consequently, potential inconsistencies with policies are not considered physical impacts on the environment. To the extent the proposed SOIA may result in physical environmental effects, those effects are addressed in the appropriate technical sections of Section 3 of the RDEIR. Those technical sections of the RDEIR consider physical environmental effects of the project, including those related to topics addressed in goals or policies that are intended to reduce or eliminate environmental effects. Therefore, the RDEIR adequately addresses the potential plan policy inconsistencies and potential physical environmental effects of the proposed SOIA.

The Land Use section of the RDEIR discusses the relationship of the proposed SOIA to the adopted goals and Standards, Policies and Procedures of Sacramento LAFCo, the City of Elk Grove, and Sacramento County. While the RDEIR includes a discussion of policy consistency, the RDEIR does not seek to make final determinations regarding whether the proposed SOIA is consistent with the General Plan(s); 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 RDEIR on the subject of plan consistency represent the best attempt of LAFCo staff and the EIR consultant to advise the Commission about whether the proposed SOIA is consistent with identified goals and policies of the applicable plans. The analysis in the RDEIR is not binding on the Commission in its policy interpretation and a different determination by the Commission regarding policy consistency would not alter the findings in the RDEIR regarding the physical effects of the proposed SOIA.

Master Response 4 – Water Supply

This response addresses comments GALT-2 through GALT-6, GRASP-3, TNC-21, ECOS-2-84, ECOS-2-87 through ECOS-2-92, ECOS-2-95, ECOS-2-153, and LEE-2-6.

A number of comments were received on the RDEIR regarding the water supply analysis related to project-specific and cumulative water supply, sources of and demand for surface and groundwater, and how Sacramento County Water Agency's (SCWA) service area applies to the proposed SOIA. Comments also noted a desire to remain within the safe groundwater yields for the basin.

To summarize some of the background provided in the RDEIR, SCWA provides water service to the City of Elk Grove, including some portions of the SOIA Area. Although not all of the SOIA Area is within the service boundary of SCWA, it is assumed that SCWA would be the most likely municipal water service provider for future residents in the proposed SOIA Area (RDEIR page 3.16-27).

However, because the proposed SOIA is not a request to amend the service area of the SCWA and does not request the provision of water at this time, an agreement to provide water or any other concurrence by SCWA is not appropriate at this time. The RDEIR acknowledges that if SWCA were to provide water to the SOIA Area, SCWA would need to modify the respective service area, plan for, and extend infrastructure and services to serve the SOIA Area (RDEIR page 3.16-27).

The methodology used in the RDEIR to determine potential effects on water supplies considered current water supply sources and volumes reported by SCWA in the 2010 Urban Water Management Plan (see Table 3.16-2 on page 3.16-5), which addresses SCWA's water systems and includes a description of the water supply sources, magnitudes of historical and projected water use, and a comparison of water supply water demands during normal, single-dry, and multiple-dry years. As discussed on RDEIR pages 2-25 through 2-28 and in Master Response 1, although the proposed SOIA does not include a proposal for development, the RDEIR includes development assumptions for the purposes of understanding possible environmental effects that should be considered with future annexation proposals. The RDEIR estimated water demand in the proposed SOIA Area based on those development assumptions (see Table 3.16-5) and compared that to the water supply reported by SCWA. As shown in Table 3.16-2 (RDEIR page 3.16-5), Zone 40 water supply is 109,500 acre-feet; water demand projected by SCWA is 44,425 acre-feet in 2015, which would result in a surplus of 65,075 acre-feet without the proposed SOIA demand. Comparing the proposed SOIA's estimated water demand of 15,249 acre-feet to the water supply considering SCWA's projected demand in 2015 (44,425 acre-feet), there would still be a surplus of 49,826 acre-feet. The RDEIR provides a conservative analysis by demonstrating that with proposed SOIA demand, there would be a surplus even if the demand from other sources up to 2035 were considered (RDEIR page 3.16-29). With a project demand of 15,249 acre-feet for buildout of the SOIA Area, SCWA water supply would be adequate to serve the SOIA Area and there would exist a surplus of over 16,000 acre-feet in 2035 (RDEIR page 3.16-29). Because the RDEIR compares project demand for scenarios beyond the baseline or existing condition, as is required by CEQA Guidelines Section 15125, the analysis in the RDEIR goes beyond that typically included in an EIR. In addition, as noted in comments on the RDEIR, water dedicated to municipal uses cannot be sanctioned the way agricultural water can, so the RDEIR does not assume any reductions for the SOIA Area in dry year scenarios.

Comments noted that the proposed SOIA Area is outside the American River Place of Use (POU). However, the RDEIR acknowledges that fact and, as shown in Table 3.16-2, even without the 9,300 acre-feet for the American River POU, with demand from the proposed SOIA, SCWA supplies would still exceed 2035 demand by over 7,000 acre-feet. For these reasons, the RDEIR determined that project-specific impacts would be less than significant.

Comments on the RDEIR questioned the adequacy of the groundwater analysis. The proposed SOIA Area is largely currently used for agriculture. The RDEIR conservatively estimates the current water demand for the existing agricultural use in the proposed SOIA Area as 9,417 acre-feet (see Table 3.16-3 on RDEIR page 3.16-6). As noted on page 3.16-6, the proposed SOIA Area is currently served

for irrigation water by the Omochumne-Hartnell Water District, part of the Southeast Sacramento County Agricultural Water Authority (Authority). The Omochumne-Hartnell Water District provides most of the water demands within the Authority from private wells, although minor amounts of purchased surface water and riparian water are diverted from seasonal rivers and creeks that flow through the Authority's boundaries.[1] RDEIR Table 3.16-2 includes water supply sources in Zone 40, which includes groundwater (15,000 acre-feet in a normal water year, up to 68,600 acre-feet in a single dry year scenario). The precise change in groundwater withdrawal that could result from ultimate development of the proposed SOIA Area cannot be accurately estimated at this time because no change in land uses has been proposed. However, the RDEIR discloses current groundwater use and the extent to which groundwater could be used by the likely water provider.

Comments on the RDEIR noted competition may exist for potentially limited groundwater resources. SCWA is a signatory to the Water Forum Agreement (WFA), and the RDEIR includes a discussion of sustainable yield, which is a key provision of the groundwater element of the WF Successor Effort (see RDEIR page 3.9-20). Therefore, any competition for groundwater would be managed as dictated in the Memorandum of Understanding for the WFA. In addition, to ensure that water resources are managed on a regional basis rather than on a project basis as expressed in some comments, Mitigation Measure USS-1 requires that any water purveyor in the proposed SOIA Area is a signatory to the Water Forum Successor Effort and that water be provided in a manner that ensures no overdraft will occur. This ensures that competition for groundwater would not negatively affect groundwater resources.

Comments on the RDEIR question whether SCWA can provide water for the proposed SOIA Area in addition to meeting the cumulative demand from the buildout of other general plans in the SCWA service area. SCWA includes growth projections in its service area in determining water demand for future year scenarios. Specifically, the RDEIR states, "SCWA's 2010 UWMP is based on current growth and development projections and the competition among that planned development for SCWA's water supplies" (RDEIR page 3.9-32). LAFCo is not required to prepare a project-level water demand analysis of each of the general plans within SCWA's service area.

One comment noted that the conclusions regarding cumulative water supply differed between SCWA's projections contained in the RDEIR and the Sacramento County General Plan EIR. However, as noted above, while there would be a surplus when considering project demand with projected future demand by SCWA, the RDEIR conservatively assumed that growth beyond those projections could occur, such as additional growth in Sacramento County, and that there could be a shortfall under cumulative conditions. Consequently, to the extent that growth within SCWA's service area could differ from SCWA's projections for growth, the RDEIR provides a conservative analysis by assuming potential growth beyond that projected by SCWA. A more detailed analysis of other general plans would not change the conclusions of the RDEIR. In addition, as previously noted,

[1] Southeast Sacramento County Agricultural Water Authority. Website accessed July 30, 2013. http://www.sscawa.org /sscawa/about.cfm.

the proposed SOIA is not requesting approvals for annexation or development and approval of the proposed SOIA would not commit any water service provider to supply water to the proposed SOIA Area. Mitigation Measure USS-1 requires that future development demonstrate that an adequate water supply exists prior to annexation. Nonetheless, the RDEIR conservatively determined the cumulative impact would remain significant and unavoidable.

Master Response 5 – Hydrologic Resources

This response addresses comments GALT-1, ECOS-2-153, ECOS-2-154, and TRANS-38.

The proposed SOIA Area is currently developed with unincorporated rural residential and agricultural residential, so there are no storm drain systems in the SOIA Area that would be impacted other than those considered in the cumulative impact analysis. As discussed in Impact HYD-3 on pages 3.9-34 and 3.9-35, future development in the proposed SOIA Area would be required to comply with Mitigation Measure HYD-3, which requires that prior to annexation of any part of the SOIA Area, the City of Elk Grove must require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels in upstream and downstream areas. Any proposed annexation will require the preparation of a related Plan for Services (PFS) to address the availability, timing, and financing of the various necessary services. The measure provides options for achieving this which include: (1) Preparing a Master Drainage Plan (Plan) (a component of the PFS) for the proposed SOIA Area and requiring site-specific drainage plans for future projects to conform to requirements of the Plan, or (2) enacting modification of the City's existing Stormwater Master Plan. Any development proposal would need to consider other projects that could contribute to upstream flows or downstream projects that could be affected. The measure requires individual projects to prepare a detailed drainage plan that demonstrates attainment of pre-project runoff rates prior to release at the outlet canal, describes the volume reduction measures and treatment controls used to reach attainment, and identifies all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. This would ensure that that the storm drainage system is appropriately designed to accommodate project flows and not result in impacts related to changes in volume in the Cosumnes River or Laguna Creek.

With implementation of project-specific mitigation and existing regulations designed to protect water quality and reduce flooding, development of the SOIA Area would not result in substantial negative effects on local streams. The ability of the City of Galt to discharge effluent from the wastewater treatment plant to Laguna Creek would depend largely on the ability of the City of Galt to achieve the water quality standards set forth in its National Pollutant Discharge Elimination System (NPDES) permit and Waste Discharge Requirements (WDRs). As described in RDEIR Section 3.9, future public and private development would be subject to City of Elk Grove and State regulations designed to protect water quality, including provisions of the Clean Water Act implemented at the state and local level (Municipal Separate Storm Sewer System [MS4] permits, National Pollutant Discharge Elimination System [NPDES] construction General Permits, etc.). These regulations require the

implementation of stormwater pollution prevention plans during project construction to prevent runoff and otherwise control the interaction between stormwater and pollutants. The City's MS4 permit also requires new projects to implement stormwater quality control plans to provide water quality controls during project operation. Future development in the proposed SOIA Area would reduce non-point source water pollution from agricultural sources (soil, nitrates, pesticides) if agricultural uses are reduced, but would introduce non-point source water pollution from urban sources (settling of vehicle emissions, pesticides, herbicides and detergents from residential areas, etc.). However, non-point sources continue to be reduced with implementation of stormwater quality control plans for all types of development consistent with the City's MS4 permit, reduction in vehicle emissions, and public outreach.

Master Response 6 – Urban Decay/Blight

Comments on the RDEIR noted that expansion of the city limits could act as a disincentive to revitalize "urban blight" and vacancies in the City. This response addresses comments GRASP-7, FOSH-1-64, FOSH-1-65, FOSH-1-66, and FOSH-1-67. Comments interchangeably use two terms with differing meanings -blight and urban decay. "Blight" describes an area containing the combination of conditions set forth in Health and Safety Code sections 33030 and 33031. CEQA does not require the analysis of blight and there is no evidence that these conditions are or will be present within the proposed SOIA, or would result from approval of the proposed SOIA. Urban decay refers to deterioration of the physical environment resulting from a project's economic effects (see *Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1206). When evidence suggests that a project's economic effects could ultimately result in urban decay or deterioration, the lead agency must assess the indirect physical impact (*Bakersfield Citizens for Local Control v. City of Bakersfield* (2004) 124 Cal.App.4th 1184, 1206; CEQA Guidelines Sections 15064(e), 15131(a)).

As discussed in detail in Master Response 1, the proposed SOIA does not include a proposal to annex land or expand the city limits, nor does it propose development of any housing or non-residential uses. The comments do not provide any evidence of potential for urban decay and any attempt to analyze the potential to result in urban decay or blight, as distinctly defined, based on the existing proposal would require speculation regarding the type, intensity, timing, and location of future development. Public Resources Code Section 21159(a) recognizes that "the agency shall not be required to engage in speculation."

With regard to specific examples provided in comments, the fact that some buildings are vacant does not constitute blight or urban decay. The contention that approval of the SOIA would result in excessive housing capacity would be based on two erroneous assumptions: (1) that development of residential uses would occur independent of market conditions, and (2) that the vacancy rates in the City will remain consistently high. The record contains no evidence to support either of these assumptions.

In the comment regarding *Bakersfield Citizens for Local Control v. City of Bakersfield*, the cited case is not analogous to the proposed SOIA. The Bakersfield case involved a project-specific proposal for a big-box store and, as noted above, the proposed SOIA does not include any development proposals. In addition, in Bakersfield, evidence in the form of a professional report was introduced into the record that suggested that the economic impact of the shopping centers would trigger the environmental effect of urban decay. There is no such evidence related to the proposed SOIA.

Master Response 7 – SOIA Boundary and Need for the SOIA

Several comments question both the need for the SOIA and the location of the SOIA boundary. This response addresses comments ECOS-1-1, ECOS-1-9, FOSH-1-4, FOSH-1-5, FOSH-1-59, FOSH-1-60, FOSH-1-61, FOSH-1-62, GRASP-1, ECOS-2-6, ECOS-2-135, ECOS-2-5, ECOS-2-134, THE-1, CLA-2, MAS-1, LEE-1-3, TAY-14, TAY-15, TAY-16, TAY-19, and TAY-20.

CEQA does not require a lead agency to justify the need for a project. It allows the lead agency to determine the project objectives and design the best way to achieve those objectives (see CEQA Guidelines Section 15124(b)). CEQA requires that the agency consider the environmental impacts and alternatives to a proposed project and does not allow a lead agency to approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant environmental effects of the project (PRC Section 21002). The purpose of an environmental impact report is not to test the wisdom of the project but "to identify the significant effects on the environment of a project, to identify alternatives to the project, and to indicate the manner in which those significant effects can be mitigated or avoided" (see PRC Section 21002(a)).

The City provided the project objectives as:

- Amend the Sphere of Influence (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 and timely annexation requests by the City of Elk Grove may be considered.
- Establish an SOI for the City of Elk Grove that will facilitate the protection of important environmental, cultural, and agricultural resources.
- Provide sufficient land to accommodate a jobs-housing ratio for the City of Elk Grove that provides for sufficient residential and employment-generating land uses to minimize the need for commuting to or from other jurisdictions (RDEIR page 2-38).

The City has submitted an application, and LAFCo is well within its authority to conduct project proceedings which consider those City objectives by proposing to amend the SOI to the south and east of the current City boundaries, adjacent to service area of the jurisdiction (RDEIR Exhibit 2-1). The RDEIR analyzes the environmental impact of the proposed SOIA, as well as alternatives to the proposed SOIA. The extension of the proposed SOIA into the floodplain does not mean that land within the floodplain will be annexed or that development will occur in the floodplain. As discussed on RDEIR page 3.9-36, anticipated future growth and expansion through the annexation process would be limited to areas outside of the FEMA 100-year floodplain, in accordance with Elk Grove Safety Policy SA 15. Likewise, the Central Valley Flood Management Planning Program will require 200-year floodplain protection for urban areas.

Master Response 8 – Impacts of the SOIA on Existing and Planned Habitat Conservation Plans and Preserves and Adequacy of the Biological Resource Analysis

Several comments were received regarding the RDEIR's evaluation of impacts on existing and planned habitat conservation plans and preserve areas. Specifically, comment letters from The Nature Conservancy (TNC), Stone Lakes National Wildlife Refuge Association (Association), Environmental Council of Sacramento (ECOS), Sierra Club, California Native Plant Society (CNPS), Friends of the Swainson's Hawk (FOSH), and the California Department of Fish and Wildlife (CDFW) commented on the following issues:

- Relationship of the proposed SOIA to the Cosumnes River Preserve and Stone Lakes National Wildlife Refuge (NWR) (see TNC comment letter dated May 21, 2013, ECOS comment letter dated May 30, 2013, and Association comment letter dated May 21, 2013).
- Biological resource impacts on the Preserve and Stone Lakes NWR (see TNC comment letter dated May 21, 2013, Association comment letter dated May 21, 2013).
- Impacts of the proposed SOIA on implementation the Draft SSHCP (see TNC comment letter dated May 21, 2013, ECOS comment letter dated May 30, 2013, and CDFW comment letter dated May 20, 2013).

These issue areas are responded to below.

Relationship of the Stone Lakes NWR and Cosumnes River Preserve

Stone Lakes NWR

The Stone Lakes NWR and the associated natural features of this area are described in detail in the following areas of the RDEIR:

- Project Description section: pages 2-2 through 2-4 and Exhibit 2-6.
- Agricultural Resources section: pages 3.2-1 and 3.2-19.
- Biological Resources section: pages 3.4-1, 3.4-5, 3.4-6, 3.4-20, 3.4-38, 3.4-45 and 3.4-46 as well as within Impact BIO-2 and Mitigation Measure BIO-1a.

- Hydrology and Water Quality section: pages 3.9-2, 3.9-9 and 3.9-36, and Impact HYD-4.
- Land Use section: pages 3.10-1, 3.10-7, 3.10-8, 3.10-21, 3.10-68 and 3.10-69, and Impact LU-3.

The above description of the Stone Lakes NWR is adequate to evaluate the environmental effects of development of the proposed SOIA, if approved, as the RDEIR identified recorded occurrences of special status species, riparian and wetland habitat resources, and the intent of the Stone Lake NWR (preservation and management of fish, wildlife, plants and other natural resources).

The following text changes are made to the RDEIR to clarify the extent of the Stone Lakes NWR as requested by the Association. These changes do not constitute "significant new information" as defined under CEQA Guidelines Section 15088.5. Refer to Section 4, Errata, of this Final EIR for all revisions to the RDEIR.

RDEIR page 2-4, Section 2.1.2 is amended as follows:

> North
>
> The project site is bounded by the City of Elk Grove to the north. Residential uses dominate the western portion of the City, and rural residential and small-scale agricultural uses prevail in the eastern portion of the City to the north of the proposed SOIA Area boundary. City of Elk Grove land use designations north of the project site include Commercial, Medium Density Residential, Southeast Policy Area, Low Density Residential, and Estate Residential. The Laguna Ridge Specific Plan lies approximately 0.5 mile north of Kammerer Road.
>
> The Southeast Policy Area has no pending land use entitlements. A 2006 development application for the Southeast Policy Area was withdrawn in 2010. Any future planning for the Southeast Policy Area will need to be consistent with the General Plan's Land Use Element. Adjacent to the north is the approved Sterling Meadows project, comprising 984 single-family units and 200 multi-family units. The Lent Ranch Marketplace Special Planning Area lies to the north, with frontage along SR-99.
>
> <u>Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is under permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not under easement.</u>

RDEIR page 3.10-7, Section 3.10.2 is amended as follows:

North

The project site is bounded by the City of Elk Grove to the north. Residential uses dominate the eastern portion of the City and residential, agricultural uses occur in the western portion of the City, to the north of the SOIA Area boundary. City of Elk Grove land use designations north of the project site include Commercial, Medium Density Residential, Southeast Policy Area, Low Density Residential, and Estate Residential. Proposed projects within the Southeast Policy Area include Sterling Meadows, which consists of 984 single-family homes and 200 multi-family units, and a mall.

Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is under permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not under easement.

Cosumnes River Preserve (Preserve)

The RDEIR addresses the Preserve in detail in the following sections:

- Biological Resources section: pages 3.4-6, 3.4-38, 3.4-45, Mitigation Measure BIO-1a, and Impact BIO-2.
- Land Use section: page 3.10-69 and Impact LU-3.

The above description of the Preserve is adequate to evaluate the environmental effects of development of the proposed SOIA, if approved, as the RDEIR identified known occurrences of special status species, riparian habitat resources.

The following text changes are made to the RDEIR to clarify the Preserve as well as the Cosumnes River Preserve Management Plan as requested by TNC. These changes do not constitute "significant new information" as defined under CEQA Guidelines Section 15088.5. Refer to Section 4, Errata, of this Final EIR for all revisions to the RDEIR.

RDEIR pages 3.4-7 and 3.10-21 are amended to include the following text:

Cosumnes River Preserve Management Plan

The Cosumnes River Preserve Management Plan was adopted in 2008 as the Cosumnes River Preserve's guiding document. The following are relevant objectives and actions:

1.2 Maintain a landscape that supports natural processes and habitat for the Preserve's focal conservation targets consisting of natural lands and suitable agriculture at and surrounding the Preserve (100-year floodplain up to Sacramento County's Urban Services Boundary)

1.2.2 Participate in regional land-use planning and floodplain management efforts (e.g., South Sacramento County HCP, LAFCo proceedings and decisions, City of Elk Grove General Plan, County General Plan and applicable special planning area,) that may affect Preserve resources (e.g., habitat destruction, degradation, or fragmentation) or complete conservation goals (e.g., open space and wildlife corridors among other natural lands).

2.1.4 As new development projects proposed around the Preserve, either in close proximity or in nearby urban areas, undergo environmental review (CEQA), ensure that project proponents consider potential effects on visual resources at the preserve, including the effects of outdoor nighttime lighting.

Biological Resource Impacts on Cosumnes River Preserve (Preserve) and Stone Lakes NWR

Comment letters expressed concerns that the RDEIR did not adequately address biological resource impacts on the Preserve and Stone Lakes NWR. Common concerns are the loss of foraging habitat in average and flood years and buffer lands between existing urban areas and the Preserve and Stone Lakes NWR.

The RDEIR acknowledges that the development of the proposed SOIA Area, if proposed and approved, would result in significant impacts to special-status species and habitat in the proposed SOIA Area as well as potential indirect biological resource impacts in the region, including those of the Preserve and Stone Lakes NWR (see RDEIR pages 3.4-39 and -45). Mitigation Measure BIO-1a includes provisions for the establishment of buffers between development and the Preserve and Stone Lakes NWR consistent with the SSHCP, or development of a Habitat Conservation Management Plan (should it be required). In addition, Mitigation Measure AES-4 requires shielding of light sources to avoid spillover lighting and night sky degradation and avoid impacts to the Preserve and Stone Lakes NWR. Implementation of Mitigation Measure BIO-1c requires greater sandhill crane habitat to be acquired at a 1:1 ratio and the land must be deemed suitable for sandhill crane in consultation with CDFW. The portion of Mitigation Measure BIO-1c relating to sandhill crane is revised, as shown below, to ensure that preserved habitat will not occur in the floodplain and will provide offsite foraging refugia to sandhill crane during flood events. Refer to Section 4, Errata, of this Final EIR for all revisions to the RDEIR.

- **Greater sandhill crane**. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land preserved shall be governed at a 1:1 mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable greater sandhill crane foraging habitat by the

City in consultation with CDFW, and shall include areas outside of floodplains to provide available refuge and foraging habitat during flood events.

However, the RDEIR does conclude that its impact to special-status species would be significant and unavoidable even after application of the mitigation measures identified. In addition, the RDEIR acknowledges the SOIA would encroach into current agriculture lands that provide a buffer to both the Preserve and Stone Lakes NWR (see RDEIR page 3.10-69). However, the proposed SOIA boundary, if approved, would not include lands currently managed by the Preserve or NWR.

2.1.1 - Impacts to the Implementation of the Proposed SSHCP

As noted above, several comment letters detailed concerns that the proposed SOIA would render the proposed SSHCP infeasible. CDFW commented that the No Project Alternative is preferred, but CDFW believes that with the current draft of the SSHCP, it may be possible to implement the SSHCP if the Enhanced Regional Alternative were selected.

As identified on RDEIR pages 3.4-36, -50 and 3.10-69 and -10, the SSHCP is still under preparation and is not an adopted document.

Biological Resources Impact Analysis for Proposed SOIA

Comment letters from The Nature Conservancy (TNC), Stone Lakes National Wildlife Refuge Association (Association), Environmental Council of Sacramento (ECOS), Sierra Club, California Native Plant Society (CNPS), and Friends of the Swainson's Hawk made the following general comments regarding the RDEIR's biological resources impact analysis:

- Adequacy of the description of the biological resources setting, habitat conditions and presence of special-status plant and animal species (see TNC comment letter dated May 21, 2013, ECOS comment letter dated May 30, 2013, Friends of the Swainson's Hawk letter dated May 14, 2013, CDFW letter dated May 20, 2013, and Association comment letter dated May 21, 2013, and Association comment letter dated May 21, 2013)
- Use of incomplete data sources.(see TNC comment letter dated May 21, 2013, ECOS comment letter dated May 30, 2013, Friends of the Swainson's Hawk letter dated May 14, 2013, CDFW letter dated May 20, 2013, and Association comment letter dated May 21, 2013)
- Inadequate and/or unenforceable mitigation measures (see TNC comment letter dated May 21, 2013, ECOS comment letter dated May 30, 2013, Friends of the Swainson's Hawk letter dated May 14, 2013, and Association comment letter dated May 21, 2013)

Each of these issue areas are responded to below.

Description of the Biological Resources Setting, Habitat Conditions and Presence of Special-Status Plant and Animal Species in the SOIA

As specifically identified in RDEIR Section 1 (Introduction), the extent of the environmental analysis is guided by the level of detail of the proposed project. Specifically, RDEIR Section 1.1.2 states:

> This RDEIR provides an analysis of the environmental effects of the proposed SOIA project. The environmental impacts of the proposed project are analyzed in the RDEIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. This document addresses the potentially significant adverse environmental impacts that may be directly or indirectly associated with the amendment of the existing City of Elk Grove SOI. There are no specific land use entitlements proposed at this time in conjunction with the proposed SOIA. No physical development is proposed in conjunction with the application. However, this RDEIR acknowledges that future urbanization of the project area may occur as an indirect result of this SOIA; therefore, this RDEIR contains an analysis of indirect environmental impacts attributable to or which could result from the proposed project.

In addition, Section 3.0 (Environmental Impact Analysis) states:

> As stated within Section 2.2, Project Characteristics, it is possible that the City may request annexation of the entire SOIA Area, or submit multiple annexation applications for portions of the SOIA Area. In addition, it is possible that the City may develop a phased annexation program to further guide development within the SOIA Area. For the purposes of analysis, this EIR assumes that the entirety of the SOIA Area would eventually be annexed and subsequently developed. This assumption represents the environmental "maximum impact" project scenario. However, this EIR does not assume a particular timeline for annexation and/or development of the SOIA Area. A phased annexation program may result in lessened environmental impacts. Due to the project not involving any development proposals, the unknown schedule of future annexation applications that may be submitted pursuant to approval of this project, and variability of a phased annexation program, a separate phased annexation program is not analyzed in this EIR. However, a proposal for annexation would be subject to further environmental review.

The setting and impact analysis provides an adequate degree of specificity for the underlying activity (amendment of the SOI boundary) consistent with CEQA Guidelines Section 15146. No specific annexation or development requests have been proposed as part of the SOIA, thus detailed parcel by

parcel study, protocol surveys, and extensive technical analysis would not be appropriate for this action.

RDEIR Section 3.4 (Biological Resources) provides an adequate level of technical information to determine potential biological resource impacts from future actions of the SOIA if approved, (annexation and development). Specifically, this section identifies:

- Habitat conditions of the proposed SOIA Area and surrounding region on RDEIR pages 3.4-1 through 3.4-6. This includes descriptions of agricultural cropland types, pasturelands, acreages of wetland resources based on the SSHCP landcover database, and the location and significance of the Stone Lakes NWF and the Cosumnes River Preserve.
- Potential presence of special-status plant and animal species on RDEIR pages 3.4-6 through 3.4-26. This includes CNDDB-recorded and SSCHP information on the occurrences of special-status species in the proposed SOIA, listing of special-status species and their habitat needs.
- Applicable biological regulations and policies (RDEIR pages 3.4-27 through 3.4-36) including the Federal Endangered Species Act, Migratory Bird Treaty Act, Federal Clean Water Act, California Endangered Species Act, State Fish and Wildlife Code, Native Plant Protection Act, Sacramento LAFCo Policies, Standards and Procedures, City of Elk Grove General Plan, City of Elk Grove Municipal Code Chapter 16.130 (Swainson's Hawk Impact Mitigation Fees) and Chapter 19.12 (Tree Preservation).

This information is consistent with the environmental setting content requirements of CEQA Guidelines Section 15125.

Use of Incomplete Data Sources

As noted above, several comment letters state that the RDEIR fails to utilize adequate data sources. It is acknowledged that the RDEIR does utilize the CNDDB and a site reconnaissance performed by MBA on October 11, 2010. However, the document also utilizes information from the working draft of the SSHCP (see RDEIR page 3.4-11). These information sources were considered adequate for describing the extent of the proposed SOIA's biological resource impacts at an appropriate level of specificity for the underlying activity (SOIA) consistent with CEQA Guidelines Section 15146.

Additional information provided by comments on the Swainson's Hawk and greater sandhill crane is added to Impact BIO-1 of the Recirculated Draft EIR. These changes do not alter the conclusions of Impact BIO-1 in the RDEIR that identified impacts to special-status species as significant and unavoidable and does not constitute "significant new information" as defined under CEQA Guidelines Section 15088.5. Refer to Section 4, Errata, of this Final EIR for all revisions to the RDEIR.

RDEIR page 3.4-39 is amended to include the following text:

> State fully protected greater sandhill crane and state threatened Swainson's Hawk potentially occur within the project area. While the CNDDB does not have any recorded occurrences of the greater sandhill crane in the SOIA Area, information has been provided to LAFCo identifying that this species is known to occur in the Stone Lakes Wildlife Refuge and the proposed SOIA during flood events (ECOS, May 20, 2013 correspondence and Ivey 2005b –b "Mitigating Loss of Sandhill Crane Habitat in South Sacramento County). Impacts to Swainson's Hawks in South Sacramento County are of focused concern based on extensive use of the area that has been identified with approximately 12 nest territories south of the City of Elk Grove, east of Interstate 5 and west of Highway 99 and approximately 18 nest territories east of Highway 99 and north of the Cosumnes River (Friends of the Swainson's Hawk May 14, 2013 correspondence and Estep 2007 – "Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (*Buteo swainsoni*) and Estep 2009 – "Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (*Buteo swainsoni*) in the City of Elk Grove, CA") Similar impacts from the loss of foraging habitat during flooding events are anticipated to occur to the greater sandhill crane.

Adequacy and Enforceability of Mitigation Measures for Biological Resources

The comment letters noted above express concerns that the Mitigation Measures BIO-1a, BIO-1b, BIO-1c, and BIO-2 are unenforceable and inadequate. Please see Master Response 1 regarding the enforceability of mitigation measures and deferred mitigation in the RDEIR.

Master Response 9 – Reference to Comments Submitted on the Original Draft EIR

Several comment letters reference previous comments submitted on the original Draft EIR and request that those comments be considered.

As identified on RDEIR page 1-2, the original Draft EIR was circulated for public comment for a public review period beginning on September 29, 2011 and extended by the Commission to end November 14, 2012. After the close of the public comment period, LAFCo staff determined it was necessary to add new information to the Draft EIR in order to address comments received on the Draft EIR, address changes in the environmental setting related to the Sacramento County General Plan Update EIR and the updated Sacramento Area Council of Governments' Metropolitan Transportation Plan/Sustainable Communities Strategy for 2035, and refine the analysis to ensure that the EIR adequately addresses the requirements of CEQA. The entire original Draft EIR was revised and the Recirculated Draft EIR was released on March 21, 2013 for a sixty-day public review period. The Recirculated Draft EIR replaces the Draft EIR in total. In accordance with CEQA Guidelines Section 15088.5(f)(1), Sacramento LAFCo requested that new comments on the Recirculated Draft EIR be provided, and identified that the Recirculated Draft EIR would not provide responses to comments on the original Draft EIR.

CEQA Guidelines Section 15088.5(f)(1) states (see specific citation below) that new comments must be submitted for the Recirculated Draft EIR and that LAFCo need only respond to those comments submitted in response to the Recirculated Draft EIR:

> When an EIR is substantially revised and the entire document is recirculated, the lead agency may require reviewers to submit new comments and, in such cases, need not respond to those comments received during the earlier circulation period. The lead agency shall advise reviewers, either in the text of the revised EIR or by an attachment to the revised EIR, that although part of the administrative record, the previous comments do not require a written response in the final EIR, and that new comments must be submitted for the revised EIR. The lead agency need only respond to those comments submitted in response to the recirculated revised EIR.

While this Final EIR does not directly respond to comments on the original Draft EIR, they were considered in the preparation of the RDEIR (see RDEIR pages 1-5 through 1-8). The major environmental issues identified in the comment letters on the Draft EIR are the same as those that have been identified in comment letters on the RDEIR and consist of the following general topic areas that are responded to in the master responses as well as individual responses in this Final EIR:

- Concerns regarding the adequacy and enforceability of mitigation measures identified.
- Failure to adequately address cumulative impacts of the proposed SOIA in relation of other development and projects in the region.
- Consistency with the LAFCo Policies, Standards and Procedures, Sacramento County General Plan, and the Metropolitan Transportation Plan/Sustainable Communities Strategy.
- Adequacy of water supply and groundwater resources to serve the proposed SOIA and associated environmental effects of providing water supply service.
- Drainage and flooding impacts associated with the Stone Lakes National Wildlife Refuge and the Cosumnes River.
- Impacts on the viability of the proposed South Sacramento County Habitat Conservation Plan.
- Failure to adequately identify biological resources in the proposed SOIA and the associated impacts of development of the proposed SOIA on habitat and special-status species (focused concerns regarding Swainson's Hawk and Greater Sandhill crane).

SECTION 3: RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT EIR

SECTION 3: RESPONSES TO COMMENTS ON THE RECIRCULATED DRAFT EIR

3.1 - List of Commenters

A list of public agencies, organizations, and individuals that provided comments on the Recirculated Draft EIR (RDEIR) is presented below. Each comment has been assigned a code. Individual comments within each communication have been numbered so comments can be crossed-referenced with responses. Following this list, the text of the communication is reprinted and followed by the corresponding response.

Table 3-1: List of Commenters

Commenter	Comment Date (mm.dd.yyyy)	Commenter Code
STATE AGENCIES		
California Governor's Office of Planning and Research, Scott Morgan	05.07.2013	OPR-1
California Governor's Office of Planning and Research, Scott Morgan	05.22.2013	OPR-2
California Department of Fish and Wildlife, Tina Bartlett	05.20.13	CDFW
Caltrans, Eric Fredericks	05.21.13	CALTRANS
LOCAL AGENCIES		
Cosumnes Community Services District, Jeff Ramos	04.17.13	CCSD
Central Valley Regional Water Quality Control Board, Trevor Cleak	05.01.13	CVRWQCB
Sacramento Metropolitan Fire District, Kurt Henke	05.07.13	SMFD
Sacramento County Farm Bureau, Walter Hardesty	05.17.13	SCFB
City of Galt, Steven Winkler	05.21.13	GALT
County of Sacramento, Bradley J. Hudson	05.21.13	SACCo
County of Sacramento, Dept. of Transportation, Kamal Atwal	05.21.13	SACDOT
Sacramento Area Council of Governments, Mike McKeever	05.13.13	SACOG
Sacramento Metropolitan Air Quality Management District, Larry Greene	05.20.13	SMAQMD
PRIVATE ORGANIZATIONS		
Natural Resources Defense Council, Justin Horner	05.21.13	NRDC
Friends of the Swainson's Hawk, Environmental Council of Sacramento, Sierra Club, Sacramento Green Democrats	04.30.13	ECOS-1
Friends of The Swainson's Hawk	05.14.13	FOSH-1
GRASP	05.16.13	GRASP

Table 3-1 (cont.): List of Commenters

Commenter	Comment Date (mm.dd.yyyy)	Commenter Code
The Nature Conservancy, Jesse Roseman	05.21.13	TNC
Friends of the Swainson's Hawk, Melinda Dorin Bradbury	05.20.13	FOSH-2
Stone Lakes National Wildlife Refuge, Ellen Carlson	05.21.13	SLNWR
Soluri Meserve, Osha Meserve (LATE)	05.23.13	SOL
ECOS, Rick Guerrero (LATE)	05.30.13	ECOS-2
ECOS, Rick Guerrero (LATE)	05.30.13	ECOS-2a
Mooney Letter	2011	FOSH-3
Smallwood Letter	2011	FOSH-4
INDIVIDUALS		
Janet Thew	03.30.13	THE
Barbara Morse Wackford	03.30.13	WACK
Kathleen Claudon	04.23.13	CLA
Liz Cantor	04.23.13	CANT
Sarah Johnson	04.23.13	JOHN-1
Tom Mahon	04.23.13	MAHO
Allen Jamieson	05.01.13	JAM
Suzanne Pecci	05.01.13	PEC-1
Suzanne Pecci	05.01.13	PEC-2
Susan Mason	05.15.13	MAS
Sarah Johnson	05.15.13	JOHN-2
Kautz Family	05.16.13	KAU
Kathleen Lee	05.20.13	LEE-1
Steven Lee	05.20.13	LEE-2
Scott Taylor	05.20.13	TAY
Ed and Diane Owen	05.20.13	OWEN
Theresa Blue	05.21.13	BLUE
Michael Monasky	05.21.13	MON
Verbal Comments		
Comments at the LAFCo hearing for the RDEIR	05.01.13	TRANS

3.2 - Responses to Comments

3.2.1 - Introduction

In accordance with the California Environmental Quality Act (CEQA) Guidelines Section 15088, the Sacramento Local Agency Formation Commission (LAFCo), as the lead agency, evaluated the comments received on the RDEIR (State Clearinghouse No. 2010092076) for the Elk Grove Sphere of Influence Amendment project (LAFC # 09-10) and has prepared the following responses to the comments received. This Response to Comments document becomes part of the Final EIR for the project in accordance with CEQA Guidelines Section 15132.

3.2.2 - Comment Letters and Responses

The comment letters reproduced in the following pages follow the same organization as used in the List of Commenters.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

RECEIVED
MAY 16 2013
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

May 7, 2013

Don Lockhart
Sacramento County Local Agency Formation Commission (LAFCo)
1112 I Street, Suite #100
Sacramento, CA 95818-2836

Subject: Proposed City of Elk Grove Sphere of Influence (SOI) Amendment (LAFCO #09-10)
SCH#: 2010092076

Dear Don Lockhart:

The State Clearinghouse submitted the above named Draft EIR to selected state agencies for review. On the enclosed Document Details Report please note that the Clearinghouse has listed the state agencies that reviewed your document. The review period closed on May 6, 2013, and the comments from the responding agency (ies) is (are) enclosed. If this comment package is not in order, please notify the State Clearinghouse immediately. Please refer to the project's ten-digit State Clearinghouse number in future correspondence so that we may respond promptly.

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

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

1

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

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

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

Document Details Report
State Clearinghouse Data Base

SCH# 2010092076
Project Title Proposed City of Elk Grove Sphere of Influence (SOI) Amendment (LAFCO #09-10)
Lead Agency Sacramento County Local Agency Formation Commission

Type EIR Draft EIR

Description The proposed project consists of a request initiated by the Elk Grove City Council (Resolution #2008-54) to Sacramento Local Agency Formation Commission (LAFCo) to amend to the City of Elk Grove's SOI. The current SOI is coterminous with the City boundary. The application to amend the SOI includes 7,869 acres generally described as the areas south of Bilby Road/Kammerer Road and Grant Line Road. Current City of Elk Grove land use projections indicates that future growth may require additional lands outside of the current city boundary. The City's available residential, industrial, and commercial land inventory is in the process of building out and may be unable to accommodate all anticipated urban growth within the city limits. As a result, the City needs to establish a direction to accommodate its anticipated future growth by designating an area for long-term planning. For purposes of analyzing environmental impacts, LAFCo has developed land use assumptions in the following sections that would allow LAFCo to understand environmental effects that may result from future anticipated growth during future annexations.

Lead Agency Contact

Name Don Lockhart
Agency Sacramento County Local Agency Formation Commission (LAFCo)
Phone 916 874-6458 **Fax** 916 874-2939
email Don.Lockhart@saclafco.org
Address 1112 I Street, Suite #100
City Sacramento **State** CA **Zip** 95818-2836

Project Location

County Sacramento
City
Region
Lat / Long 38° 21' 37" N / 121° 23' 02" W
Cross Streets Kammerer Road and Hwy 99
Parcel No. Multiple
Township 6N **Range** 5E **Section** 13 **Base**

Proximity to:

Highways Hwy 99, I-5
Airports Franklin Field
Railways UPRR
Waterways Consumnes River, Dry Creek, Sacramento River
Schools Multiple
Land Use Primarily Agricultural Cropland/General Agriculture (GP) and AG80 (zoning)

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

Reviewing Agencies Resources Agency; Department of Conservation; Department of Fish and Wildlife, Region 2; Office of Historic Preservation; Department of Parks and Recreation; Central Valley Flood Protection Board; Department of Water Resources; Caltrans, Division of Aeronautics; California Highway Patrol; Caltrans, District 3 S; Regional Water Quality Control Bd., Region 5 (Sacramento); Department of Toxic Substances Control; Native American Heritage Commission; Public Utilities Commission; State

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

Document Details Report
State Clearinghouse Data Base

Lands Commission

Date Received 03/20/2013 ***Start of Review*** 03/21/2013 ***End of Review*** 05/06/2013

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

California Governor's Office of Planning and Research, Scott Morgan (OPR-1)

Response to Comment OPR-1

The comment refers to comment letters submitted on the RDEIR. No comments on the content or adequacy of the RDEIR are provided.

STATE OF CALIFORNIA

Governor's Office of Planning and Research

State Clearinghouse and Planning Unit

Edmund G. Brown Jr.
Governor

Ken Alex
Director

RECEIVED
JUN 04 2013
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

May 22, 2013

Don Lockhart
Sacramento County Local Agency Formation Commission (LAFCo)
1112 I Street, Suite #100
Sacramento, CA 95818-2836

Subject: Proposed City of Elk Grove Sphere of Influence (SOI) Amendment (LAFCO #09-10)
SCH#: 2010092076

Dear Don Lockhart:

The enclosed comment (s) on your Draft EIR was (were) received by the State Clearinghouse after the end of the state review period, which closed on May 6, 2013. We are forwarding these comments to you because they provide information or raise issues that should be addressed in your final environmental document.

The California Environmental Quality Act does not require Lead Agencies to respond to late comments. However, we encourage you to incorporate these additional comments into your final environmental document and to consider them prior to taking final action on the proposed project. 1

Please contact the State Clearinghouse at (916) 445-0613 if you have any questions concerning the environmental review process. If you have a question regarding the above-named project, please refer to the ten-digit State Clearinghouse number (2010092076) when contacting this office.

Sincerely,

Scott Morgan
Director, State Clearinghouse

Enclosures
cc: Resources Agency

California Governor's Office of Planning and Research, Scott Morgan (OPR-2)

Response to Comment OPR-2

The comment refers to late responses on the RDEIR and states that lead agencies are not required to respond to late comments. The comment is noted.

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

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

May 20, 2013

RECEIVED
MAY 20 2013
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

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

Dear Mr. Lockhart:

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

The proposed SOIA for the City is an important policy instrument used in implementing the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (CKH). A SOI is defined by Government Code Section 56425 as "a plan for the probable physical boundary and service area of a local governmental agency, as determined by LAFCo...." The SOIA area represents territory adjacent to the service area of a jurisdiction where services might reasonably be expected to be provided in the next 20 years. Although the proposed SOIA would amend the City's Sphere of Influence boundaries, property within the amended SOI would not be within the City's jurisdiction until future requests for annexation of property are approved by LAFCo. If and when future requests for annexation are approved, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. Approval of the SOIA project does not commit the City to development of any particular uses or the maximum amount of development described for this Recirculated Draft EIR. If the SOIA project is approved, future development will be driven by market conditions and future planning decisions by the City, in terms of timing and type and intensity of development. 1

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

Biological Resources

The RDEIR identifies the proposed project area to contain mostly agricultural lands, and describes that these lands mostly contain suitable foraging habitat for the Swainson's hawk (SWHA; *Buteo swainsoni*). The DFW agrees with this assertion and considers these mixed agricultural lands to be of the highest quality of foraging habitat. The RDEIR further depicts 2

numerous nests to occur within a 5 mile distance of the proposed project area. The nests depicted in chapter 3.4 of the RDEIR are simply nests that are known to occur and likely only represent a portion of population within the vicinity of the project has not been conducted. An inventory of all nests within the vicinity of the project, and the database used to portray these nests (the California Natural Diversity Database; CNDDB) is not an exhaustive and comprehensive inventory of all rare species and natural communities statewide. The DFW recently conducted a study to estimate the SWHA nesting population for a portion of northern California, including the proposed project area. As a result of this study, we found the proposed project area to contain a high population of nesting SWHA (Gifford et al., 2012). 2 (cont.)

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

MM Bio-1a requires that: a) a reconnaissance level survey for special-status species be conducted prior to land being annexed, b) avoidance of special-status species and their habitats shall be addressed during project design, and if avoidance is infeasible, mitigation of special-status species shall occur pursuant to Measure C, and c) the City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan (SSHCP) or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. Item c further requires that the HCMP be developed in consultation with the DFW, and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). We agree that these measures are necessary to lessen impacts to special status species, and in addition recommend that the RDEIR be revised to state that the HCMP shall require approval by the DFW and USFWS rather than simply consulting with these agencies, since a consultation in itself does not necessarily: 1) result in effective mitigation measures to protect these species and their habitats, or 2) result in achieving the standards necessary under Fish and Game Code (FGC) § 2080 et seq. 3

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

"In order to avoid take (FGC § 86) of protected raptors (FGC § 3503.5), a pre-construction raptor nest survey shall be conducted within a quarter-mile (1320 feet) of the project site, and within 15 days prior to the beginning of construction activities by a California Department of Fish and Wildlife approved biologist in order to identify active nests in the project site vicinity. The results of the survey shall be submitted to the city of Elk Grove and the DFW. If active nests are found, a quarter-mile initial temporary nest disturbance buffer shall be established. If project related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, then an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall along with the project proponent, consult with the DFW to determine the best course of action necessary to avoid nest 4

abandonment or take of individuals. Work may only be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the DFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the quarter-mile buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior." 4 (cont.)

Alternatives to the Proposed Project

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

As our comment for MM Bio-1a describes above, the RDEIR requires that the City shall participate in the SSHCP or shall require the preparation and implementation of a HCMP for all affected special status species and habitats. It is important to note that currently the draft SSHCP requires that mitigation for mixed agricultural croplands in the western portion of the planning area must occur within the western portion of the planning area. In order to accommodate the level of impacts to habitat that the plan currently depicts (which includes the RDEIR's proposed project of the full urbanization of 7,900 acres in the proposed SOIA area), approximately 40% of all farmlands in the western portion of the planning area must be acquired. The DFW does not believe that the acquisition of 40% of all farm lands in this region is possible considering that the acquisition of these lands would be based on a "willing-seller" basis. The DFW has experienced willing seller acquisition rates to be closer to 15% for the on-going San Joaquin Multi-Species Habitat Conservation and Open Space Plan (SJHCP), which has been implemented for approximately 12 years. In an effort to reduce the needed acquisition rate to the current approximately 40% rate associated with the SSHCP, the County of Sacramento (Sacramento Regional County Sanitation District), and City of Galt recently made significant contributions to reduce their impacts to habitat. As we describe above, the DFW does not believe that the acquisition of 40% of all farm lands in this region is possible, and therefore believes that with the current level of impacts to habitat (including the full urbanization of 7,800 acres associated with the proposed project), the SSHCP likely will not be able to meet the mitigation standards required by FGC § 2080 et. seq. rendering the SSHCP impossible to implement. 5

The DFW believes that the SSHCP, if revised to reduce the level of impacts to habitat in the mixed agricultural croplands in the western portion of the planning area, will be cumulatively and regionally the best biological scenario for achieving the standards required by FGC § 2080 et. seq. Therefore, we do not recommend selection of the proposed project for reasons described above. We do support the RDEIR's no project alternative, which we believe would best allow for successful implementation of the SSHCP. We also believe that with the current draft of the SSHCP, it may be possible to implement the SSHCP successfully if the RDEIR's Enhanced Regional Alternative (ERA) were selected, since the ERA is limited to 4,350 acres, and assuming that the acquisition of farm lands in the western portion of the SSHCP planning area 6

with the ERA selected would then be much closer to the 15% acquisition rate experienced with the SJHCP. 6 (cont.)

General

This project may have an impact to fish and/or wildlife habitat. Assessment of fees under Public Resources Code Section 21089 and as defined by Fish and Game Code Section 711.4 may be necessary. Fees are payable by the project applicant upon filing of the Notice of Determination by the lead agency. 7

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

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

Sincerely,

Tina Bartlett

Tina Bartlett
Regional Manager

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

Jeff Drongesen
Jenifer Navicky
Todd Gardner
Department of Fish and Wildlife

Literature Cited

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

California Department of Fish and Wildlife, Tina Bartlett (CDFW)

Response to Comment CDFW-1

The comment states the nest site data noted in the RDEIR is incomplete. While the RDEIR acknowledges that the proposed SOIA Area contains multiple nest sites and valuable foraging habitat for Swainson's Hawk, the RDEIR did not intend to imply that the referenced nest sites are the only nest sites for Swainson's Hawk within the proposed SOIA Area. The RDEIR analyses are not based upon the assumption that those are the only sites for Swainson's Hawk. See Master Response 8. Impact BIO-1 of the RDEIR (page 3.4-39) has been amended to include additional data on Swainson's Hawk nest sites near the proposed SOIA Area. These changes and the information provided in the comment do not alter the conclusions of Impact BIO-1 in the RDEIR that identified impacts to special-status species as significant and unavoidable and does not constitute "significant new information" as defined under CEQA Guidelines Section 15088.5. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Response to Comment CDFW-2

The CDFW requests that RDEIR mitigation measures require CDFW and USFWS approval of the Habitat Conservation Management Plan, instead of consultation with these agencies. Mitigation Measure BIO-1a does not reduce or intervene with the CDFW's ability to exercise its regulatory authority or intervene in the applicability of regulatory requirements in responding to permit requests at a future date if the proposed SOIA is approved. Mitigation Measure BIO-1a has been amended (1) to clarify that the City of Elk Grove will demonstrate compliance with applicable requirements of the federal Endangered Species Act and the California Endangered Species Act and (2) to require approval from CDFW and USFWS, when such approval is required under applicable law. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Mitigation Measure BIO-1a, part C, on RDEIR page 3.4-41 is amended as follows:

> C. The City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. The HCMP shall include assessment, disclosure and mitigation for nesting and foraging habitat impacts to protected species, as discussed further in Mitigation Measure BIO-1b and BIO-1c. The HCMP shall be developed in consultation with California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). <u>The City of Elk Grove shall demonstrate compliance with all applicable requirements under the federal Endangered Species Act and the California Endangered Species Act and shall obtain approval of the HCMP from CDFW and USFWS, when such approval is required under applicable law.</u> The City of Elk Grove shall consult with Sacramento County during development of the HCMP, in the County's capacity as the lead of the South Sacramento Habitat Conservation Plan

(SSHCP). The City of Elk Grove shall~~, and~~ provide proof of consultation with the County, CDFW, and USFWS to LAFCo.

Response to Comment CDFW-3

The comment states that Mitigation Measure BIO-1a could be interpreted as optional, rather than mandatory. A review of the mitigation measure in comparison with the CDFW's request shows the request to be substantially similar to the existing requirements, with the exception (1) that the RDEIR requires identification of nests within 0.5 mile of the project site, which is a more conservative/larger area than the CDFW's request; (2) the language concerning an "approved biologist"; and (3) the time frame for conducting the survey. Mitigation Measure BIO- 1b on page 3.4-22 of the RDEIR is revised as shown in Master Response 1. These changes do not alter the conclusions of Impact BIO-1 in the RDEIR that identified impacts to special-status species as significant and unavoidable and does not constitute "significant new information" as defined under CEQA Guidelines Section 15088.5. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Response to Comment CDFW-4

The comment relates to the ability of the Draft SSHCP to implement the mitigation standards required by Fish and Game Code (FGC) Section 2080 et seq. The ability or inability of the Draft SSHCP to meet the mitigation standards required by state statute is not within LAFCo's purview or the proposed SOIA's environmental assessment. In addition, it is understood that the SSHCP is currently in draft form. The approval or potential non-project-related modification of the Draft SSHCP is also outside of the purview of the proposed SOIA and proposed SOIA CEQA analysis. Since buildout of the proposed SOIA Area will occur within the context of an approved SSHCP or habitat conservation management plan (HCMP) (as identified in Mitigation Measure BIO-1) and the CDFW will be engaged in the drafting of either plan, it can be assumed that the "buildout" of a future developed land plan and subsequent mitigation program will be feasible.

Response to Comment CDFW-5

The comment recommends against selection of the SOIA as proposed and supports the No Project Alternative. The comment further states that the Draft SSHCP may be successfully implemented under the RDEIR's Enhanced Regional Alternative. Please refer to Response to Comment CDFW-4 for the project's components and interaction with the ability of the SSHCP to be implemented.

Response to Comment CDFW-6

The comment notes that development could affect fish and/or wildlife habitat and would be responsible for payment of fees under Public Resources Code Section 21089 and FGC 711.4. Comment noted.

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SCH# 2010092076

Mr. Don Lockhart
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95818-2836

Proposed City of Elk Grove Sphere of Influence (SOI) Amendment (LAFC 09-10) – Draft Environmental Impact Report (DEIR)

Dear Mr. Lockhart:

Thank you for including the California Department of Transportation (Caltrans) in the environmental review process for the project referenced above. This project proposes to amend the City of Elk Grove's SOI to include 7,869 acres to accommodate future growth predictions. Approximately 6,882 acres will be for development (such as housing and commercial centers) and 987 acres will be left as open space. The project is located south of Bilby Road/Kammerer Road and Grant Line Road, as far west as to Interstate 5 (I-5) and past State Route (SR) 99 on the east.

Caltrans has the following comments are based on the DEIR:

- Our comments in our previous letters, on November 21, 2011 and October 27, 2010, regarding Traffic Impact Study (TIS) components and State Highway System (SHS) considerations have not been addressed. The TIS does not use peak hour volumes in the analysis, but rather uses Average Daily Trips (ATD). The use of ADTs in this kind of analysis fails to capture the magnitude of those impacts. 1
- Proposed Mitigation Measures TRANS-1 references providing "service levels consistent with the City's and County's General Plans" (Page ES-32). As owner operator of the SHS, Caltrans standards should also be included in this measure. 2
- Provide Caltrans a copy of the Drainage Master Plan which addresses all issues mentioned in Section 3.9 of the Recirculated DEIR. The Master Plan should address all/any hydraulic deficiencies in the existing bridges. Copies of studies and models developed to design the storm water facilities should be included. 3

- The City of Elk Grove should specify whether they intend to pursue CEQA streamlining exemptions pursuant to SB 375 during the annexation process. 4

If you have any questions regarding these comments or require additional information, please contact Mindy Bacharach, Intergovernmental Review Coordinator, at (916) 263-1625 or by email at melinda.bacharach@dot.ca.gov.

Sincerely,

ERIC FREDERICKS, Chief
Office of Transportation Planning – South

cc: Scott Morgan, State Clearinghouse

Caltrans, Eric Fredericks (CALTRANS-1)

Response to Comment CALTRANS-1

The comment requests that the RDEIR include analysis of peak-hour conditions in addition to the daily volumes included in the RDEIR. As stated in Section 2.2, Project Description, of the RDEIR, the land use assumptions for the proposed SOIA were developed by LAFCo staff, in consultation with City staff, for the purposes of understanding possible environmental effects that could occur in the proposed SOIA Area and do not necessarily represent the City's vision for land use distribution in the SOIA Area. No land use plan is proposed as part of the proposed SOIA.

CEQA Guidelines Section 15146 states, "The degree of specificity required in an EIR will correspond to the degree of specificity involved in the underlying activity which is described in the EIR." Therefore, analysis of peak-hour conditions was not used, since development and use of peak-hour traffic volumes in the analysis would convey a level of accuracy in the analysis that cannot be achieved without a land plan or transportation network to support it. In addition, any future development, if pursued by the City of Elk Grove, will require annexation of the subject parcel(s) and would be subject to its own CEQA review, which would include analysis appropriate to the level of environmental review of that future development proposal. The commenter is referred to Mitigation Measure TRANS-1, which requires preparation of traffic impact analyses for any project application to annex territory within the proposed SOIA Area.

Response to Comment CALTRANS-2

The comment requests revision to Mitigation Measure TRANS-1 to include consistency with Caltrans standards. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR. Mitigation Measure TRANS-1 on page 3.15-33 and ES-32 is amended as follows:

MM TRANS-1 At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove will consult with Sacramento County and Caltrans to establish transportation improvement plans and funding mechanisms to provide service levels consistent with the City's General Plan, ~~and~~ the County's General Plan~~s~~, and Caltrans standards. In addition, any future annexation and development activity within the SOIA Area will require the preparation of traffic impact analyses that would include discussion of the project's fair-share contribution and mitigation strategies, including regional transportation plans.

Response to Comment CALTRANS-3

The comment requests a copy of the Drainage Master Plan that addresses hydraulic deficiencies to existing bridges and provides studies and models utilized to design stormwater facilities. As the proposed SOIA does not include development at this time, and because land uses are used to design the ultimate capacity for infrastructure, a Drainage Master Plan cannot be prepared at this time. As contained in Mitigation Measure HYD-3, the Drainage Master Plan shall be provided by the City to Caltrans, and the City shall provide proof of consultation with Caltrans to LAFCo. Mitigation

Measure HYD-3 on pages 3.9-35 and ES-27 has been amended. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR. Please refer to Master Response 1 for additional discussion of enforceability of mitigation.

MM HYD-3 Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas. This can be accomplished by (1) Preparing a Master Drainage Plan (Plan) for the SOIA Area and requiring site-specific drainage plans for future projects to conform to requirements of the Plan, or (2) enacting modification of the City's existing Stormwater Master Plan that includes the following components. The Plan shall include disclosure of where stormwater is designed to be released into waterway crossings at State Route 99 and/or Interstate 5 roadway facilities. The Plan shall include a review, analysis, and disclosure of locations where channel capacity inadequacies lie, as well as capacities of bridges crossing State Route 99 and Interstate 5 associated with inadequate channels. The Plan shall identify the need for additional bridge capacity, if necessary. City shall develop measures to minimize, avoid, reduce, or compensate for potential impacts to roadway facilities in consultation with the California Department of Transportation. <u>The City shall provide copies of the Drainage Master Plan and all/any studies and models developed to design the stormwater facilities or that support the Plan.</u> The City shall provide proof of consultation with the California Department of Transportation to LAFCo. In addition, the Master Drainage Plan shall identify areas of potential impacts due to encroachments on channels or levees, measures to provide improvements or maintenance where development in the SOIA Area would affect channels or levees.

The Plan shall require individual projects to prepare a detailed drainage plan that demonstrates attainment of pre-project runoff rates prior to release at the outlet canal and describes the volume reduction measures and treatment controls used to reach attainment. The Master Drainage Plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Master Drainage Plan shall also include the geotechnical report verifying groundwater elevation for the regional basins.

Response to Comment CALTRANS-4

The comment questions whether the City will pursue streamlining pursuant to SB 375 during the annexation process. Because the nature of future projects is unknown at this time, the level of future CEQA review and the ability to streamline is currently not known.

COSUMNES
PARKS RECREATION FIRE
CSD

ADMINISTRATIVE SERVICES DEPARTMENT

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April 17, 2013

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

Re: City of Elk Grove Sphere of Influence Amendment – Recirculated Draft Environmental Impact Report

Dear Mr. Lockhart:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (EIR) for the proposed City of Elk Grove's Sphere of Influence Amendment.

The Cosumnes Community Services District currently provides all parks, recreation, fire protection and emergency medical services within Elk Grove's current city limits as well as the proposed Sphere of Influence expansion area. Our comments will be limited to the impact such an expansion and possible future development would have on parks, recreation and fire services provided by the Cosumnes Community Services District.

In our review of the Recirculated Draft EIR, the CCSD found several inaccuracies that should be addressed:

1) Draft EIR, Page 3.8-10, SA-5-Action 1 – the Draft EIR states "The establishment of the EOC should be coordinated with the Elk Grove Police Department, appropriate City departments, the Elk Grove CSD Fire District, and the County Sheriff's Department." 1
2) Draft EIR, Page 3.8-10, SA-5-Action 2 – the Draft EIR states "Establish an emergency response organization consisting of representatives from the Elk Grove Police Department, City departments, the Elk Grove CSD Fire Department, County agencies, utility agencies, schools, and the public. 2
3) Draft EIR, Pages 3.14-15 and 3.16-21, Policy PF-2 – the Draft EIR states "The City shall coordinate with outside service agencies – including water and sewer providers, the Elk Grove Community Services District, and the Elk Grove Unified School District – during the review of plans and development projects." 3
4) Draft EIR, Page 3.14-16, Policy SA-32 – the Draft EIR states "Cooperate with the Elk Grove Community Services District (EGCSD) Fire Department to reduce fire hazards, assist in fire suppression, and promote fire safety in Elk Grove." 4

These statements should reference the Cosumnes Community Services District and not the Elk Grove CSD or Elk Grove Community Services District.

5) Draft EIR, Page 3.14-1, Service Response – the Draft EIR states "The Department currently staffs eight engine companies, one ladder truck company, four ambulances and a command vehicle each day on a 24-hour basis." 5

This statement is inaccurate in that the Fire Department staffs six ambulances each day and not four as referenced.

6) Draft EIR, Page 3.14-2, Service Standards – the Draft EIR states "CCSD is currently handling more emergency response calls than the state average, due to substantial growth and increases in traffic volumes and traffic congestion." 6

The statement "...due to substantial growth and increases in traffic volumes and traffic congestion." should be removed as it does not relate to the number of emergency response calls.

7) Draft EIR, Page 3.14-13, Uniform Fire Code

7

All references in this paragraph should be to the California Fire Code and not the Uniform Fire Code.

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report (EIR) for the proposed City of Elk Grove's Sphere of Influence Amendment.

Sincerely,

Jeff Ramos
General Manager

Cosumnes Community Services District, Jeff Ramos (CCSD)

Response to Comment CCSD-1

The comment identified a revision to the Regulatory Environment of Section 3.8, Hazards and Hazardous Materials, of the RDEIR. The referenced text is a policy from the City of Elk Grove General Plan. Because the referenced text is a direct quote from an existing document, the requested change is not made in the RDEIR. However, it is noted that the Elk Grove CSD was reorganized with the Galt Fire Protection District in 2006, and was renamed the Cosumnes Community Services District.

Response to Comment CCSD-2

The comment identified a revision to the Regulatory Environment of Section 3.8, Hazards and Hazardous Materials, of the RDEIR. The referenced text is a policy from the City of Elk Grove General Plan. Because the referenced text is a direct quote from an existing document, the requested change is not made in the RDEIR. However, it is noted that the Elk Grove CSD was reorganized with the Galt Fire Protection District in 2006, and was renamed Cosumnes Community Services District.

Response to Comment CCSD-3

The comment identified a revision to the Regulatory Environment of Section 3.14, Public Services, of the RDEIR. The referenced text is a policy from the City of Elk Grove General Plan. Because the referenced text is a direct quote from an existing document, the requested change is not made in the RDEIR. However, it is noted that the Elk Grove CSD was reorganized with the Galt Fire Protection District in 2006, and was renamed the Cosumnes Community Services District.

Response to Comment CCSD-4

The comment identified a revision to the Regulatory Environment of Section 3.14, Public Services, of the RDEIR. The referenced text is a policy from the City of Elk Grove General Plan. Because the referenced text is a direct quote from an existing document, the requested change is not made in the RDEIR. However, it is noted that the Elk Grove CSD was reorganized with the Galt Fire Protection District in 2006, and was renamed the Cosumnes Community Services District.

Response to Comment CCSD-5

The comment identified a revision to the Introduction of Section 3.14, Public Services, of the RDEIR. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR. The text on page 3.14-1 of the RDEIR is amended as follows:

> The department currently staffs eight engine companies, one ladder truck company, <u>six</u> ~~four~~ ambulances, and a command vehicle each day on a 24-hour basis.

Response to Comment CCSD-6

The comment identified a revision to the Regulatory Environment of Section 3.14, Public Services, of the RDEIR. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR. The text on page 3.14-2 of the RDEIR is amended as follows:

CCSD is currently handling more emergency response calls than the state average~~, due to substantial growth and increases in traffic volumes and traffic congestion~~.

Response to Comment CCSD-7

The comment identified a revision to the Regulatory Environment of Section 3.14, Public Services, of the RDEIR. The text on page 3.14-13 of the RDEIR is amended as follows:

~~Uniform Fire Code~~ California Fire Code

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

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SECRETARY FOR
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Central Valley Regional Water Quality Control Board

1 May 2013

Don Lockhart
Sacramento Local Agency Formation Commission
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COMMENTS TO REQUEST FOR REVIEW FOR THE ENVIRONMENTAL IMPACT REPORT, PROPOSED CITY OF ELK GROVE SPHERE OF INFLUENCE (SOI) AMENDMENT (LAFC #09-10) PROJECT, SCH NO. 2010092076, SACRAMENTO COUNTY

Pursuant to the State Clearinghouse's 21 March 2013 request, the Central Valley Regional Water Quality Control Board (Central Valley Water Board) has reviewed the *Request for Review for the Draft Environmental Impact Report* for the Proposed City of Elk Grove Sphere of Influence (SOI) Amendment (LAFC #09-10) Project, located in Sacramento County.

Our agency is delegated with the responsibility of protecting the quality of surface and groundwaters of the state; therefore our comments will address concerns surrounding those issues.

Construction Storm Water General Permit

Dischargers whose project disturb one or more acres of soil or where projects disturb less than one acre but are part of a larger common plan of development that in total disturbs one or more acres, are required to obtain coverage under the General Permit for Storm Water Discharges Associated with Construction Activities (Construction General Permit), Construction General Permit Order No. 2009-009-DWQ. Construction activity subject to this permit includes clearing, grading, grubbing, disturbances to the ground, such as stockpiling, or excavation, but does not include regular maintenance activities performed to restore the original line, grade, or capacity of the facility. The Construction General Permit requires the development and implementation of a Storm Water Pollution Prevention Plan (SWPPP). 1

For more information on the Construction General Permit, visit the State Water Resources Control Board website at:
http://www.waterboards.ca.gov/water_issues/programs/stormwater/constpermits.shtml.

Phase I and II Municipal Separate Storm Sewer System (MS4) Permits[1]

The Phase I and II MS4 permits require the Permittees reduce pollutants and runoff flows from new development and redevelopment using Best Management Practices (BMPs) to the maximum extent practicable (MEP). MS4 Permittees have their own development standards, also known as Low Impact Development (LID)/post-construction standards that include a hydromodification component. The MS4 permits also require specific design concepts for LID/post-construction BMPs in the early stages of a project during the entitlement and CEQA process and the development plan review process. 2

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

Industrial Storm Water General Permit

Storm water discharges associated with industrial sites must comply with the regulations contained in the Industrial Storm Water General Permit Order No. 97-03-DWQ. 3

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

Clean Water Act Section 404 Permit

If the project will involve the discharge of dredged or fill material in navigable waters or wetlands, a permit pursuant to Section 404 of the Clean Water Act may be needed from the United States Army Corps of Engineers (USACOE). If a Section 404 permit is required by the USACOE, the Central Valley Water Board will review the permit application to ensure that discharge will not violate water quality standards. If the project requires surface water drainage realignment, the applicant is advised to contact the Department of Fish and Game for information on Streambed Alteration Permit requirements. 4

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

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

Clean Water Act Section 401 Permit – Water Quality Certification

If an USACOE permit, or any other federal permit, is required for this project due to the disturbance of waters of the United States (such as streams and wetlands), then a Water Quality Certification must be obtained from the Central Valley Water Board prior to initiation of project activities. There are no waivers for 401 Water Quality Certifications. 5

Waste Discharge Requirements

If USACOE determines that only non-jurisdictional waters of the State (i.e., "non-federal" waters of the State) are present in the proposed project area, the proposed project will require a Waste Discharge Requirement (WDR) permit to be issued by Central Valley Water Board. Under the California Porter-Cologne Water Quality Control Act, discharges to all waters of the State, including all wetlands and other waters of the State including, but not limited to, isolated wetlands, are subject to State regulation. 6

For more information on the Water Quality Certification and WDR processes, visit the Central Valley Water Board website at:
http://www.waterboards.ca.gov/centralvalley/help/business_help/permit2.shtml.

If you have questions regarding these comments, please contact me at (916) 464-4684 or tcleak@waterboards.ca.gov.

Almalee M. Jr

for Trevor Cleak
Environmental Scientist

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

Central Valley Regional Water Quality Control Board, Trevor Cleak (CVRWQCB)

Response to Comment CVRWQCB-1

The comment provides information on permits related to construction activities and the requirement for a stormwater pollution prevention plan (SWPPP). Impact HYD-2 (page 3.9-29) of the RDEIR provides a discussion of SWPPP requirements and when they are applicable.

Response to Comment CVRWQCB-2

The comment provides information related to Municipal Separate Storm Sewer System (MS4) permits. As disclosed on RDEIR page 3.9-14, the City of Elk Grove is a joint participant in Sacramento County's National Pollutant Discharge Elimination System (NPDES) stormwater program. The permit was renewed in December 2002; it allows the City to discharge urban runoff from MS4s in its municipal jurisdictions. Sacramento County submitted and received an MS4 permit under Phase I of the MS4 implementation (Order No. R5-2002-0206) for all unincorporated areas of the county. The MS4 Permit requires the County to develop programs to control pollutants in urban stormwater runoff and evaluate the impacts of such discharges on local receiving waters. In addition, Impact HYD-2 (page 3.9-29) of the RDEIR provides a discussion of best management practices and when they are applicable.

Response to Comment CVRWQCB-3

The comment pertains to state requirements for discharges at industrial sites. The project would not involve a land use plan or entitlements. Future development will comply with all applicable state, regional, and local regulatory requirements, including Order No. 9703-DWQ.

Response to Comment CVRWQCB-4

The comment pertains to United States Army Corps of Engineers Section 404 permits. The proposed SOIA's potential to affect riparian habitat is analyzed in Impact BIO-2. Mitigation Measure BIO-2 requires obtaining all necessary permits under Section 401 and 404 of the Clean Water Act or the State's Porter-Cologne Act and CDFW Streambed Alteration Agreement.

Response to Comment CVRWQCB-5

The comment pertains to United States Army Corps of Engineers Section 401 permits. Please refer to Response to Comment CVRWQCB-4. No additional response is required.

Response to Comment CVRWQCB-6

The comment pertains to Waste Discharge Requirement (WDR) permits. WDRs are discussed on RDEIR page 3.9-13.

Sacramento Metropolitan Fire District

10545 Armstrong Ave., Suite 200 · Mather, CA 95655 · Phone (916) 859-4300 · Fax (916) 859-3702

KURT P. HENKE
Fire Chief

May 7, 2013

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SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

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

RE: Proposed City of Elk Grove Sphere of Influence Amendment (LAFC 09-10)
Draft Municipal Services Review (MSR)

Dear Mr. Lockhart,

The Sacramento Metropolitan Fire District (Metro Fire) has reviewed the above referenced documents and appreciates the opportunity to provide the following comments.

Section 4.6 – Fire Protection and Emergency Medical Response

As described in the above referenced documents the Consumnes Community Services District (CCSD) provides fire protection and emergency medical response services within the area of the proposed Sphere of Influence (SOI) amendment. Metro Fire and the CCSD share common jurisdictional boundaries and participate in a regional mutual aid agreement. 1

Metro Fire strongly urges that the need for additional facilities, equipment and personnel to support the increased demands on the CCSD be given maximum consideration in the development of the project. A failure to address these needs could negatively impact Metro Fire in the form of increased calls for service under the mutual aid agreement.

Sincerely,

SACRAMENTO METROPOLITAN FIRE DISTRICT

By: _____
KURT P. HENKE
Fire Chief

Sacramento Metropolitan Fire District, Kurt Henke (SMFD)

Response to Comment SMFD-1

The comment requests that additional facilities, equipment, and personnel for the Cosumnes Community Services District be considered to support increased demands resulting from development in the SOIA Area. The analysis of Impact PSU-1 in Section 3.14, Public Services, of the RDEIR recognizes the need for new fire protection facilities and describes the City's General Plan policies and requirements for development impact fees to finance new fire protection facilities, equipment, and personnel.

SACRAMENTO COUNTY FARM BUREAU
8970 Elk Grove Boulevard • Elk Grove, California 95624-1946
(916) 685-6958 • Fax (916) 685-7125

May 17, 2013

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

RE: Recirculated Draft Environmental Impact Report for the City of Elk Grove Sphere of Influence Amendment

Dear Mr. Lockhart;

On behalf of the Sacramento County Farm Bureau (Farm Bureau), we appreciate the opportunity to provide the following comments to the Recirculated DEIR for the City of Elk Grove's pending Sphere of Influence Amendment (SOI).

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

Agriculture provides over $1.6 billion in economic impact to the County. The ability to have a vital and thriving agriculture economy is a direct result of the availably of farmland. The need for growth must be balanced with the need to protect the economic engine that drives the vitality of the area and provides food and fiber for people locally, regionally and around the world. Urban sprawl not only impacts agricultural operations, but also negatively impacts agribusinesses such as feed stores, equipment repair shops, tractor dealerships, and other agricultural support businesses which depend on the rural community, agriculture, small farms and backyard enthusiasts. When agricultural land is converted to non-agricultural uses, what is lost is the ability to produce food and fiber, provide for wildlife habitat, flood protection, open space, and other benefits to natural resources.

While we appreciate some of the changes made to agricultural resources in the recirculated DEIR from the first draft of September 29, 2011, Farm Bureau still has considerable concerns to the widespread impacts to agriculture as characterized as **"significant and unavoidable"** after mitigation measures have been applied.

1. **MM AG-1 should recognize ALL classes of farmland required to be protected at a ratio of one (1) acre of farmland loss to one (1) acre of protected farmland. Classes of farmland shall consist of Prime, Statewide Importance, Unique, Local Importance and Grazing.**

1

With a significant impact to farmland in the proposed Elk Grove SOI, a 1:1 mitigation of ALL types of farmland is appropriate. Farmland is irreplaceable. The proposed SOI area currently produces $14 million in agricultural products *(Attachment A)*. The loss of this area will significantly impact the county's $405 million agricultural economy.

2. **There are 2,474 acres with active Williamson Act contracts.**

2

The Williamson Act is a voluntary program in which private landowners enter into a contract with the County to restrict development activities on agricultural land in return for a lower assessed property tax. Farm Bureau has championed this program as an effective tool for protecting farmland from conversion to urban uses. Farm Bureau supports landowners who have voluntarily entered into the program and maintain active contracts.

3. **There is not adequate, unbiased evidence that a Sphere of Influence expansion is needed.**

3

The DEIR does not address projected market demands to substantiate the need to expand Elk Grove's Sphere of Influence. The Elk Grove Market Study released in December 2010 indicates the land supply and demand analysis supports the need for an additional 200 to 1,400 acres of land to accommodate projected 2029 levels of demand. *(Page iii, Elk Grove Market Study, 12/29/2010.)* A draft municipal service review estimates the vacant land available is approximately 3,314 acres. *(City of Elk Grove's Draft Municipal Service Review, Sphere of Influence Amendment Area, August 18, 2010).* There appears to be little evidence to support the need for an additional 8,000 acres of land to accomplish orderly urban development.

4. **The SOI boundary must be definable.**

4

Land located on the east side of Highway 99 and south of Grant Line Road will be impacted differently than land west of Highway 99. The proposed SOI boundary uses the 100-year floodplain line which is not clearly defined. Furthermore, this line dissects parcels and will result in conflicts with landowners who could potentially have land in two jurisdictions. While we understand a SOI does not change jurisdictional authority, establishing a probable future annexation area using an indefinable boundary leads to uncertainty, discourages investments in agricultural operations and promotes speculation. In a careful look at the SOI Amendment Area map, the 100 year floodplain line could potentially create 'islands' of urban development and scattered urban sprawl. A boundary line that has no

definite marking, meanders, and has 'switch-backs' is not a good land-use planning tool and should not be used in the preliminary stages of urban development. 4

5. **Significant and unavoidable impacts to agricultural resources.**

The mitigation measures for Impact AG-1, AG-2, AG-3 do not lessen the level of significance on agricultural resources. The recirculated DEIR continues to not adequately address any of the impacts to agriculture. 5

Finally, it will be impossible to protect the viability of agriculture and our incredibly productive and important family farms and ranches if we do not encourage efficient development regionally and require cities to make efficient use of lands already within their jurisdiction before expanding further into agricultural areas. Every jurisdiction must carefully consider any request to expand, annex or make land use changes. As urban sprawl takes place, farmland is paved over, and farm operations are closed down due to urban-rural conflicts. The loss is forever. 6

In closing, Sacramento County Farm Bureau opposes the current SOI expansion of the City of Elk Grove to include over 7,600 acres of agriculture land. Any expansion should not exceed the number of acres projected by market studies that project future acreage needed for the City of Elk Grove to grow in an orderly and logical manner. The application fails to adequately substantiate the need for additional acreage to accommodate future development over the next 20 years. The City of Elk Grove must look to lesser quality soils and areas that will not impact agricultural resources. 7

We appreciate the opportunity to submit these comments.

Sincerely,

Walter Hardesty

Walter Hardesty,
President

Attachment A: Mapping and valuation of agricultural commodities in the SOI

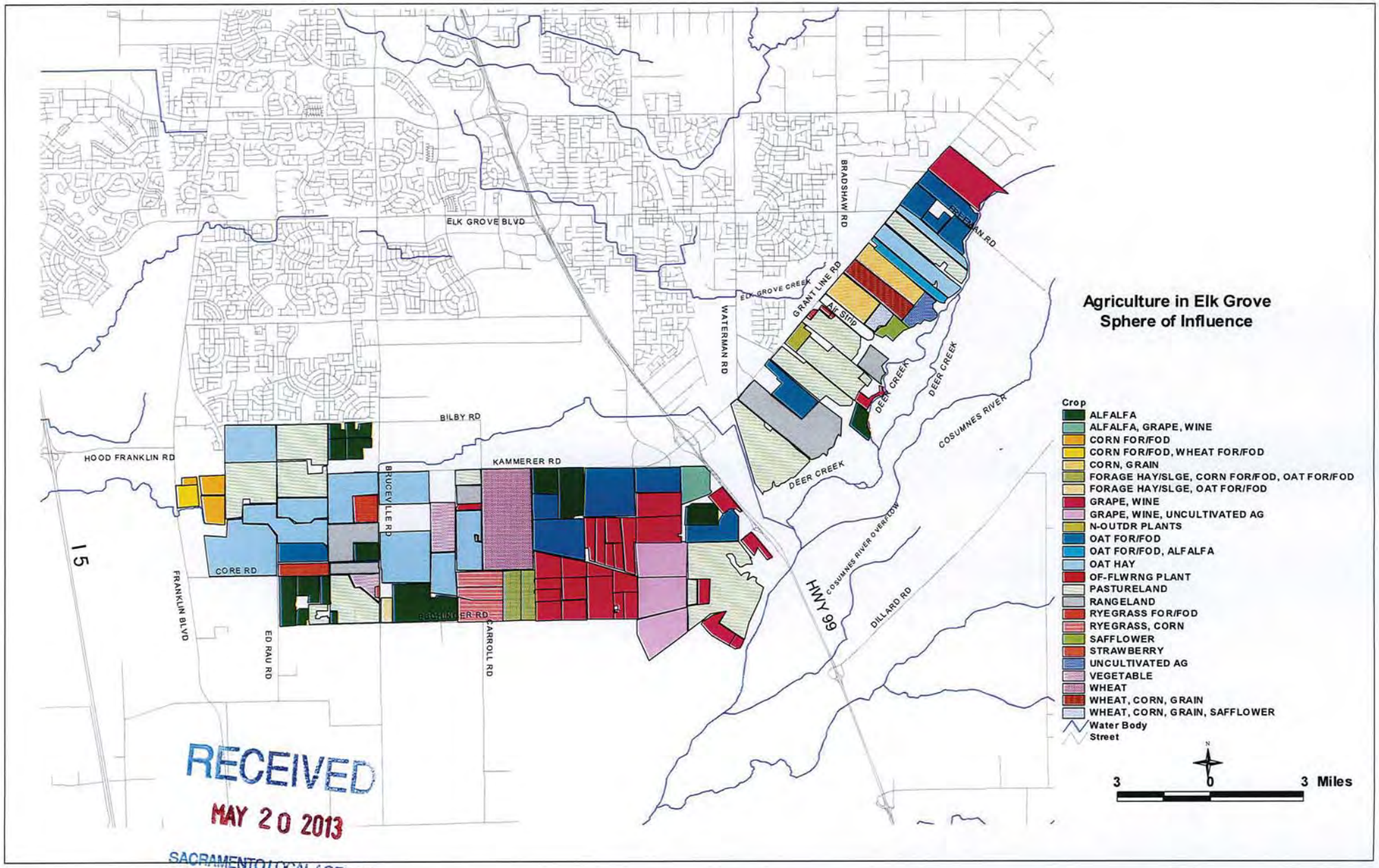
Commodities	Estimated harvested acreage	Total $
ALFALFA	504.0	$363,787.20
CORN FOR/FOD	189.1	$104,422.91
CORN, GRAIN	362.0	$306,838.44
GRAPE, WINE	1213.6	$4,566,868.99
OAT FOR/FOD	903.0	$313,092.68
OAT HAY	934.0	$219,065.97
PASTURELAND	1357.0	$169,625.00
RANGELAND	351.0	$7,722.00
RYEGRAS FOR/FOD	188.0	$39,397.28
STRAWBERRY	8.0	$88,704.00
WHEAT	313.0	$142,502.64
LIVESTOCK		$6,919,000.00
Miscellaneous:	302.25 acres	$764,491.50
Forage hay, Nursery, Safflower, Uncultivated Ag, Misc. Vegetables, and Wheat for fodder		
TOTALS	**6624.9 acres**	**$14,005,518.61**

Values provided:

heifer dairy cow $3000

cow/calf pair $2100

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Sacramento County Farm Bureau, Walter Hardesty (SCFB)

Response to Comment SCFB-1

PRC Section 21060.1(a) defines "agricultural land" as Prime Farmland, Farmland of Statewide Importance, or Unique Farmland, as defined by the United States Department of Agriculture land inventory and monitoring criteria, as modified for California. Mitigation Measure AG-1 requires mitigation of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance on a 1:1 basis. CEQA does not require analysis or mitigation for loss of Farmland of Local Importance or grazing land; therefore, Mitigation Measure AG-1 does not require mitigation of loss of Farmland of Local Importance or grazing land. LAFCo, as lead agency for the project, has determined that Mitigation Measure AG-1 is appropriate for the impact analyzed. As identified in the RDEIR, the impact for conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance to nonagricultural uses is significant and unavoidable.

Response to Comment SCFB-2

The comment describes and expresses support for the Williamson Act. The RDEIR discloses the amount and location of Williamson Act lands within the SOIA Area. As stated in RDEIR Section 2.1.1 (page 3.2-11), approximately 2,474 acres of the project site are enrolled in active Williamson Act contracts. Some property owners have filed a Notice of Non-Renewal on approximately 548.8 acres to initiate termination of the contract. RDEIR Exhibit 2-5 shows the SOIA Area properties that are active and for which a Non-Renewal Notice has been filed. Impact AG-2 analyzes the project's potential to conflict with existing zoning for agricultural use or Williamson Act contracts. The comment does not provide any discussion or recommendation about the contents or adequacy of the RDEIR or mitigation measures contained within.

Response to Comment SCFB-3

The comment questions the need for the project. Please refer to Master Response 7.

Response to Comment SCFB-4

The comment states that the SOI boundary must be definable and that the proposed boundary is not a good land use planning tool. The comment does not identify an environmental impact in the comment discussion. The use of the floodplain boundary is definable, as it is mapped and approved by FEMA. The area noted by the comment is confined to an area bounded on three sides by the current city limits and on one side by the floodplain, and sits within the Urban Service Boundary, making it a logical future extension of the city limits. LAFCo will review future annexation requests to determine if they would result in islands of development or urban sprawl.

Response to Comment SCFB-5

The comment states Mitigation Measures AG-1, AG-2, and AG-3 do not reduce the level of significance of impacts on agricultural resources. There is no Mitigation Measure AG-2. Mitigation Measures AG-1 and AG-3 require farmland conservation and preparation of an agricultural land use compatibility plan for the SOIA Area. These measures do lessen the overall impact of the potential project; however, LAFCo has determined that they do not reduce the impacts to less than significant.

LAFCo has determined that Mitigation Measures AG-1 and AG-3 are appropriate to reduce agricultural impacts. Impacts AG-1, AG-2, and AG-3 disclose that the proposed SOIA's potential impacts on agricultural resources would be significant and unavoidable after incorporation of mitigation. There are no additional feasible mitigation measures to offset the loss of farmland.

Response to Comment SCFB-6

The comment states regional development and sprawl will result in permanent loss of agricultural land. Through the RDEIR, LAFCo considers the potential impacts on agricultural land of development in the SOIA Area and the region. The RDEIR adequately analyzes the potential effects of development within the SOIA on agricultural resources. See also Response to Comment SCFB-5.

Response to Comment SCFB-7

The comment expresses opposition to the project due to the impact on agricultural land. See Responses to Comments SCFB-1 through SCFB-6. No additional response is required.

Public Works Department

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May 21, 2013

Mr. Don Lockhart, AICP, Assistant Executive Officer
Sacramento Local Agency Formation Commission
1121 "I" Street #100
Sacramento, CA 94814

Re: Elk Grove Sphere of Influence Amendment Draft EIR (LAFC#90-10/SCH# 2010092076)
City of Galt review comments

Dear Mr. Lockhart,

The City of Galt understands and supports the efforts of Elk Grove to establish a Sphere of Influence for their future growth potential. Naturally, Galt also wants to see that the potential impacts of planned growth in Elk Grove are fully considered and mitigated so there is no adverse affect on Galt's future. The following comments on the Draft Environmental Impact Report are respectfully submitted:

1. The City of Galt is concerned as to whether development in the Sphere of Influence Amendment (SOIA) could result in impacts to the Cosumnes River, including increased flows, flood protection projects, water quality impacts etc., which could negatively impact the City of Galt's ability to maintain permitted year-round discharge from its wastewater treatment plant to Laguna Creek, which is a tributary to the Cosumnes River. Please address potential impacts to existing river flows and water quality during and after development in the SOIA. 1

2. The document states that Policy PF-3 of the Elk Grove General Plan requires that water supply and delivery systems be available for new development. Which water supply source(s) (surface or groundwater) will supply the SOIA and at what anticipated volumes? Please further describe the geographic extent of the groundwater basin and identify competing interests for that water. 2

3. The Draft EIR notes that South County Water Agency (SCWA) is tasked with identifying methods of water supply at time of tentative map. To ensure all potential impacts to water supply sources are identified and mitigated, Galt strongly feels that the adequacy of water supply must be addressed in the environmental document and not deferred until submittal of a tentative map. 3

4. Impact HYD-2 and Impact USS-1 state that adequate water supplies exist for development, through 2035, within the SOIA utilizing surplus supplies identified in SCWA's 2010 Urban Water Management Plan. In addition, please further document that SCWA concurs with the statement that there are surplus water supplies through 2035 for the SOIA. 4

495 Industrial Drive • Galt, California 95632 • Phone (209) 366-7260 • Fax (209) 745-0811 • publicworks@ci.galt.ca.us

5. Please further explain the applicability of the SCWA's Urban Water Management Plan to this project both in terms of geographic scope as well as land use assumptions. The analysis should identify all areas of proposed and reasonably foreseeable development utilizing SCWA's service area that the SOIA will compete with for water supply. 5

6. The Draft EIR states SCWA's management is committed to a maximum annual groundwater withdrawal of 273,000 acre-feet per year, but there does not appear to be any discussion and comparison of existing versus future anticipated withdrawal and if surface water supplies are needed to meet anticipated SOIA demand. 6

Thank you for the opportunity to comment.

Sincerely,

Steven Winkler, Director of Public Works
City of Galt

City of Galt, Steven Winkler (GALT)

Response to Comment GALT-1

The comment questions whether the proposed SOIA could affect the City of Galt's ability to discharge from its wastewater treatment plant. Please refer to Master Response 5.

Response to Comment GALT-2

The comment requests information regarding water supply sources and volumes and competing interests for water. Please refer to Master Response 4.

Response to Comment GALT-3

The comment states the RDEIR should address the adequacy of water supply and implies mitigation in the RDEIR is deferred. Refer to Master Response 4 regarding the adequacy of the water supply analysis in the RDEIR. Please refer to Master Response 1 regarding the adequacy of RDEIR mitigation measures.

Response to Comment GALT-4

The comment requests concurrence from the SCWA that adequate water is available to serve the proposed SOIA Area. Please refer to Master Response 4.

Response to Comment GALT-5

The comment requests information regarding SCWA's Urban Water Management Plan and the competing interests for SCWA's water supply. Please refer to Master Response 4.

Response to Comment GALT-6

The comment states that there is no discussion of existing versus future groundwater withdrawal and surface water demand. Table 3.16-2 on RDEIR page 3.16-5 provides a breakdown of SCWA water supplies by water source, including groundwater. As discussed in Master Response 4, the RDEIR (page 3.16-29) discloses that demand from the SOIA Area could be met with existing SCWA water supplies based on SCWA growth projections. However, the RDEIR conservatively assumes cumulative growth could exceed SCWA projections, so the cumulative water supply impact was determined to be significant and unavoidable (RDEIR page 3.16-29).

County Executive
Bradley J. Hudson

Board of Supervisors
Phil Serna, District 1
Jimmie Yee, District 2
Susan Peters, District 3
Roberta MacGlashan, District 4
Don Nottoli, District 5

County of Sacramento

May 21, 2013

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SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Jimmie Yee, Chairman
Sacramento LAFCo
1112 I Street, Suite 100
Sacramento, CA 95814-2836

SUBJECT: CITY OF ELK GROVE PROPOSED SPHERE OF INFLUENCE AMENDMENT

Dear Chairman Yee:

The purpose of this letter is to express the County of Sacramento's support for the proposed sphere of influence amendment by the City of Elk Grove and to provide comments on the recently recirculated Draft Environmental Impact Report for that project.

As the LAFCo Commission is well aware, the County of Sacramento and the City of Elk Grove have been working for some time in a collaborative manner to determine the best way for the City to proceed with its proposed sphere of influence amendment. The County and City and additional partners are also working collaboratively preparing the South Sacramento Habitat Conservation Plan to ensure the preservation and protection of important habitat resources.

The County of Sacramento has recently received and reviewed the Recirculated Draft Environmental Impact Report for the City of Elk Grove Proposed Sphere of Influence Amendment. Please see the attached specific comments from our Department of Transportation. Overall, the County has no objection to LAFCo's use of the Revised Draft Environmental Impact Report for the purpose of approving Elk Grove's proposed sphere of influence. The County understands that a more definitive opportunity to review environmental effects will occur subsequent to the approval of the sphere of influence for Elk Grove, when the City undergoes comprehensive planning for the area and returns to LAFCo for consideration of an annexation application. 1

The County of Sacramento appreciates the opportunity to comment on the Recirculated Draft Environmental Impact Report and looks forward to working with LAFCo and the City of Elk Grove with future comprehensive planning. Should you have any questions please do not hesitate to contact my office.

Sincerely,

Bradley J. Hudson
County Executive

Attachment: Comment letter from Kamal Atwal, Sacramento County Department of Transportation

Cc: Sacramento County Board of Supervisors
LAFCo Commissioners
Mayor and City Council of the City of Elk Grove

County of Sacramento, Bradley J. Hudson (SACCo)

Response to Comment SACCo-1

The comment refers to comments submitted by the Sacramento County Department of Transportation. Please refer to Responses to Comments SACDOT-1 through SACDOT-5.

Department of Transportation
Michael J. Penrose, Director

Divisions
Administration
Maintenance & Operations
Planning & Design

County of Sacramento

May 21, 2013

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

SUBJECT: COMMENTS ON THE RECIRCULATED DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF ELK GROVE PROPOSED SPHERE OF INFLUENCE AMENDMENT (LAFC# 09-10).

Dear Mr. Lockhart:

Today, we have received a copy of the RECIRCULATED DRAFT Environmental Impact Report for the City of Elk Grove Proposed Sphere of Influence Amendment (LAFC # 09-10), dated March 21, 2013. Even though we were original commentators on this project, we received this notification of the document's availability for public comment indirectly from the County's Community Development Department. We would appreciate if we could get future notifications directly to our department to avoid further delays in reviewing and commenting on these documents. Our records indicate we did provide written comment on this project's previous DEIR on December 13, 2011. A copy of this letter is enclosed for your reference. Since we only had a few hours to review this document, our comments will be brief and short in nature.

1. **Page 3.15-34 and 3.15-35. Table 3.15-10.** There is a foot note on this table that says, "Bold text indicates unacceptable LOS and Shading indicates project impact." But none of the unacceptable LOS and project impacted roadway facilities were shown with either bold face or shaded pattern. Mitigation Measures should be identified for all impacted facilities. Please correct. 1

2. **Page 3.15-36. Table 3.15-11.** There is a foot note on this table that says, "Bold text indicates unacceptable LOS and Shading indicates project impact." But none of the unacceptable LOS and impacted state facilities were shown with either bold face or shaded pattern. Mitigation Measures should be identified for all impacted state facilities. Please correct. 2

3. **General.** We would ask the City of Elk Grove to enter into a cross jurisdictional reciprocal funding agreement with the County of Sacramento to address each other's impacts and mitigation measures for the development project as a result of this annexation. The County's impacted roadways should be mitigated to acceptable level of service standards and improvements shall be installed according to the County's latest Improvement Standards. 3

4. **General.** Frontage improvement responsibility for adjoining roadway facilities to this annexation should be 100% the responsibly of the future development projects within this annexation. Sacramento County Department of Transportation does not anticipate making any financial contributions towards the widening of shared roadways that will be on the border of the City of Elk Grove limits and the County jurisdiction 4

5. **General.** We would ask the City of Elk Grove to enter into a maintenance and operations agreement for the responsibility of the public roadway infrastructure within the annexation as well as for the shared public roadways facilities adjoining this annexation. 5

We look forward to reviewing future traffic studies for development projects within the City of Elk Grove. If you have any questions, please feel free to contact me at (916)875-2844.

Sincerely,

Kamal Atwal

Kamal Atwal, P.E.
Associate Transportation Engineer
Department of Transportation

KA

Enclosure or Attachments:
Copy of SACDOT Comment Letter, dated December 13, 2011.

Cc: Dean Blank, DOT
Matt Darrow, DOT
Reza Moghissi, DOT
Mike Penrose, DOT
Dan Shoeman, DOT
Ron Vicari, DOT
Cathy Hack, Community Development Department
Susan Goetz, Special Districts

Municipal Services Agency
Robert B. Leonard, Administrator

Department of Transportation
Michael J. Penrose, Director

County Executive
Bradley J. Hudson

County of Sacramento

December 13, 2011

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

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT FOR THE CITY OF ELK GROVE PROPOSED SPHERE OF INFLUENCE AMENDMENT (LAFC #09-10)

Dear Mr. Lockhart:

The Sacramento County Department of Transportation planning staff has reviewed the draft environmental impact report (DEIR) for the City of Elk Grove proposed sphere of influence amendment (LAFC # 09-10). We appreciate the opportunity to review this document and have the following comments to offer:

1. **Page 3.15-31.** Under the list of improvements for existing plus project conditions, please add widening of Eschinger Road from Bruceville Road to SR-99. Please note that this widening is triggered by the changes in the land uses requested by the City of Elk Grove and not caused by Sacramento County. Sacramento County Department of Transportation does not anticipate making any financial contributions towards the widening of shared roadways that will be on the border of the City of Elk Grove limits and the County jurisdiction.

2. **Page 3.15-31.** As shown on this page, the project has significant impact on 1) Franklin Boulevard between Hood Franklin Road and Lambert Road and 2) Eschinger Road between Bruceville Road and SR-99 under existing plus project conditions. The widening of both of these roadways is required to mitigate the project impacts. We ask the City of Elk Grove to enter into an agreement with the County of Sacramento to pay its fair share towards the mitigation measures affecting County roadways.

If you have any questions, please feel free to contact me at (916) 875-2844.

Sincerely,

Kamal Atwal

Kamal Atwal, P.E.
Department of Transportation

KA/ka

Cc:
Mike Penrose, DOT
Dan Shoeman, DOT
Dean Blank, DOT
Ron Vicari, DOT
Matt Darrow DOT
Bob Davison, County Engineering
Tom Zlotkowski, Capitol Southeast Connector JPA

County of Sacramento, Dept. of Transportation, Kamal Atwal (SACDOT)

Response to Comment SACDOT-1

The comment identifies a formatting edit for Table 3.15-10. The formatting of Table 3.15-10 on pages 3.15-34 and 3.15-35 is revised to include bold and/or shading, as appropriate. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Table 3.15-10: Roadway Segment Level of Service – Cumulative Plus Project Conditions

Roadway Segment	Daily Capacity[1]	Cumulative Conditions			Cumulative Plus Project		
		Daily Volume	V/C Ratio[3]	LOS[2]	Daily Volume	V/C Ratio[3]	LOS[2]
Elk Grove Boulevard – I-5 to Franklin Boulevard	54,000	24,000	0.44	A	26,000	0.48	A
Elk Grove Boulevard – Franklin Boulevard to Bruceville Road	54,000	31,500	0.58	A	32,500	0.60	B
Elk Grove Boulevard – Bruceville Road to SR-99	54,000	42,500	0.79	C	45,700	0.85	D
Elk Grove Boulevard – SR-99 to Elk Grove-Florin Road	**36,000**	**46,100**	**1.28**	**F**	**48,700**	**1.35**	**F**
Elk Grove Boulevard – Elk Grove-Florin Road to Bradshaw Road	36,000	25,900	0.72	C	30,300	0.84	D
Grant Line Road – SR-99 to Bradshaw Road	54,000	25,400	0.47	A	41,600	0.77	C
Grant Line Road – Bradshaw Road to Elk Grove Boulevard	36,000	20,900	0.58	A	23,400	0.65	B
Grant Line Road – Elk Grove Boulevard to Wilton Road	36,000	28,700	0.80	C	**33,300**	**0.93**	**E**
Grant Line Road – Wilton Road to Calvine Road	36,000	28,200	0.78	C	**32,500**	**0.90**	**E**
Hood-Franklin Road – I-5 to Franklin Boulevard	36,000	12,100	0.34	A	26,300	0.73	C
Bilby Road – Franklin Boulevard to Bruceville Road	36,000	8,400	0.23	A	11,600	0.32	A
Kammerer Road – Bruceville Road to West Stockton Boulevard	54,000	7,700	0.14	A	25,800	0.48	A
Eschinger Road – Bruceville Road to SR-99	17,000	1,100	0.06	A	**31,800**	**1.87**	**F**
Dillard Road – SR-99 To Wilton Road	17,000	4,700	0.28	C	4,700	0.28	C
Lambert Road – I-5 to Bruceville Road	17,000	900	0.05	A	5,300	0.31	C
Franklin Boulevard – Elk Grove Boulevard to Whitelock Parkway	36,000	10,600	0.29	A	22,400	0.62	B

Table 3.15-10 (cont.): Roadway Segment Level of Service – Cumulative Plus Project Conditions

Roadway Segment	Daily Capacity[1]	Cumulative Conditions			Cumulative Plus Project		
		Daily Volume	V/C Ratio[3]	LOS[2]	Daily Volume	V/C Ratio[3]	LOS[2]
Franklin Boulevard – Hood-Franklin Road to Lambert Road	20,000	1,400	0.07	A	3,700	0.19	B
Bruceville Road – Elk Grove Boulevard to Whitelock Parkway	54,000	24,700	0.46	A	30,700	0.57	A
Bruceville Road – Whitelock Parkway to Kammerer Road	54,000	3,700	0.07	A	17,700	0.33	A
Bruceville Road – Kammerer Road to Eschinger Road	17,000	2,100	0.12	B	**19,300**	**1.14**	**F**
Bruceville Road – Eschinger Road to Lambert Road	17,000	1,500	0.09	A	5,900	0.35	C
Elk Grove Florin Road – East Stockton Boulevard to Elk Grove Boulevard	18,000	5,700	0.32	A	9,000	0.50	D
Waterman Road – Elk Grove Boulevard to Grant Line Road	36,000	9,300	0.26	A	15,700	0.44	A
Bradshaw Road – Elk Grove Boulevard to Grant Line Road	54,000	7,900	0.15	A	17,000	0.31	A

Notes:
[1] The capacity of each roadway is based on the number of lanes and the facility type.
[2] Level of service (LOS) based on Traffic Impact Analysis Guidelines, City of Elk Grove, July 2000.
[3] The LOS is calculated pursuant to both the V/C Ratio and the functional classification of the roadway. Therefore, two roadways with the same V/C ratio but different functional classifications may be calculated to have different LOS values.
Bold text indicates unacceptable LOS.
Shading indicates project impact.
Source: Fehr & Peers 2011; Elk Grove 2010; County of Sacramento 2010

Response to Comment SACDOT-2

The comment identifies a formatting edit for Table 3.15-11. The formatting of Table 3.15-11 on page 3.15-36 is revised to include bold and/or shading, as appropriate. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Table 3.15-11: Freeway Segment Level of Service – Cumulative Plus Project Conditions

Roadway Segment	Daily Capacity[1]	Cumulative Conditions			Cumulative Plus Project		
		Daily Volume	V/C Ratio[3]	LOS[2]	Daily Volume	V/C Ratio[3]	LOS[2]
I-5 – North of Laguna Boulevard	120,000	111,700	0.93	E	**123,300**	**1.03**	**F**
I-5 – Laguna Boulevard to Elk Grove Boulevard	80,000	**80,400**	**1.00**	**F**	**93,200**	**1.17**	**F**

Table 3.15-11 (cont.): Freeway Segment Level of Service – Cumulative Plus Project Conditions

Roadway Segment	Daily Capacity[1]	Cumulative Conditions			Cumulative Plus Project		
		Daily Volume	V/C Ratio[3]	LOS[2]	Daily Volume	V/C Ratio[3]	LOS[2]
I-5 – Elk Grove Boulevard to Hood-Franklin Road	80,000	66,300	0.83	D	**80,000**	**1.00**	**F**
I-5 – Hood-Franklin Road to Twin Cities Road	80,000	64,100	0.80	D	61,700	0.77	D
SR-99 – Twin Cities Road to Dillard Road	80,000	**82,800**	**1.03**	**F**	**85,800**	**1.07**	**F**
SR-99 – Dillard Road to Grant Line Road	80,000	78,000	0.97	E	**83,700**	**1.05**	**F**
SR-99 – Grant Line Road to Elk Grove Boulevard	80,000	**82,500**	**1.03**	**F**	**99,100**	**1.24**	**F**

Notes:
[1] The capacity of each roadway is based on the number of lanes and the facility type.
[2] Level of service (LOS) based on Traffic Impact Analysis Guidelines, City of Elk Grove, July 2000.
[3] The LOS is calculated based on facility type assignments from Table 3.15. Therefore, two roadways with the same V/C ratio but different facility types may be calculated to have different LOS values.
Bold text indicates unacceptable LOS.
Shading indicates project impact.
Source: Fehr & Peers 2010; Elk Grove 2010; County of Sacramento 2010

Response to Comment SACDOT-3

The comment requests that the City of Elk Grove enter into a cross-jurisdictional reciprocal funding agreement to address each other's impacts. The project does not include annexation, but consists of an amendment to the Sphere of Influence for the City of Elk Grove, which, if approved, would allow the City to submit annexation applications for lands within the SOIA Area. Mitigation Measure TRANS-1 contains a requirement to establish transportation improvement plans and funding mechanisms to provide service levels consistent with the City's and the County's General Plans.

Response to Comment SACDOT-4

The comment references frontage improvements on and widening of roadways that border the City of Elk Grove and Sacramento County. As noted above, the proposed SOIA does not include any development proposals that would require frontage improvements. At the time of any annexation proposal, the City could propose the nature and level of improvements and the responsibility for funding of those improvements for consideration during the LAFCo proceedings.

Response to Comment SACDOT-5

The comment requests that the City of Elk Grove enter into a maintenance and operations agreement for public roadway infrastructure. Please refer to Response to Comment SACDOT-3.

Sacramento Area Council of Governments

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May 13, 2013

RECEIVED
MAY 21 2013
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

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

Dear Mr. Lockhart,

On behalf of the Sacramento Area Council of Governments, I am submitting the following comments on the Recirculated Draft Environmental Impact Report (RDEIR) for the Proposed City of Elk Grove Sphere of Influence Amendment (LAFC # 09-10).

Background

The Sacramento Area Council of Governments (SACOG) is comprised of six counties and 22 cities in the region. SACOG's primary responsibility is developing and implementing the Metropolitan Transportation Plan/Sustainable Communities Strategy (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 a 20+ year planning period, conform with federal air quality regulations and achieve state greenhouse gas reduction targets.

The MTP/SCS must effectively address the linked challenges of reducing regional traffic congestion levels and mobile-source air pollutants, including particulate matter, ozone and greenhouse gases. The SACOG Blueprint Study (Blueprint), conducted from 2002-2004, revealed that there is a strong connection between land use patterns, travel behavior and air quality. Specifically, certain land use strategies lead to increased walking, biking and transit use, shorter automobile trips, and reduced mobile-source air pollution. These land use strategies include higher density housing and employment, locating jobs and housing near each other, and providing strong connectivity in the design of street and bicycle/pedestrian systems. In support of these findings, the SACOG Board adopted the Blueprint principles and conceptual map as a depiction of a way in which the region could grow and achieve these transportation and air quality benefits, as well as many other environmental and quality of life benefits (Attachment – 12 page BP report).

Comments

Of the alternatives analyzed in the RDEIR, the Enhanced Regional Alternative to the proposed project is the most consistent with the Blueprint, particularly if Elk Grove plans the area for future employment growth. As noted above, one of the land use strategies that achieves congestion and air pollution reduction is jobs-housing balance. For the region to realize these reductions, communities that currently have a low ratio of jobs to housing, such as Elk Grove, need to plan for and attract enough job growth over time to minimize the need for long-distance commuting out of the city (measured in vehicle miles traveled[1]). 1

[1]A vehicle mile traveled, or VMT, is one vehicle traveling on a roadway for one mile. VMT correlates to vehicle emissions and congestion.

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

To illustrate the effectiveness of this land use strategy, SACOG conducted a sketch-level analysis of the vehicle miles traveled (VMT) effects of using the proposed sphere of influence (SOI) for jobs. Daily VMT per capita within the City of Elk Grove was slightly higher than the regional average in 2008. VMT per capita is projected to decline by 2035 in the adopted MTP/SCS at a faster rate than the decline in the regional average VMT per capita, largely due to a projected improvement in the Elk Grove jobs-housing balance from 0.58 jobs per household in 2008 to 0.72 jobs per household in 2035. Our sketch level modeling indicates that additional improvements in jobs per household would further reduce VMT per capita in Elk Grove, producing benefits within the city but also for the region's congestion and air pollution challenges. It is the goal of the MTP/SCS to reduce regional VMT per capita by 2035 to achieve federal clean air standards, state greenhouse gas emissions reduction targets, and Blueprint growth principles. Based on this analysis, it appears that the Enhanced Regional Alternative, if used for employment uses, would aid the region in achieving congestion and air quality goals. 2

We note that the size and location of the Enhanced Regional Alternative is generally consistent with the Blueprint conceptual map, which contemplated future growth south of the current city limits of Elk Grove. Some level of variance is expected within a given geography since the Blueprint is a conceptual map and not intended to be interpreted or implemented in a literal, parcel-specific manner. The Enhanced Regional Alternative includes approximately the same amount of acreage west of State Highway 99 that is included in the Blueprint. While the area east of State Highway 99 is not shown in the Blueprint map, the acreage makes up less than half of the acreage of the entire Enhanced Regional Alternative, is confined to an area bounded on three sides by the current city limits and on one side by the floodplain, and sits within the Urban Service Boundary. These conditions make it a logical future extension of the city limits. 3

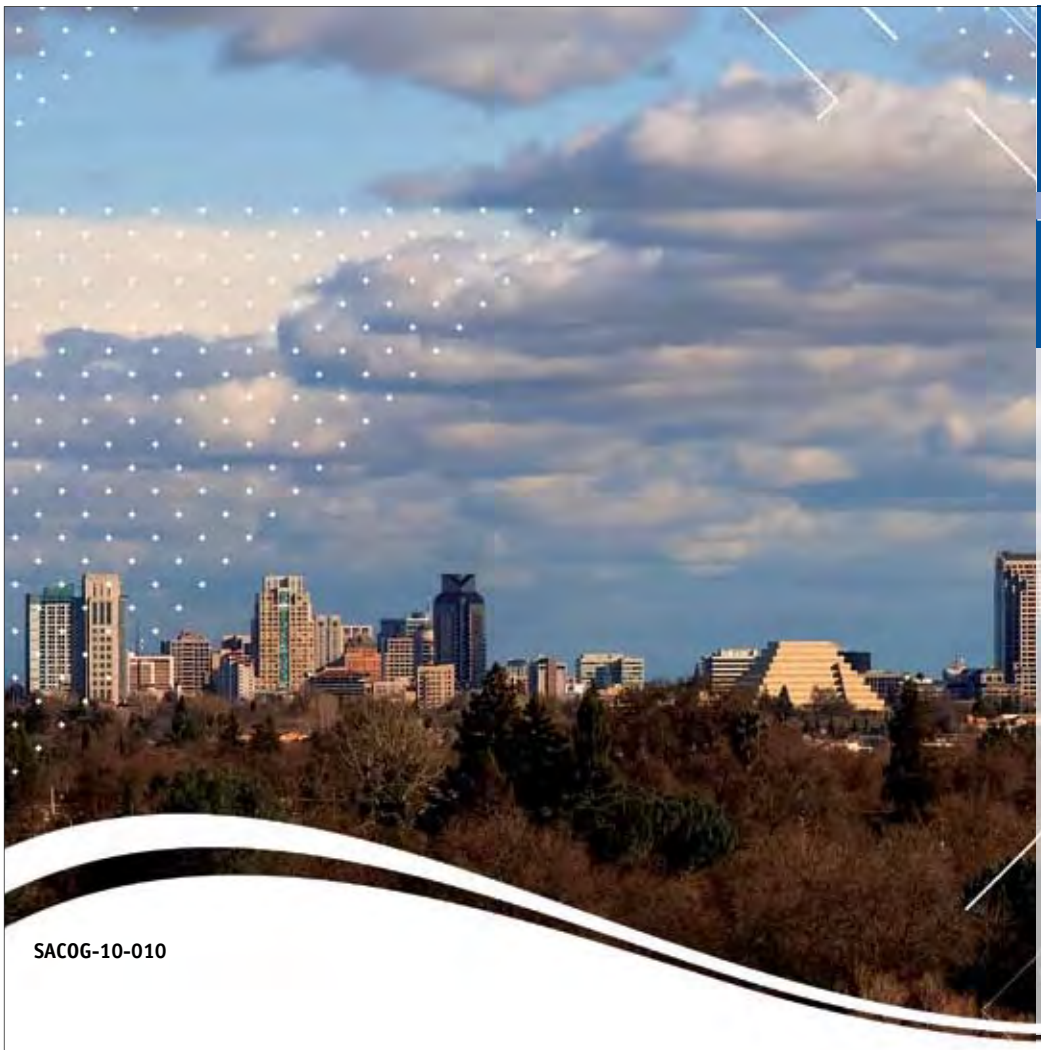
Gov. Code Sec. 56668 (g) requires Sacramento LAFCo to consider, in the review of the sphere of influence proposal, the adopted MTP/SCS. The purpose of the MTP/SCS is to forecast actual constructed development during a 20+ year planning period (the current MTP/SCS covers 2012-2035). This is different from a land supply contingency needed to support a healthy land market. We agree that Elk Grove may need additional land outside of the current city limits at some point to support additional job growth to help the city's current imbalance of jobs and housing. The key issues around such an expansion would involve the timing of urbanization and conditions for development. 4

Thank you for your consideration. Please don't hesitate to contact me if you have any questions.

Sincerely,

Mike McKeever
Chief Executive Officer

cc: Gary Davis, Mayor
City of Elk Grove



SACOG-10-010

SACRAMENTO REGION

Blueprint

TRANSPORTATION/LAND USE PLAN

SPECIAL REPORT

Blueprint's Impact on the Region and Residents' Quality of Life

BLUEPRINT AND THE REGION'S QUALITY OF LIFE



The Sacramento region is a wonderful place to live. It has comfortable and inviting neighborhoods, exciting entertainment and arts, and a diversity of beautiful scenery and natural places.

These qualities also mean the region will grow. Between 2000 and 2050, our region will add more than 1.7 million people and 1 million new jobs.

But with growth comes challenges. How should we grow? Where should we grow? How should we travel around the region? How will growth affect our environment and quality of life?

In 2002, the Sacramento region faced a prospective future of worsening congestion—a projected increase of over 50 percent by the year 2025—and increasingly worse air pollution based on current land-use patterns, transportation funding levels, and transportation investment priorities. To attempt to solve these challenges, the Sacramento Area Council of Governments (SACOG) Board of Directors initiated the Sacramento Region Blueprint project, an extensive study of the linkages between transportation, land use, and air quality.

The philosophy behind the regional visioning process was that planning and design choices made by a community have many impacts on regional development patterns, modal choices, infrastructure costs, redevelopment potential, natural resources, and other aspects of livability. By being aware of the consequences of their community's development choices, residents can improve their economies, environments, and quality of life. If communities work together at this process, then these positive effects can be seen regionally.

As its core goal, the Blueprint aimed to support local

BASE CASE

Projected Development in 2050

Key to the maps

- areas of existing development
- areas of future development
- green areas (e.g., open space, park, wetlands, vernal pools, stream corridors, hardwood stands)
- agriculture and other undeveloped lands
- rivers, streams and lakes
- city boundaries
- highways
- county boundaries
- vacant urban-designated lands

Note: some vernal pools in Yuba, Sutter and southwest Placer counties are preserved, but are not shown on these maps.





governments with high-quality data and modeling tools so that decisions regarding future growth and its effects on quality of life issues, such as traffic congestion and air pollution could be made with the best information available. In addition to developing detailed land-use and travel data, an extensive community outreach effort—involving over 5,000 residents across the six-county region—was conducted with SACOG's non-profit partner Valley Vision to develop and assess guiding principles for the region's long-term growth.

The learnings from the regional visioning process were also used by SACOG, the region's transportation planning and funding agency, to make choices about what transportation projects will best serve the region as it changes the Metropolitan Transportation Plan for 2035.

Through its public outreach and education, wealth of technical data for local decision makers, and funding for "smart growth" development, the Blueprint provides a tangible opportunity to help make Sacramento as attractive tomorrow as it is today.

BLUEPRINT

Projected Development in 2050



WHAT THE BLUEPRINT MAPS SHOW

The Blueprint map (shown in comparison to the basecase on page 2) depicts a way for the region to grow through the year 2050 in a manner generally consistent with the growth principles summarized on pages 4–7 and 10–12 of this report.

The map is the result of numerous public workshops and meetings with local staff and elected officials. The map is intended to be interpreted and used as a concept-level illustration of the growth principles. It was developed with parcel-level data and analysis to help ensure that the growth concepts were being applied in a realistic manner; however, it is not intended to be applied or implemented in a literal, parcel-level manner.

For example, the map assumes certain levels and locations of both reinvestment (i.e., additional development on developed parcels) and greenfield development (i.e., large-scale development on vacant land). The purpose of this mapping is to illustrate, generally, the amounts and locations for these types of growth.

The map is not intended to indicate that a specific parcel should or should not be developed in a particular manner. That level of planning is the responsibility of local governments, and is beyond the specificity appropriate for regional-scale, long-term scenario planning.

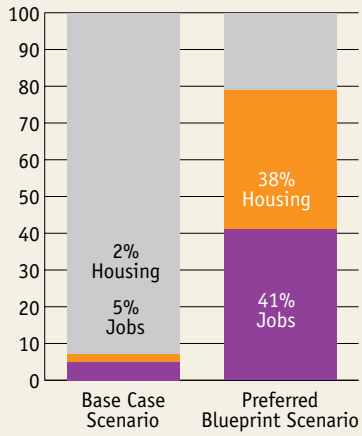
TRANSPORTATION CHOICES



Community design can help encourage people to walk, ride bicycles, ride the bus, ride light rail, take the train, or carpool. Streets can be designed to include dedicated bike lanes or special lanes for bus rapid transit.

The more people walk, bicycle, or ride the bus, the less they need to drive alone in their cars. Less driving alone means less congestion and less air pollution.

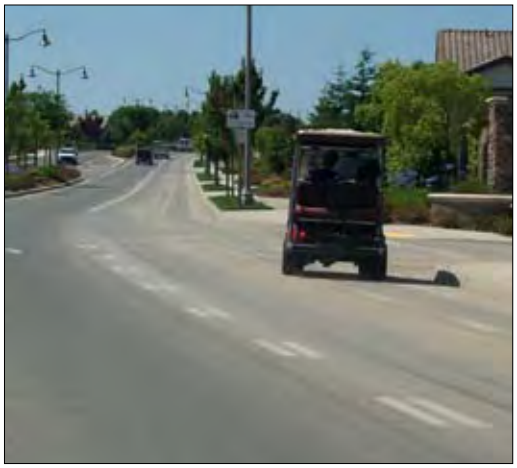
GROWTH NEAR TRANSIT
Within walking distance of 15-minute or better transit service



In the Base Case, 2 percent of new housing and 5 percent of new jobs are located within walking distance of 15-minute bus or train service. In the Blueprint Scenario, those figures rise to 38 percent of new houses and 41 percent of new jobs.

Lincoln NEV Plan

The Neighborhood Electric Vehicle (NEV) Transportation Plan was developed to implement the city of Lincoln's vision to offer residents safe access to downtown Lincoln and other commercial areas by using electrically powered, low-speed vehicles. The city also helped with the passage of AB 2353, which allows local governments to revise their golf cart transportation plan to apply to all low-speed vehicles (under 35 mph).



Davis Bike Network

Davis is home to an extensive bike and pedestrian network and infrastructure system, including bicycle routes, separate trails, dedicated street signals, parking and other features. The city is also home to the new U.S. Bicycle Hall of Fame. The network includes over 55 miles of on-street bicycle lanes, over 55 miles of off-street paths, and 23 grade-separated crossings.



Sacramento Regional Transit Light Rail Extension

In 2005, Sacramento Regional Transit District (RT) extend its Gold Line 10.7 miles east to Folsom, and in 2006, the line extended west to the Sacramento Valley Station. These extensions have added thousands of riders and provided a direct connection from the region's largest transit system to Amtrak. Now, someone can hop on a train, transfer to the Capitol Corridor to connect with the Bay Area, or go south on the San Joaquin through the Central Valley. RT is working on extending the Blue Line south to Cosumnes River College, and the new Green Line to the River District—and on to the airport.





HOUSING CHOICES

Providing a variety of places where people can live—apartments, condominiums, townhouses, and single-family homes—creates opportunities for the variety of people who need them —families, singles, seniors, and people with special needs. This issue is of special concern for the very low-, low-, and moderate-income people for whom finding housing, especially housing close to work, is challenging



West Sacramento Ironworks Lofts and Homes

Ironworks is a development of 187 lofts and small-lot homes on 16 acres in West Sacramento's Bridge District. Bordered by the Sacramento River and downtown Sacramento, the development of three-story lofts and one-story homes offer a variety of housing options close to arts, entertainment, employment centers, and shopping. The Bridge District is planned to be a major infill area in West Sacramento, with a mix of housing, parks, a streetcar, and a waterfront promenade.



Rancho Cordova Capital Village

This new town center with mixed-use design concept utilizes the proximity to a high concentration of job-generating office parks to offer unique and diverse housing stock, open space, and a new community center. The 118-acre project site is surrounded on three sides by corporate offices and is within approximately one-half mile of light rail stations, presenting great opportunities for transit-supportive development. The project also includes an urban park with many amenities for health, recreation, and a sense of community.

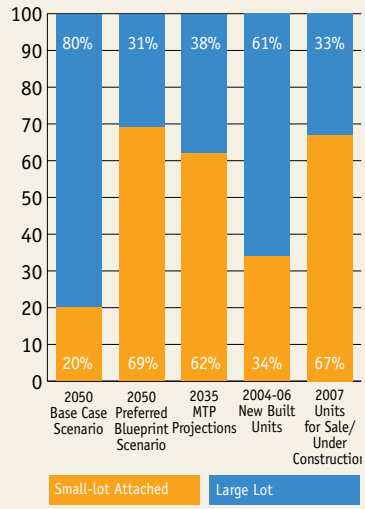


Sacramento L Street Lofts

This new eight-story infill loft project has added 92 housing units and 6,000 square feet of retail ground floor to Sacramento's midtown neighborhood. The project is within walking distance of 78 restaurants, 8 night clubs, 25 boutiques, and 22 art galleries, as well as numerous coffee shops and theatres. The project gives residents the upscale amenities and the best of an urban lifestyle.

HOUSING CHOICE

New Housing STock in:
(in percent)



Under the Base Case, in 2050 over two-thirds of our region's housing would be single-family homes on large lots. Under the Blueprint Scenario, most housing would still be detached single-family, but about 17 percent would be single-family homes on small lots.

COMPACT DEVELOPMENT



By creating environments that are more compactly built and use space in an efficient, but more aesthetic manner, communities can encourage more walking, bicycle, or riding transit and discourage driving alone.

West Roseville Village Center

The most notable feature in the West Roseville specific plan is its village center, a 120-acre district designed and modeled after a traditional downtown. The specific plan includes customized development standards and design guidelines to ensure that the village center builds out with a pedestrian-friendly urban form and a mix of land uses. In addition, the specific plan provides for preservation of the project area's most significant natural resources, including several creek corridors and a large oak woodland.



Sacramento 65th and Folsom F65 Mixed-Use Development

This mixed-use project design transforms an aging industrial area into a community asset, linking the Sacramento State campus with the 65th Street light rail station. The design establishes a prominent streetscape and features pedestrian and bicycle connections leading to a central plaza. The plaza's orientation toward a main intersection, combined with the project's panoply of retail amenities, creates an active café culture that lures commuters and students alike. The second-floor residential element aims to attract residents who favor non-traditional housing options.



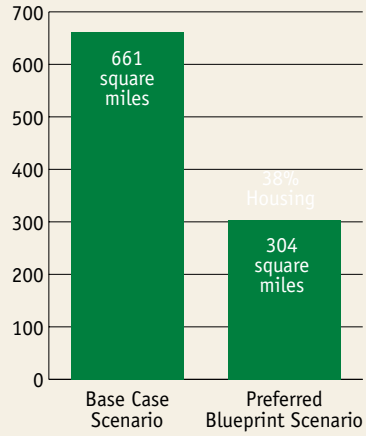
Photo Simulation

Rocklin Downtown Plan

The city of Rocklin is undertaking a downtown plan that will significantly increase residential densities in the downtown area and raise the building heights. Two mixed-use projects have already been approved.



ADDITIONAL URBANIZED LAND
Through 2050
(in square miles)



Under the Base Case, new development would need an additional 661 square miles of land by 2050. In the Blueprint Scenario, 304 square miles of new land would be needed for urban uses.



USE EXISTING ASSETS

Focusing development in communities with vacant land or intensifying development of underutilized land can make better use of public infrastructure, including roads. Building on existing assets can also mean refurbishing historic buildings or clustering buildings more densely in suburban office parks.



Citrus Heights Auburn Boulevard
This project is part of the city's on-going effort to promote and improve pedestrian and bicycle, transit and vehicle movement and safety, incite economic development, and revitalize an aging commercial corridor.



Photo Simulation

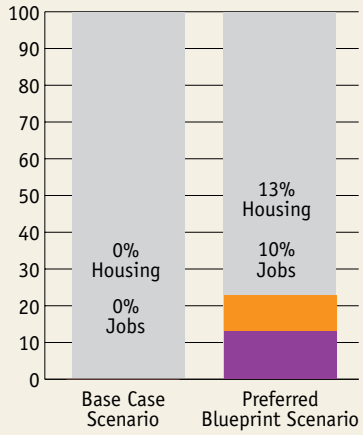
Sacramento County Freedom Drive
The Freedom Drive project incorporates smart growth concepts through redevelopment of the McClellan Air Force Base in North Highlands. The focus is on adaptive reuse, infill development, and the creation of multi-modal transportation options in an older, inner-ring suburban area that has no town center or community focal point. The project will create more consistent streetscapes, improve traffic circulation, and solve issues of pedestrian and bicycle safety as it strives to create a sense of community identity through integration of land use and transportation modes.



Photo Simulation

Sacramento Railyards
The Railyards, located in the heart of central Sacramento, encompasses over 240 acres and is the largest urban infill project in the United States. This historic brownfield site is the home of the western terminus of the transcontinental railroad. This area will be redeveloped into a world-class transit-oriented mixed-use development, which will eventually include over 11,000 housing units, and several million square feet of office and retail space resulting in approximately 19,000 new permanent jobs.

GROWTH THROUGH REINVESTMENT
in 2050
(in percent)



Under the Base Case Scenario, all new development would be on vacant land. The Blueprint Scenario suggests 13 percent of all new housing, and 10 percent of all jobs, would occur through reinvestment.



Timeline Showing Program Relationships

Last Regional Transportation Plan SACOG Adopts pre-Blueprint

First Regional Transportation Plan Based on Blueprint

MTP 2025

MTP 2035

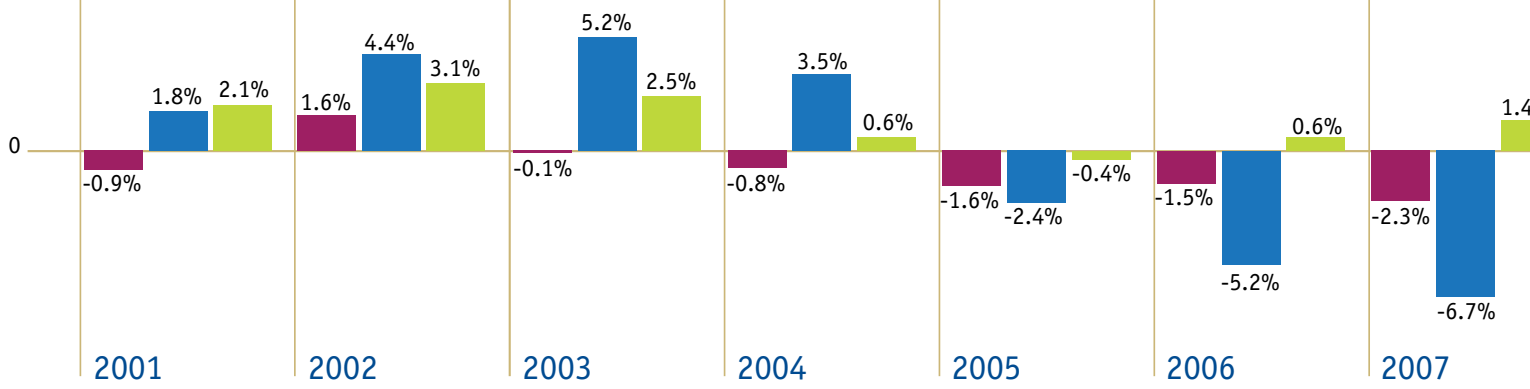
Blueprint

Blueprint 50-Year Smart Growth Land-Use Strategy

Sacramento County attained federal PM10 air quality health standard

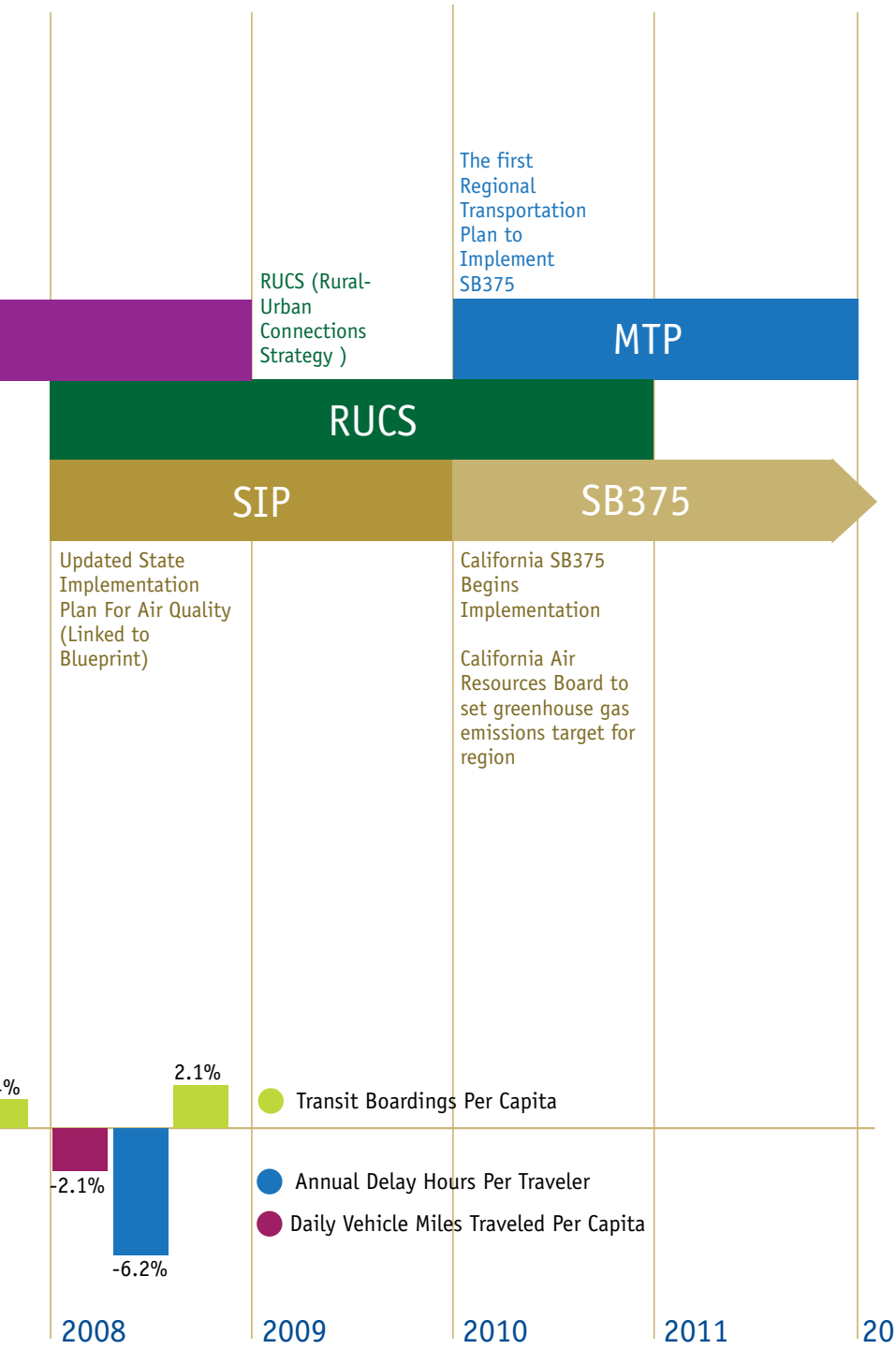
Annual Change in Selected Indicators

Leading Three-year Averaged Year-Over-Year Percent Change





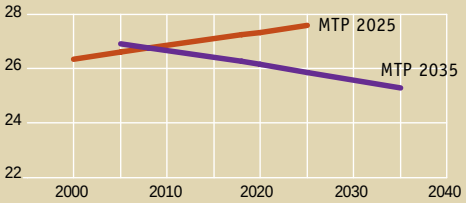
BLUEPRINT INFLUENCE IN THE REGION



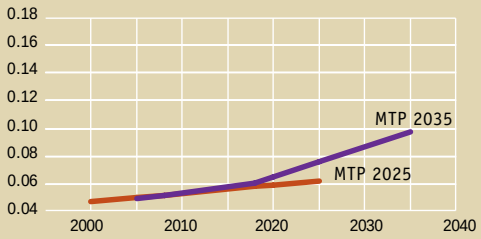
Based on Blueprint, Transportation Plans Evolve

In 2002, the Metropolitan Transportation Plan for 2025 broke new ground with four regional funding programs and a balanced investment between automobile capacity, transit, bicycling and walking. Despite this balance, the plan projected a nearly 60 percent increase in congestion. This led to the need to think about growth and land use patterns, leading to the Blueprint. In 2008, SACOG adopted a Metropolitan Transportation Plan for 2035 based on the Blueprint.

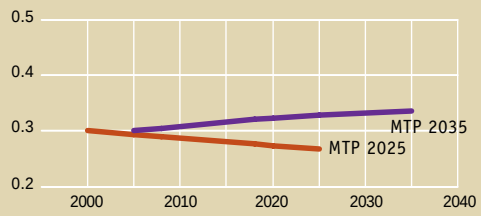
Total Weekday Vehicle Miles Traveled Per Capita



Weekday Transit Person Trips Per Capita



Weekday Non-Motorized Person Trips Per Capita

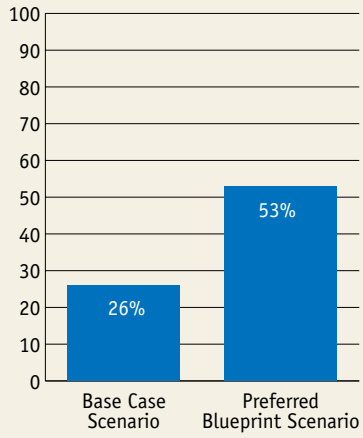


MIXED LAND USES



Building homes together with small businesses or even light industry is called "mixed-use" development, and it has proven to create active, vital neighborhoods. This type of development includes: housing near an employment center, a small shopping center near housing, or a high-rise building with ground-floor retail and apartments or condominiums upstairs. Mixed-use development near transit can boost ridership and provide a viable alternative to driving.

PEOPLE LIVING IN AREAS WITH A GOOD MIX OF JOBS AND HOUSING
in 2050 (in percent)



Under the Base Case Scenario, 26 percent of people would live in communities with a good, or balanced, mix of land uses by 2050. In the Blueprint Scenario, 53 percent would live in balanced communities.

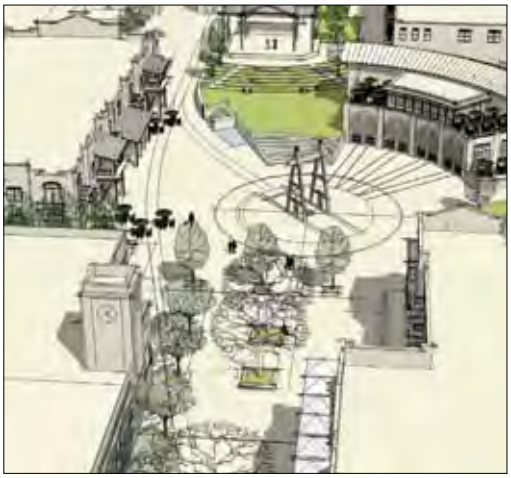
Sacramento East End Lofts

The existing masonry and concrete building was constructed in 1922 as an automobile sales and service facility. The renovated building is a strong urban presence, incorporating a mix of uses, giving it and the surrounding area a renewed sense of vitality. The ground floor accommodates two restaurants, the second floor has modern Class-A office space, and the third and fourth floors together house 18 custom live/work lofts.



Historic Folsom Station

This 4.9 acre development will add mixed-use retail, residential and office space, and higher-density housing around an existing light rail station. In addition to new buildings, the site will include public open space, an amphitheatre, permanent exhibits of Folsom's trail history, linkages to transit, and landscape and pedestrian improvements.



West Sacramento Civic Area

The city of West Sacramento's vision for the West Capitol Avenue corridor is to transform it into a new downtown and central core. This new, vibrant main street will take advantage of the prime location, providing an attractive mix of civic, residential, and commercial land uses. The design of the civic area will allow for multiple forms of transportation, and is critically important in integrating the north and south parts of the community, overcoming the potential divide between new and old parts of the city.





NATURAL RESOURCES CONSERVATION



Resource Management Plans

The region is currently home to several diverse habitat conservation planning efforts. Resource management plans, when well executed, provide the opportunity for economic and ecological betterment. While the status of the plans varies, all would aid in the preservation and improvement of natural habitats and critical resources. At the same time, the plans would ensure that areas home to less-critical natural resources can be developed for homes, businesses, and infrastructure in an expedited fashion.



Local Food Outlets

Food co-ops and other grocery stores in the region are offering opportunities to learn about the benefits of purchasing local foods through classes and printed materials. Some have signs indicating the producers of meats and produce, and major grocers in the region are starting to follow suit. Over 45 regional farmers' markets also serve to increase local access to food and create market opportunities for small to medium size farms.



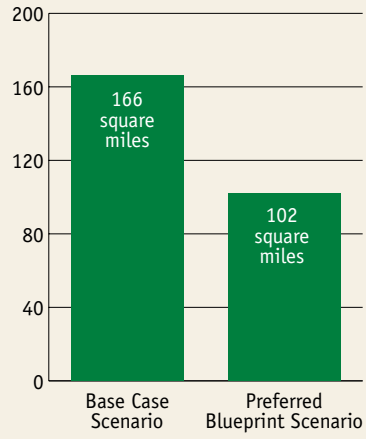
Aquatic Resources Inventory

In 2009, SACOG worked with the U.S. Army Corps of Engineers to secure nearly $1 million dollars to establish a region-wide inventory of aquatic resources. The inventory, when complete, will help implement the various habitat conservation planning efforts in the region and also streamline the Corps' Section 404 permitting process, which regulates dredge and fill material discharge into waters and wetlands. This streamlined process may include a Blueprint-specific letter of permission, which would work to incentivize Blueprint-supportive projects by further streamlining permitting.

Our quality of life is better when we have clean air to breathe and water to drink, and when we can experience the outdoors—in parks and greenbelts or in natural places. We are more likely to ride bicycles or walk in these settings. To ensure healthy and attractive natural environments, we must preserve and maintain our open spaces, natural places, and farmland.

AGRICULTURAL LAND CONVERTED TO URBAN USES

Through 2050
(in square miles)



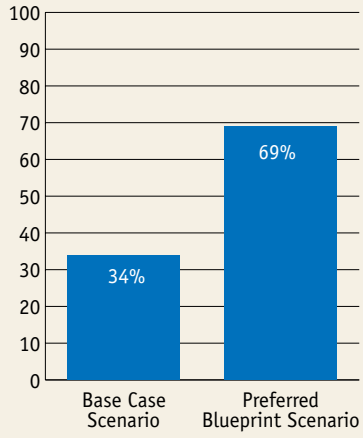
Under the Base Case 166 square miles of agricultural land would be converted into urban uses. With the Blueprint Scenario, 102 square miles would be converted from agricultural land to urban uses.

QUALITY DESIGN



How projects are developed, how they are oriented in relationship to the street, how their façades are designed, if they have setbacks and where their garages are placed, all contribute to a community's attractiveness. This also influences how much people like to walk or bicycle, and contributes to community pride and sense of ownership.

PEOPLE LIVING IN AREAS WITH GOOD PEDESTRIAN FEATURES
in 2050 (in percent)



Under the Base Case Scenario, 34 percent of people would live in pedestrian-friendly neighborhoods. In the Blueprint Scenario, in 2050 that number would rise to 69 percent.

Marysville Downtown Planning Efforts

Marysville has undertaken four planning efforts to direct future public and private investment toward the goal of creating a vital, thriving and self-sustaining downtown commercial district. A critical priority is to revitalize the area and create a lively ambiance to attract people, activities and commerce to the downtown, while maintaining the downtown's historic "small-town" charm.



Winters Downtown Planning and Form-Based Codes

This new downtown master plan makes detailed revisions to the city of Winter's Zoning Code to enhance parking standards, and to create a more "form based" design code. The goal is to provide for a more open development of the downtown area. The city hopes to promote economic revitalization of the downtown, through mixed-use development, more pedestrian orientation, increased density for infill, and improved standards for parking and overall design.



Photo Simulation

Sacramento R Street Corridor

Sacramento's R Street corridor, once a thriving warehouse district, is being transformed into a new transit-oriented, mixed-use neighborhood. The 14&R development, formerly a bakery warehouse, now features attractive, street-level restaurants and retail. Above, 12 lofts in the historic brick building offer modern touches, including a common rooftop deck with views of downtown.





BLUEPRINT'S IMPACT:

Blueprint Informs the Metropolitan Transportation Planning Process

Each time SACOG adopts an MTP it must first adopt a 25- to 30-year growth forecast for the region, and a land use allocation that specifies its best estimate of the most likely places where that growth will occur by type of growth and geographic location. The land use pattern that forms the foundation of an MTP is based on both the policy directions cities and counties are pursuing as well as the estimated performance of the real estate market.

After the Blueprint was adopted and in order to consider changes to future land use patterns that may occur as the result of the Blueprint Map and Growth Principles, a more detailed and explicit process was developed for the creation of the MTP land use allocation. This is important, because Blueprint project research clearly shows that changes to local land use patterns could achieve significant benefits to the region's transportation system and air quality.

In order to quantify these transportation and air quality benefits, it must be shown that the changes to the land use pattern are more likely to occur than a continuation of the land use patterns of the past.

To help create the 2035 land use map and allocation for the first MTP update post-Blueprint, SACOG worked with each local government to identify their Blueprint implementation efforts. Implementation strategies are different for each jurisdiction. Some have incorporated the Blueprint principles into their general plan updates to guide future growth and development and are conforming implementing codes to the general plan updates; others have initiated area-specific plans to implement Blueprint principles; some jurisdictions created their own Blueprint implementation strategies to guide their planning and development review processes.

These individual local government's actions are occurring at different times and scales of effort. It is expected that local governments will make the final decisions on what specific changes to adopt after completing local planning processes, including citizen participation.

To support the more compact land use pattern predicted in the MTP land allocation and growth forecast, the MTP2035 invests a far greater share of transportation resources in alternative modes and trip reduction than any previous MTP.

A Changing Region

By 2035, the Sacramento region will:

- add 1.2 million residents
- add 535,000 new jobs
- add 525,000 new homes
- increase its senior population 153 percent

This plan will:

- reduce vehicle miles traveled per household by 10 percent
- hold congested travel per household to less than a 5 percent increase
- increase bus frequency, add new street cars and light rail, as well as neighborhood shuttles
- add freeway lanes for carpools and commuter buses



BLUEPRINT'S IMPACT:

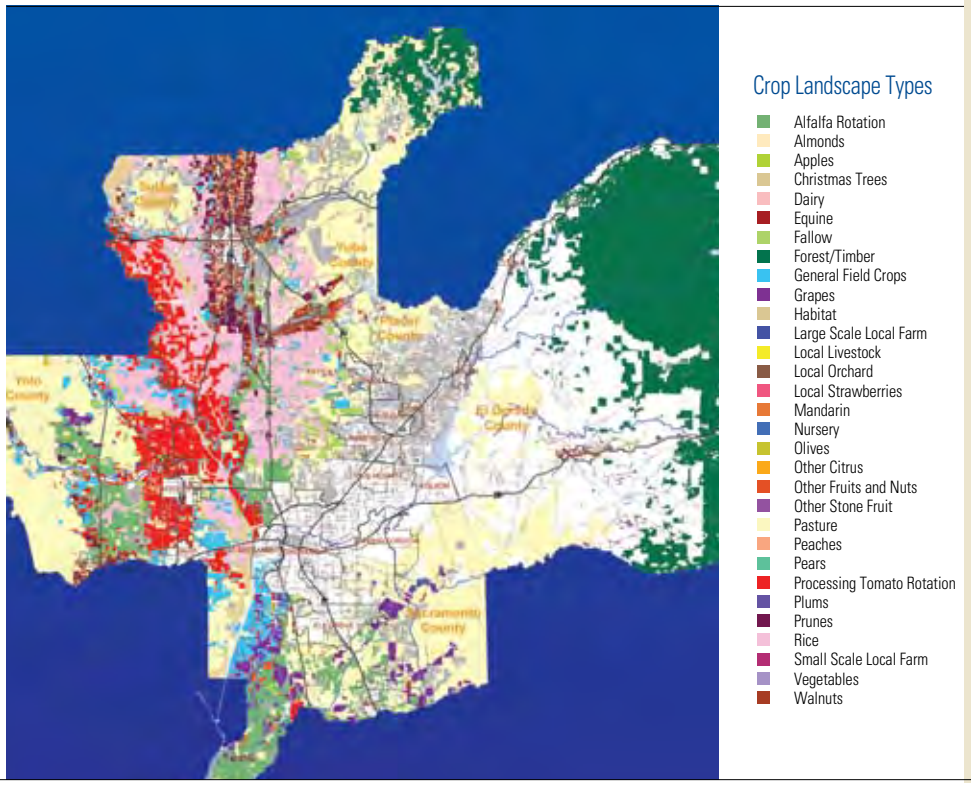
RUCS Strategy Expands on Blueprint

After completing the Metropolitan Transportation Plan for 2035, SACOG started looking at rural land use issues in more detail through the Rural-Urban Connections Strategy (RUCS). In the same way that Blueprint is an economic development strategy for urban areas, RUCS is intended to be an economic as well as environmental sustainability strategy for rural areas.

The RUCS project started by assessing challenges and opportunities across given rural topic areas (see side bar). These challenges and opportunities reflect collaborative work with local agriculture, planning, economic development, and environmental representatives to understand the unique issues that affect rural areas.

Through a stakeholder-driven process, SACOG is working directly with citizens, businesses, and public agencies to form strategies that enhance agriculture and rural economies, resource conservation, recreation, quality of life, and regional sustainability. This work will broaden the region's understanding of how decisions about land use, transportation, and investments affect rural areas.

CROP MAP



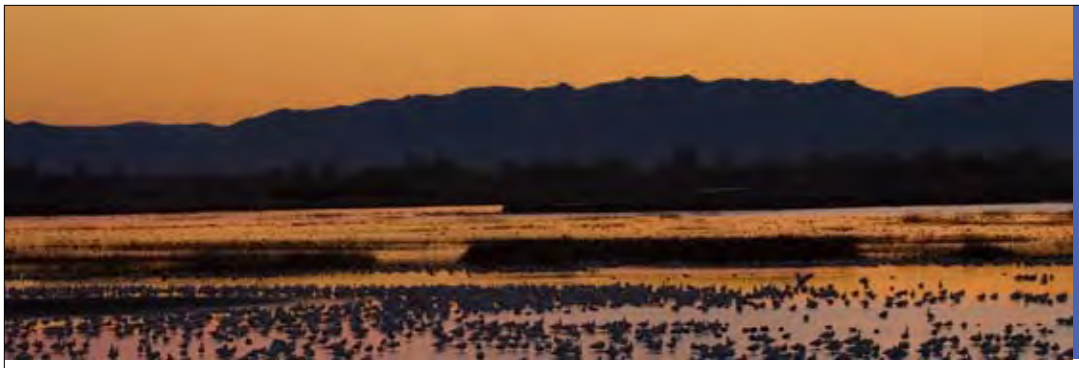
Topic Areas

- **Land Use and Conservation:** policies and plans that shape rural areas and conserve agricultural and open space
- **The Infrastructure of Agriculture:** strategic improvements to transportation challenges to the production process
- **Economic Opportunities:** new ways to grow revenue and sustain regional agriculture
- **Forest Management:** building up economic and environmental value
- **Regulations:** navigating federal and state environmental guidelines

Mapping Project

The RUCS team is creating a Geographic Information System based tool to assess agricultural production in the region. At the core of this rural land use assessment is crop data. The RUCS project team has collected economic data on agricultural production. When completed, this RUCS analysis capacity will be added to the I-PLACE^{3}S model, providing the capacity to evaluate both urban and rural land use changes.

To view crop data in the region on a larger scale map, visit **www.sacog.org/rucs.**



REALIZING THE BLUEPRINT

SACOG helps cities and counties across the Sacramento region implement the Blueprint in small and large ways. From helping staff in the early stages of planning, to funding projects, SACOG has many tools and services available to communities.

Video & PowerPoint Libraries

SACOG continues to develop videos and PowerPoint presentations to educate community members about core principles behind the Blueprint project and transportation alternatives with visual examples.

Computer Visual Simulations

SACOG developed a web-based 3D simulation model for 56 square miles of regional study areas to help visualize a range of potential activities on infill development sites. SACOG also developed software that allows planners and designers to remove existing buildings from the simulation and add in "new" building types that displayed potential development.

I-PLACE^{3}S

I-PLACE^{3}S enables users to create and evaluate multiple development scenarios against a set of basecase conditions. It demonstrates how planning and design choices, made by a community, have impacts on development patterns, modal choices, redevelopment potential, and livability to name a few.

Development Review

At the request of a local government SACOG will evaluate a proposed development project for its consistency with the Blueprint Principles and Vision Map. SACOG also provides technical planning assistance in the development or update of general plans, community plans, and specific plans.

Training Workshops for Staff & Elected Officials

SACOG provides free educational opportunities for anyone interested in planning related issues. The SACOG Planners Committee has workshops at its monthly meetings on technical and policy topics that local government planners are addressing. Workshops are also held for elected officials and planning commissioners on policy related topics.

Photo Simulations & Image Library

Photo Simulation PowerPoints are very effective tools to show the public how public investment can attract infill development and build attractive, vibrant neighborhoods. Also available for viewing, SACOG created a series of photo simulations for a variety of projects around the region.

SACOG has developed a library of photographic images for local governments, community groups and businesses to use in promoting good land uses, alternative transportation modes, and the connections between the region's urban and rural communities.

Community Workshop Facilitation

Local jurisdictions and public and non-profit organizations occasionally hold community planning workshops. SACOG staff and resources can be made available to workshops that address community growth and revitalization issues. Services provided include facilitation, small-group leadership, educational resources and technical expertise.

Funding Programs

SACOG provides direct grants to support project-specific efforts in cities and counties that implement the Blueprint principles. The support comes in the way of competitive financial assistance. There are four programs that award grants on a two-year cycle: air quality, bicycle/pedestrian, transportation demand management, and community design.

Form-Based Code Handbook

SACOG's Form-Based Code Handbook provides background information on form-based codes, when to use it, and, most importantly, a practical step-by-step guide on how to create one. Although the case studies are not actual form-based codes, they illustrate the steps and considerations needed to create a form-base

BLUEPRINT AWARDS & RECOGNITION

The Sacramento region's Blueprint has received praise from throughout the state and nation:

One of the "Top 50" programs in Harvard University's "Innovations in American Government" Competition, Kennedy School of Government (2003)

The Governor's Award for Environmental and Economic Leadership (2003)

The Federal Highway Administration/Federal Transit Administration Transportation Planning Excellence Award (2004)

The American Institute of Architects California Chapter Presidential Citation (2004)

The Environmental Council of Sacramento (ECOS) Environmental Leadership Award (2004)

U.S. Environmental Protection Agency—National Award for Smart Growth Achievement (2004)

American Leadership Forum Mountain Valley Chapter—Thanks to You Award (2004)

Association of Metropolitan Planning Organizations—National Award for Outstanding Achievement (2004)

Sacramento Mutual Housing Association—Community Development Award (2005)

American Lung Association Sacramento Emigrant Trails—Regional Clean Air Award (2005)

Sacramento Business Journal—Real Estate Deal of the Year (2005)

Wall Street Journal—With Gas Over $4, Cities Explore Whether It's Smart to be Dense (2008)

Sacramento Business Journal—Top 25 Stories of 25 Years (2010)

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

Sacramento Area Council of Governments, Mike McKeever (SACOG)

Response to Comment SACOG-1

The comment states that the Enhanced Regional Alternative is the alternative most consistent with the Sacramento Area Council of Governments' Blueprint plan. The comment is noted.

Response to Comment SACOG-2

The comment provides a simplified analysis of vehicle miles traveled (VMT) and points out that VMT is higher in Elk Grove than the rest of the region and that improvement in the City's jobs-household balance would improve VMT. The comment states that the Enhanced Regional Alternative would aid the region in achieving congestion reduction and air quality goals. The comment is noted.

Response to Comment SACOG-3

The comment expresses support for the Enhanced Regional Alternative, but does not provide comments on the content or adequacy of the analysis, mitigation measures, or significance findings of the RDEIR. No response is required. LAFCo will consider the alternative in its consideration of the proposed SOIA.

Response to Comment SACOG-4

The comment provides a description of the Metropolitan Transportation Plan/Sustainable Communities Strategy (MTP/SCS), and the differences between the MTP/SCS and a land supply contingency needed to support a healthy land market. The comment does not address a significant environmental issue (See *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549). Nonetheless, the MTP/SCS 2035 Draft Preferred Scenario is described in the RDEIR in Table 2-4, and the adopted MTP/SCS for 2035 is discussed in the Air Quality, Greenhouse Gas, Land Use, Population and Housing, and Transportation and Traffic sections (RDEIR pages 3.3-16, 3.3-17, 3.3-23; 3.7-16, 3.7-17, 3.7-21, 3.10-68, 3.15-11). Therefore, LAFCo is considering the MTP/SCS where appropriate. As described in the RDEIR, the timing of future development of the SOIA Area is currently unknown. Please refer to pages 2-17 through 2-28 in Section 2, Project Description, regarding assumptions for the SOIA. The programmatic conditions that apply to potential future development are contained throughout the RDEIR and include existing state, regional, and local requirements, as well as the mitigation measures required through the RDEIR. See Master Response 7.

Regarding the MTP, the SouthEast Connector Project, a 35-mile roadway, will link communities in El Dorado and Sacramento counties and the cities of Elk Grove, Rancho Cordova, and Folsom. As shown in Table 3.15-6 of the RDEIR, this planned project was included in the Final MTP 2035 Bicycle, Pedestrian, Roads, and Other Projects list as a Tier 1 project with an estimated completion year of 2016. The planned connection was also shown on Exhibits 3.15-3 and 3.15-4. However, traffic volumes were not shown on the segment, which may have caused reviewers to question whether it was included as a base assumption under the cumulative scenario. RDEIR Figures 3.15-3 and 3.15-4 are revised to illustrate the volumes that were utilized on the segment, as follows. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.



Source: Fehr and Peers, 2013

Michael Brandman Associates

Exhibit 3.15-3
Average Daily Traffic Volumes-Cumulative No Project Conditions



Source: Fehr and Peers, 2013

Exhibit 3.15-4
Average Daily Traffic Volumes-Cumulative Plus Project Conditions

Michael Brandman Associates

The RDEIR and the Final Program EIR for the Capital SouthEast Connector Project have a comparable future year analysis scenario. Specifically, the Cumulative No Project scenario from the RDEIR and the 2035 Proposed Project from the Final Program EIR for the Capital SouthEast Connector Project assume the Capital SouthEast Connector Project and do not include the proposed SOIA. However, while the scenarios are similar, differences in the underlying land use input assumptions along the Capital SouthEast Connector Project (i.e., households and employment) result in different traffic volume forecasts on segments of the Capital SouthEast Connector Project between State Route 99 and Interstate 5, including Kammerer Road, the Kammerer Road Extension, and Hood Franklin Road.

Both analyses used the SACMET regional travel demand forecasting model, maintained by SACOG, to developed future year travel demand forecasts. The analysis for the RDEIR for the Proposed City of Elk Grove SOIA used the future year SACMET model land use inputs directly, without modification, to be consistent with the Metropolitan Transportation Plan, as there is no land use plan or transportation plan included with the SOIA. The analysis in the Program Environmental Impact Report for the Capital SouthEast Connector Project assumed additional jobs and housing within the Connector Project corridor based on information provided by its member agencies. These differences contribute to higher daily traffic volume forecasts on the Capital SouthEast Connector than in the comparable future year analysis scenario from the RDEIR.

SACRAMENTO METROPOLITAN
AIR QUALITY
MANAGEMENT DISTRICT

RECEIVED
MAY 20 2013
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

Larry Greene
AIR POLLUTION CONTROL OFFICER

May 20, 2013

SENT VIA EMAIL

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

RE: City of Elk Grove Sphere of Influence Amendment Recirculated Draft Environmental Impact Report

Dear Mr. Lockhart:

Thank you for providing the Sacramento Metropolitan Air Quality Management District (SMAQMD) the opportunity to review and comment on the Elk Grove Sphere of Influence Amendment Recirculated Environmental Impact Report (SOI Recirculated EIR). As noted previously, the SMAQMD also appreciates the opportunity to work cooperatively with Local Agency Formation Commission (LAFCo) staff on this effort. SMAQMD comments are as follows:

Greenhouse Gas Emissions

1. The work done by our respective staffs on the original Environmental Impact Report (EIR) to include mitigation that will best address the uncertainty of future land uses and changing nature of GHG mitigation continues to be reflected in the GHG-1 mitigation in the current document. Providing an array of GHG mitigation metrics for any future annexed area to choose from that will best suit the circumstances of the time is a reasonable approach given currently available tools. 1

Air Quality Emissions

1. In order to provide consistency among SOIA's and to ensure that the appropriate level of operational mitigation for this SOIA (since it was not considered when forecasting impacts for the Metropolitan Transportation Plan (MTP) and the State Implementation Plan (SIP)), the SMAQMD recommends the following modified mitigation language: 2

   AIR1a: The goal of this mitigation measure is to avoid air quality impacts by ensuring that any future development within Elk Grove Sphere of Influence Amendment (SOIA) Area meets or exceeds air pollution control requirements in the federally mandated State Implementation Plan (SIP) for the Sacramento Ozone Non-attainment Area of which the SOIA Area is a part.

   At the time of submittal any application to annex any portion of the SOIA Area, the City of Elk Grove will prepare an Air Quality Mitigation Plan (AQMP).

   a. *The AQMP must reduce the operational emissions of development within the SOIA Area by 35% when compared to the potential emissions that could occur in the SOIA Area in the absence of polices and measures included in the AQMP.*
   b. *The City of Elk Grove will coordinate the development of the AQMP with the Sacramento Metropolitan Air Quality Management District (SMAQMD) and Sacramento Area Council of Governments (SACOG), and will use modeling tools approved by those agencies to gauge the effectiveness of the measures.*

   AIR 1b (alternative air quality mitigation):
   The AQMP required under AIR1 will be required to demonstrate 15% reduction to operational emissions if the following conditions are met:

a. *The application for annexation of the SOIA Area or any portion thereof occurs after the June 15, 2019 SIP attainment deadline, and the SMAQMD confirms the SIP standards have been achieved, and;*
b. *The City of Elk Grove demonstrates that the development proposal is consistent with the new SIP or attainment plan and the SMAQMD concurs with the analysis. If the demonstration uses modeling tools, the tools must approved by SMAQMD and SACOG.*

2 (cont.)

2. To reduce the potential for misunderstanding, MM AIR2 on page 3.3-25 of the Recirculated EIR should include language that clarifies the need to use the emission reduction tools "most current at the time of construction (or annexation)" or words to that effect. The last sentence of that paragraph should read, "compliance with any applicable SMAQMD Rules in effect at the time of construction" rather than enumerating specific SMAQMD Rules, since other Rules may be applicable at the time of annexation.

3

If there are any additional questions about these or other comments we have made on this project please contact Charlene McGhee at cmcghee@airquality.org or 916.874.4883 or Larry Robinson at lrobinson@airquality.org or 916.874.4816.

Regards,

Larry Greene
Executive Director

c: Taro Echiburu, City of Elk Grove
Charlene McGhee, SMAQMD
Larry Robinson, SMAQMD

Sacramento Metropolitan Air Quality Management District, Larry Greene (SMAQMD)

Response to Comment SMAQMD-1

The comment states that RDEIR Mitigation Measure GHG-1 is appropriate. This comment is noted.

Response to Comment SMAQMD-2

The comment recommends revisions to Mitigation Measure AIR-1. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR. Mitigation Measure AIR-1 on page 3.3-24 has been revised as follows:

MM AIR-1 Prior to the submission of any application to annex ~~territory within~~ any portion of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will ~~that all discretionary projects~~ prepare an Air Quality Mitigation Plan ~~for the SOIA Area~~. The Air Quality Mitigation Plan must reduce the operational emissions of development within the SOIA Area by 35% when compared to the potential emissions that could occur in the SOIA Area in absence of policies and measures included in the Air Quality Mitigation Plan. The City of Elk Grove will coordinate the development of the Air Quality Mitigation Plan with the Sacramento Metropolitan Air Quality Management District (SMAQMD) and Sacramento Area Council of Governments (SACOG), and will use modeling tools approved by those agencies to gauge the effectiveness of the measure.

In the cases in which an application for annexation of the SOIA Area or any portion thereof occurs after the June 15, 2019 State Implementation Plan (SIP) attainment deadline, the SMAQMD confirms the SIP standards have been achieved, and the City of Elk Grove demonstrates that the development proposal is consistent with the new SIP or attainment plan and the SMAQMD concurs with the analysis; a 15% reduction to operational emissions when compared to the potential emissions that could occur in the SOIA Area in absence of Air Quality Mitigation Plan policies and measures is required. ~~incorporate policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as North Natomas. In the case of North Natomas, the emissions will be reduced by 35 percent from the potential emissions that could occur without the adopted air quality policies being implemented.~~

Response to Comment SMAQMD-3

The comment recommends revisions to Mitigation Measure AIR-2. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR. Mitigation Measure AIR-2 on page 3.3-26 has been revised as follows:

MM AIR-2 At the time of submittal to annex land within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove will require all discretionary projects to comply with all ~~recommended~~ the most current SMAQMD measures at the time of construction to address construction-generated emissions. This will include emission reduction requirements for construction equipment and development of an inspection and enforcement plan associated with construction equipment emissions. In addition, compliance with any applicable SMAQMD Rules in effect at the time of construction ~~402 and 403~~ will be demonstrated.

NATURAL RESOURCES DEFENSE COUNCIL

RECEIVED
MAY 21 2013
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

May 21, 2013

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

Re: Comments on Elk Grove Sphere of Influence Amendment Draft Environmental Impact

Dear Mr. Lockhart,

On behalf of NRDC (Natural Resources Defense Council), which has 1.2 million members and activists, 250,000 of whom are Californians, I submit the following comments regarding the Elk Grove Sphere of Influence Amendment (EG-SOIA or Project) Recirculated Draft Environmental Impact Report (RDEIR).

NRDC cosponsored AB 32, so we are particularly concerned about how land use and transportation investments will help, or hinder, California's ability to meet AB 32's greenhouse gas emissions reduction targets. NRDC also cosponsored SB 375 and is heavily invested in its implementation. SACOG's RTP/SCS is, to us, a model of sustainable regional planning. We are concerned that approval of the EG-SOIA will encourage development patterns that could jeopardize SACOG's ability to meet the greenhouse gas emissions reduction targets from cars and light trucks assigned to it by CARB. 1

Inadequate Analysis of the SOIA in Relation to the SACOG MTP/SCS

The RDEIR does not adequately analyze the impact of the SOIA on the MTP/SCS. In terms of GHG reduction, the MTP/SCS represents a fully analyzed strategy to successfully meet the GHG reduction targets laid in AB 32, and translated to the transportation and development sectors through SB 375. Substantial deviations from the land use strategy indicated in the MTP/SCS could jeopardize the region's ability to meet mandated GHG targets and will have other potential impacts not covered in this RDEIR. The SOIA could: 2

1.) Potentially drive market interest away from urban infill projects by providing new, greenfield development opportunities.
2.) Potentially impact the ability of other jurisdictions in the SACOG region to meet AB 32 targets because the SOIA has taken a disproportionate "share" of available transportation-related GHG emissions.
3.) Potentially impact the ability of the region to grow in a way that will allow compliance with the GHG targets.
4.) Potentially impact circulation into Sacramento and surrounding jurisdictions increasing congestive GHG production.
5.) Potentially result in a reduction of transportation dollars due to non-compliance with the MTP/SCS and inability of the region to meet its GHG reduction requirements.

2 (cont.)

The RDEIR states that one of the requirements of the MTP/SCS is to "achieve the greenhouse gas reduction targets assigned to SACOG by the California Air Resources Board." As already indicated, the approval of the SOIA will render this requirement much more difficult to achieve because of its complete inconsistency with the strategy laid out in the MTP/SCS.

3

The omission of these important impacts in the context of CEQA indicates that the findings here are not substantially supported with evidence.

Inadequate Mitigation Measures for Greenhouse Gas Emissions Impacts

In addition to inadequately analyzing the SOIA with respect to its consistency with the RTP/SCS, the RDEIR provides inadequate mitigation measures for the greenhouse gas emissions impacts it does acknowledge. MM GHG-1 requires the City of Elk Grove, prior to annexation of any part of the SOIA, to:

1. Amend the city's GHG emissions inventory, using a methodology submitted to SMAQMD for review;
2. Require that any discretionary project comply with the following:
    i. Annual per capita GHG emissions from the project must be less than 6.6 MT;
    ii. Total GHG emissions would be a reduction of 29% from 2020 business-as-usual baseline
3. Amend the Elk Grove Climate Action Plan to reflect any development in the SOIA area.

4

MM GHG-1 is extremely important. Given the SOIA's inconsistency with the MTP/SCS, MM GHG-1 needs to provide a meaningful expectation that GHG emission impacts can be mitigated. MM GHG-1, however, leaves many important questions unanswered; among them:

5

- What is the basis of the 6.6 MT annual per capita efficiency measure? Other jurisdictions recommend much lower thresholds (BAAQMD, for instance, sets a

threshold at 4.4 MT per capita). Some scholars and advocates argue that any addition of CO2 to the atmosphere is a significant environmental impact. The RDEIR does not justify the selection of this number or describe how this number mitigates greenhouse gas emissions from the SOIA. 5 (cont.)

- What is the basis for selecting a 29% reduction from a business as usual projection as the threshold for environmental significance? The question is even more pressing as the RDEIR concedes that the methodology for determining this projection has not been selected. We question how a 29% reduction from an unknown number constitutes a mitigation measure. 6

- Both the determination of the 2020 business as usual baseline, and the methodology for amending the City of Elk Grove's GHG emissions inventory, are left to future action, in consultation with SMAQMD. Neither of these activities—that is, the determination of a methodology and a BAU baseline--necessarily requires specific knowledge of the ultimate disposition of the SOIA area. We would ask why these two aspects cannot be finalized in the FEIR, and suggest that putting these two actions off brings the quality and enforceability of the mitigation measure into question. 7

Because of the lack of specificity, and thereby enforceability, of this mitigation measure, there can be no reliable reduction in the level of significance and it remains significant and unavoidable.

Thank you very much for your time and attention and for the opportunity to comment. If you have any questions or would like any additional information, please feel free to contact me at (415) 875-6100 or at jhorner@nrdc.org.

Sincerely



Justin Horner
Transportation Policy Analyst

Natural Resources Defense Council, Justin Horner (NRDC)

Response to Comment NRDC-1

The comment expresses concern that the proposed SOIA could encourage development patterns which could hinder SACOG's ability to meet the GHG emissions target assigned to the region by the California Air Resources Board (ARB). This comment is an introductory comment, and further elaboration is provided in subsequent comments.

Response to Comment NRDC-2

This comment is identical to Comment ECOS-2-102. See Response to Comment ECOS-2-102.

Response to Comment NRDC-3

This comment is identical to Comment ECOS-2-103. See Response to Comment ECOS-2-103.

Response to Comment NRDC-4

The comment states the RDEIR provides inadequate mitigation. See Master Response 1. Compliance with Mitigation Measure GHG-1 requires future development in the SOIA to comply with one of three identified performance criteria, including (1) the requirement of future development projects to demonstrate an efficiency metric of less than 6.6 annual metric tons of carbon dioxide equivalent per service population (residents plus employees), (2) the requirement that GHG emissions of future development projects be reduced by 29 percent from the year 2020 business-as-usual baseline, or (3) the requirement that future development demonstrate compliance with applicable CAP measures and the City's emission reduction goals (see page 3.7-26). All future development allowed within the SOIA will be required to comply with one of these three identified performance criteria, which would ensure compliance with AB 32.

Response to Comment NRDC-5

The comment states that there is no basis for the efficiency metric of less than 6.6 annual metric tons of carbon dioxide equivalent per service population (residents plus employees). The efficiency metric of less than 6.6 annual metric tons of carbon dioxide equivalent per service population has been identified for the analysis of plan-level projects, like the proposed SOIA, by the Bay Area Air Quality Management District and the South Coast Air Quality Management District.

Response to Comment NRDC-6

The comment questions whether the basis for the RDEIR mitigation requirement of a 29 percent reduction from a business-as-usual projection for all future development in the SOIA is adequate since a business-as-usual projection has not yet been determined. The basis for achieving a reduction of GHG emissions by 29 percent compared with business as usual is derived from the California Global Warming Solutions Act of 2006 (AB 32) 32 (Health and Safety Code Sections 38500, 38501, 28510, 38530, 38550, 38560, 38561–38565, 38570, 38571, 38574, 38580, 38590, and 38592–38599). The heart of this legislation is the requirement that statewide GHG emissions be reduced to 1990 levels by 2020. Based on ARB's calculation of 1990 baseline emissions levels in the 2008 AB 32 Scoping Plan, California must reduce GHG emissions by approximately 29 percent below BAU

predictions of year 2020 GHG emissions to achieve this goal. However, it is noted that in August 2012, ARB released revised estimates of the expected 2020 emissions reductions. The revised analysis relies on emissions projections updated in light of current economic forecasts which account for the economic downturn since 2008 as well as reduction measures already approved and put in place. This reduced the projected 2020 emissions from 596 million metric tons (MMT) CO2e to 545 $MMTCO_2e$. The reduction in projected 2020 emissions means that the revised business-as-usual reduction necessary to achieve AB 32's goal of reaching 1990 levels by 2020 is now only 21 percent. Therefore, the requirement that future projects in the SOIA achieve a reduction of GHG emissions by 29 percent compared with business as usual is more stringent than required.

As discussed in RDEIR Section 2, Project Description, the proposed SOIA does not include any requests for annexation or development proposals. Therefore, the RDEIR made assumptions regarding land uses within the SOIA based on the City of Elk Grove's General Plan land use designation mix and ratios that would occur within the city limits by the City's General Plan Buildout in order to provide the most detailed environmental analysis of the probable environmental effects of the proposed SOIA. The RDEIR estimated the GHG generation in the SOIA Area based on those land use assumptions, which is adequate, given the level of detail of the proposed SOIA.

Response to Comment NRDC-7

The comment states that aspects of Mitigation Measure GHG-1 leaves too much to future action and brings enforceability into question. See Master Response 1.

ECOS
ENVIRONMENTAL
COUNCIL
OF SACRAMENTO

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Friends of the Swainson's Hawk

Sierra Club
Founded 1892

Green Democratic Club of
Sacramento County

April 30, 2013

Sacramento Local Agency Formation Commissioners
C/O Donald Lockhart, Assistant Executive Officer
1112 I Street, Suite #100
Sacramento, California 95814

Re: Elk Grove SOIA, and respective RDEIR

Dear LAFCo Commissioner,

There are numerous unresolved issues related to the Elk Grove Sphere of Influence Amendment application before your board. Our groups are still in the process of reviewing the Re-circulated Draft Environmental Impact Report and will have our comments to you before the end of the comment period, but at this time we are not prepared to present the various CEQA issues with that document. We would, however, like to get some answers to some longstanding questions and concerns and request that the Commission explore the following issues and questions.

Is there a demonstrated need for the SOIA?
LAFCo is only supposed to consider a planning horizon of 20 years. There are numerous indications that this SOIA will not be needed for decades beyond that horizon.

1. LAFCo has a planning horizon of 20 years and SACOG says that further demand for land beyond City of Elk Grove's current boundary is in 50 years or more. Why is LAFCo processing an application for an expanded SOI for Elk Grove now? 1
2. When will LAFCo be requesting SACOG to publicly present their growth need analysis for Elk Grove? 2
3. What does Elk Grove base its alleged need for the SOIA on if its own Market Study, (2011) which used inflated and outdated growth projections, does not demonstrate that need. 3
4.) What impact will the approval of a huge new SOIA have on the regional housing market and efforts to promote smart growth infill? Will development within the SOI after annexation create a regional surplus of residential and commercial property? What will be the effects of such a surplus? 4
5. Does the RDEIR address the potential environmental impacts of premature designation of the proposed SOI as an area for future urban growth? 5
6. Are the risks and costs of urban blight, including the environmental effects of potential urban blight arising from excessive housing capacity created by the annexation foreseen by the SOI, within the existing urban area considered in the RDEIR? 6

7. Has Elk Grove polled their residents to find out if they see a need for a huge expansion of their city? 7

Is the application outdated?

The SOIA application was begun at the height of the housing bubble. Much has changed since then with high foreclosure rates, non-existent housing demand, jobs lost at a rate much higher than the national average, and greatly reduced long term growth predictions.

At the recent LAFCo public meeting in Elk Grove, Elk Grove citizens raised the issue that they had not had a fair hearing on the issue of SOI expansion, and a recent public opinion poll of 1371 randomly selected Elk Grove registered voters showed that less than 20 percent support the SOI while over 50 percent oppose it.

1. Why doesn't LAFCo staff recommend that the SOI application which is several years old be confirmed or modified by the City of Elk Grove Council after giving the public a chance to be heard. 8
2. Has Elk Grove been asked to address the relevance of their SOIA application in light of all the changes since their initial submission? 9

Problems with the South Sacramento County Habitat Conservation Plan.

Those on the South Sacramento County Habitat Conservation Plan (SSHCP) Steering Committee acknowledge that there is a conflict between the Elk Grove SOI proposal and a feasible habitat plan. The EIR consultant claims there is no conflict because there is no HCP adopted as of yet. 10

1. On this critical disagreement, how will LAFCo staff assure that a fair and objective finding can be made?
2. What is LAFCo staff doing to ensure that it is acting in the pubic interest and in conformity with its statutory obligations? 11
3. When will LAFCo be requesting California Department of Fish and Wildlife to publicly present their understanding of this conflict? 12
4. How will LAFCo ensure that Elk Grove's SOIA does not adversely affect the "feasibility for acquisition" in the Western portion of the SSHCP? 13
5. How do we know that Elk Grove will remain a part of the SSHCP? 14

Farmland

Farmland preservation and protection is one of LAFCo's most important statutory duties. The RDEIR only considers mitigation for a part of the farmland to be urbanized by Elk Grove under the SOI expansion. Under County policies, all of the farmland lost would be mitigated. 15

1. How will LAFCo staff ensure that the Commission fairly considers impacts to all the farmland to be urbanized?
2. How can LAFCo approve the potential loss of so much viable agricultural land for an application that has no demonstrated need? 16

Significant and Unavoidable Impacts

In a number of areas, the RDEIR acknowledges impacts are significant and unavoidable. 17

1. But can't these impacts be avoided by not approving the SOI Expansion, or by limiting it? 17
2. Why does the RDEIR not consider mitigation to limit the SOI? (cont.)

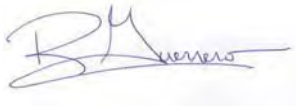
Mitigation Measures 18

The RDEIR relies on specific mitigation measures which Elk Grove promises to adopt after annexation to offset the impacts of future urban development within the SOI area after annexation. However LAFCo has no authority over land use within the SOI area after it is annexed.

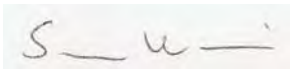
1. What are LAFCo's enforcement powers that LAFCo can exercise to assure that these mitigation measures are actually implemented by the City of Elk Grove after annexation? 19

Thank you for your consideration of these questions.

Sincerely,



Rick Guerrero
President, Environmental Council of Sacramento



Sean Wirth
Conservation Chair, Sierra Club, Mother Lode Chapter

Corin Choppin,
Vice President, Sacramento Green Democrats



Jude Lamare
President, Friends of the Swainsons Hawk



Jim Pachl
Legal Counsel, Friends of the Swainsons Hawk

Environmental Council of Sacramento (ECOS-1)

Response to Comment ECOS-1-1

The comment addresses the need for the project. Please refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment ECOS-1-2

The comment addresses SACOG's presentation of its growth projections. SACOG has reviewed the RDEIR and submitted their comments, recorded in these Responses to Comments as SACOG-1 through SACOG-4. These comments are publicly available. Please refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment ECOS-1-3

The comment addresses the growth assumptions and the need for the proposed SOIA. Please refer to Response to Comment FOSH-1-59 and FOSH-1-60 and Master Response 1 regarding growth assumptions and to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment ECOS-1-4

The comment asks about the effect that the SOIA would have on the regional housing market and smart growth infill, and whether it would result in a regional surplus of residential and commercial property. Refer to Master Response 6 regarding market conditions and the potential for surplus development. The physical effects of development of the proposed SOIA Area are addressed throughout the RDEIR. Because no development proposals are included as part of the proposed SOIA, the extent to which there could be a surplus of residential or commercial development is speculative.

Response to Comment ECOS-1-5

The comment suggests the proposed SOIA designates the SOIA as an area for growth. The RDEIR addresses the potential environmental impacts of the proposed SOIA. However, the proposed SOIA does not include any particular project for urbanization or development. Please refer to Master Response 1.

The comment alleges the proposed SOIA prematurely designates the SOIA Area as an area for urban growth. Please refer to Master Response 7 related to the need for the proposed SOIA.

Response to Comment ECOS-1-6

The comment suggests the RDEIR should analyze the risks and costs of "urban blight." Please refer to Master Response 6 related to urban decay and blight.

Response to Comment ECOS-1-7

The comment addresses the need for the proposed SOIA. Please refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment ECOS-1-8

The comment requests the opportunity for public input. LAFCo provided the opportunity for public input on the RDEIR by complying with and exceeding the CEQA requirements for public notification. LAFCo issued a Notice of Preparation for the proposed project on October 1, 2010, for a 30-day public review period (Public Resources Code Section 21080.4(a); CEQA Guidelines Section 15082). LAFCo received 20 comment letters in response to the NOP (RDEIR, page 1-5). The Draft EIR was circulated for public comment for a 45-day public review period, beginning on September 29, 2011 (RDEIR page 1-5; Public Resources Code Section 21091(a), CEQA Guidelines Section 15105(a)). Although not required under CEQA, LAFCo held a public workshop and public meeting on the Draft EIR. LAFCo received a total of 45 verbal and written comments on the Draft EIR (RDEIR, page 1-6). Based on this public input, LAFCo elected to revise the Draft EIR and issue the RDEIR, which was circulated for 60 days, from March 20, 2013, to May 21, 2013. LAFCo held a public workshop on April 23, 2013, and a public hearing on May 1, 2013. A total of 79 written and verbal comments were received on the RDEIR. Therefore, the public has been provided with generous opportunity for public input in compliance with CEQA.

Response to Comment ECOS-1-9

The comment questions the need for the proposed SOIA in light of changes in the economy since the initial SOIA application. Please refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment ECOS-1-10

The comment refers to a conflict between the proposed SOIA and the Draft SSHCP. The potential for the proposed SOIA to conflict with any applicable habitat conservation plan or natural community conservation plan was analyzed in Impact LU-3. Impact LU-3 found the proposed SOIA would result in a potentially significant impact. Implementation of Mitigation Measure BIO-1a requires the City of Elk Grove to participate in the South Sacramento Habitat Conservation Plan or the preparation and implementation of a habitat conservation management plan for all affected special-status species and habitat. The RDEIR found the impact would remain significant and unavoidable after implementation of mitigation. LAFCo is the decision-making body for the proposed SOIA, although a finding of consistency cannot be made for a plan that is under preparation. See Master Response 8.

Response to Comment ECOS-1-11

LAFCo is committed to fully engaging the public and agencies throughout the environmental review process. As noted in the RDEIR in Section 1.2, Sacramento LAFCo issued a Notice of Preparation (NOP) for the proposed SOIA on October 1, 2010, for a 30-day public review period. The Draft EIR was circulated for public comment for a 45-day public review period, beginning on September 29, 2011. At LAFCo's discretion, the public comment period was extended to 52 days. The scope of this Recirculated Draft EIR (circulated May 2013) includes the potential environmental impacts identified in the NOP and issues raised by agencies and the public in response to the NOP and Draft EIR. The

RDEIR was circulated for the maximum recommended time frame of 60 days. See also Response to Comment ECOS-1-10.

Response to Comment ECOS-1-12

The California Department of Fish and Wildlife has reviewed the RDEIR and provided comments, as provided in this Final EIR as Response to Comment CDFW-1 through CDFW-6.

Response to Comment ECOS-1-13

Please refer to Response to Comment CDFW-4.

Response to Comment ECOS-1-14

Mitigation Measure BIO-1a requires the City of Elk Grove to participate in the South Sacramento Habitat Conservation Plan (SSHCP) or shall require the preparation and implementation of a habitat conservation management plan (HCMP) for all affected special-status species and habitats. The HCMP is proposed to provide a vision and process to ensure mitigation is undertaken in a manner that maximizes the benefits of the mitigation to affected species (large preserves, connectivity, etc.) if the SSHCP is not adopted. Consequently, impacts of the proposed SOIA would be mitigated in the absence of requirements of the SSHCP.

Response to Comment ECOS-1-15

The comment incorrectly states that under the County's policies, all agricultural farmland lost must be mitigated. As provided in County General Plan Policy No. AG-1, AG-5, and AG-21, the County specifically details requirements for Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and Farmland of Local Importance located inside the Urban Service Boundary. The County provides for protection of grazing farmland located outside the USB. Please refer to Response to Comment SCFB-5.

Response to Comment ECOS-1-16

The comment questions the need for the project. Please refer to Master Response 7.

Response to Comment ECOS-1-17

The comment questions if the significant and unavoidable impacts identified for the proposed SOIA could be avoided by not approving it. In addition to analyzing the SOIA as proposed, the RDEIR analyzes three alternatives to the proposed SOIA, two of which would reduce impacts compared to the proposed SOIA: the No Project Alternative and the Enhanced Regional Alternative.

The No Project Alternative (RDEIR, pages 5-9 through 5-12) describes the environmental effects that would occur if the proposed SOIA were not approved. The RDEIR determined that this alternative would avoid all of the proposed SOIA's significant unavoidable impacts and would have less impact on all environmental topical areas.

The Enhanced Regional Alternative (RDEIR, pages 5-16 through 5-21) limits the size of the SOIA, reducing the overall acreage from 7,869 acres to 4,350 acres. The RDEIR determined that the

Enhanced Regional Alternative would avoid the significant unavoidable impacts identified for the proposed SOIA except for those related to aesthetics, agriculture, biological resources, noise, and traffic, which would be decreased (RDEIR, page 5-20). The Enhanced Regional Alternative would also reduce the severity of other impacts, including those associated with aesthetics, agricultural resources, air quality, biological resources, cultural resources, greenhouse gases, hydrology and water quality, land use and planning, noise, population and housing, public services, transportation, and utilities (RDEIR, page 5-21).

Response to Comment ECOS-1-18

The comment inquires about mitigation to limit the proposed SOIA. Response to Comment ECOS-1-17 discusses two alternatives that would reduce the size of the proposed SOIA Area and result in a corresponding decrease in the severity of impacts.

Response to Comment ECOS-1-19

The comment relates to the enforceability of mitigation measures. Please refer to Master Response 1.

Friends of the Swainson's Hawk

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Sacramento, Ca. 95814
916-447-4956
www.swainsonshawk.org

May 14, 2013

RECEIVED
MAY 14 2013
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

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

Comments of the Friends of the Swainson's Hawk, Inc. on the Recirculated Draft Environmental Impact Report of City of Elk Grove Proposed Sphere of Influence Amendment [LAFC # 09-10] SCH No. 2010092076,

Dear LAFCo Commissioners, Mr. Brundage, Mr. Lockhart, Ms Miller:

The Application to LAFCo by the City of Elk Grove to expand its Sphere of Influence ("SOI") by approximately 8,000 acres onto land presently zoned and used for agricultural purposes and by wildlife for habitat conflicts with on-going state and local planning for conservation and mitigation for the impacts of already approved urbanization areas and major infrastructure to serve urban areas. The RDEIR largely ignores the consequences of LAFCo's Elk Grove SOIA decision for state and local planning for wildlife conservation and agricultural preservation and mitigation for existing and approved urban areas and infrastructure to serve those areas. Friends of the Swainson's Hawk objects to approval of the proposed Sphere of Influence and any related entitlements. While the RDEIR provides an adequate foundation for denying the application, it fails as an information document to aid decision makers in approving an SOIA amendment. 1

The RDEIR fails to provide LAFCo commissioners, the public and the LAFCo staff with an adequate assessment of the impacts of the SOI approval on open space and agricultural preservation and orderly growth and development as required by the Cortese Knox Hertzberger statute that defines LAFCo's role and responsibility under state law. Given that we provided substantial and extensive comments on the NOP and DEIR to correct missing and inadequate information, we are dismayed and alarmed by the careless level of CEQA review in this document. 2

We have previously submitted, or commissioned to be submitted, comment letters that addressed the environmental impacts of the SOI and hereby incorporate the data and information submitted thereby into this letter. After review of the RDEIR, we find that our previous comments generally have not been addressed and that the faults, errors, and omissions of the DEIR are found also in the RDEIR. See our letters and emails in the record responding to the NOP and the DEIR, including submissions by Shawn Smallwood and Don Mooney. These are resubmitted to support this letter. The present RDEIR for reasons explained below and in our DEIR comment 3

letter, does not meet the legal standards identified in the Mooney letter of November 21, 2011.We also incorporate and support the comments by ECOS and The Nature Conservancy. 3 (cont.)

The RDEIR Misrepresents the Scope of LAFCo's Responsibility and Authority Conferred by Government Code §56377.

The RDEIR, p. 1-3, states that LAFCo's statutory responsibilities under Section 56377 are as follows:

> "• Guide development away from open space and prime agricultural land uses unless such action would not promote planned, orderly, and efficient development (Section 56377)."

This is a correct paraphrase of §56377(a), but fails to disclose LAFCo's stronger charge under §56377(b), as follows:

> "Development of existing vacant or nonprime agricultural lands for urban uses within the existing jurisdiction of a local agency or within the sphere of influence of a local agency should be encouraged before any proposal is approved which would allow for or lead to the development of existing open-space lands for non-open-space uses which are outside of the existing jurisdiction of the local agency or outside the existing sphere of influence of the local agency." (Government Code §56377(b).) (*emphasis added*)

4

Approval by LAFCo of an 8000-acre SOI, while 3000 developable acres within the Elk Grove City limit remain undeveloped, would be the opposite of LAFCo's responsibility under §56377(b). As a County-wide agency, LAFCo must also consider the thousands of acres of undeveloped but developable acres within other Cities in the County, (City of Sacramento, Rancho Cordova, Folsom, Galt), including projects that have been partially or fully permitted but remain uncompleted due to lack of market viability.

The RDEIR Misrepresents the Scope of LAFCo's Responsibility Under Government Code §56001.

The RDEIR, p. 1-3, incompletely states LAFCo's statutory responsibilities under Section 56001 as follows:

> "• Encourage orderly growth and development patterns (Section 56001)."

5

In fact Government Code §56001 goes on to state that:

> "The Legislature recognizes that the logical formation and determination of local agency boundaries is an important factor in promoting orderly development and in balancing that development with sometimes competing state interests in discouraging urban sprawl, preserving open-space and prime agricultural lands ..." (*Emp. added.*)

Impact Bio-1, p. 3.4-39 Assessment of Impact on Swainson's Hawk – Errors and Omissions in the RDEIR

Baseline Description Faulty. CEQA Guideline 15125(a) requires that an environmental document fully describe the actual physical environmental conditions that exist on the ground on the date the NOP was published. "This environmental setting will normally constitute the baseline physical conditions by which a Lead Agency determines whether an impact is significant." 6

While the RDEIR states on page 3.4-39 that it conducted a literature review and field survey, it in fact completely ignored scientific studies of the SOI area that we previously submitted to LAFCo during the official comment periods of the NOP and DEIR, and in meetings specifically on this subject. The EIR consultant conducted only a one-day field study of all wildlife in the proposed SOI area, which is grossly beneath professional standards. Among the studies ignored by LAFCo's consultant are studies commissioned by the City of Elk Grove to determine the population of Swainson's Hawks nesting in the City, in the SOIA and surrounding areas. As a result, the RDEIR's description of Swainson's Hawk nesting and foraging activity in and around the SOIA area is entirely deficient, relies on outdated records, does not utilize the most recent data available from the California Department of Fish and Wildlife and is inconsistent with the much more complete data being used to plan the South Sacramento County Habitat Conservation Plan. The information presented in the RDEIR about Swainson's Hawk nesting and foraging in and near the project area is inadequate for assessing impacts and proposing mitigation to offset those impacts. 7

We have identified in the published scientific literature which we previously submitted more than 40 Swainson's Hawk nest sites that are in or near the SOIA and likely to use that area for foraging necessary to continue reproduction of the species. The RDEIR fails to identify these nesting territories. For example, there are approximately 12 nesting territories between the City boundary and Eschinger Road, east of I-5 and west of Highway 99, 18 nesting territories east of 99, north of the Cosumnes River and south of the present City limit. There are several more within one miles of the SOIA on the City side of the City limit and in the Franklin area. (More discussion of this issue occurs below. **See** our previous letter commenting on the DEIR and attached memo dated 3/15/2010 from Melinda Bradbury, wildlife ecologist, and her bio.) 8

No effort was made in the RDEIR to assess the impact on Swainson's Hawk of removal of habitat supporting these nesting sites. No effort was made in the RDEIR to assess the impact on nesting habitat of the urbanization of the SOI area. No mitigation was required for loss of nesting sites now in use. 9

In our comment letter on the NOP, October 27, 2010 (by James P. Pachl, Attorney), we requested that preparers consult specific available sources of information about Swainson's Hawk in and near the project area and address key questions about likely project impacts.

The relevant language from our October 27, 2010 letter, is repeated below: 10

"Impacts on Swainson's Hawk:"

"The NOP, p. 5, states that Swainson's Hawks ("SWH") nest in mature riparian habitat

along the Cosumnes River. In fact, there are a number of documents SWH nest sites throughout the area between Elk Grove and the Cosumnes River, and within Elk Grove, with one of the highest densities of SWH nests being within and close to the proposed SOI area. Jude Lamare e-mailed maps of SWH nest sites to you yesterday [10/26/10] for the use of LAFCo's consultant who is preparing the EIR."

'We are particularly concerned about Elk Grove's proposed urban expansion because Elk Grove is located within a dense and significant nesting area for the SWH, listed as threatened under the California Endangered Species Act. Nesting sites both within the City and the proposed SOI area, and southward, depend upon foraging habitat within the nearly 8000 acres proposed for eventual urbanization. The loss of foraging and nesting habitat will be significant. The EIR analysis should recognize that the density of nesting in the Elk Grove area is among the highest densities recorded for the species.'

"The EIR analysis should include all the data available from studies conducted by Jim Estep for the City and the South Sacramento County HCP effort, and the California Department of Fish and Game over the last six years. Information in the NDDB is often incomplete and outdated, and thus cannot be relied upon."

"The success of SWH reproductive activity and survival of SWH young is directly dependent upon availability of food supply (small rodents) which is reasonably available to nesting SWH during the breeding and nesting season. Destruction of foraging habitat (low-growing vegetation which harbors small rodents) by development eliminates this food supply and forces SWH to travel greater distances to find prey, resulting in less food for the nest and a greater likelihood of nest failure and nestling mortality."

"Potential direct and cumulative impacts on the species range and reproductive activity should be identified, including but not limited to the following:
a) potential impacts on reproductive activity in nesting sites within the City of Elk Grove;
b) potential impacts on reproductive activity in nesting sites within the SOI area;
c) potential impacts on reproductive activity of other nesting sites within 2 - 5 miles;
d) potential impacts on survivability of fledged juveniles from these nesting sites;
e) potential impacts on the adequacy of nourishment of SWH needed to provide the strength and energy required to survive the annual SWH Fall migration. Undernourished birds, especially undernourished first-year birds, are unlikely to survive the rigors of long-distance migration to central Mexico and southward.
f) discuss other reasonably foreseeable projects that would eliminate SWH foraging and nesting habitat, as part of the EIR discussion of cumulative impacts. These would include but are not limited to the proposed Bay Delta Conservation Plan, which proposes to convert large areas of agricultural land in Yolo County and the Yolo Bypass, which is SWH foraging habitat, with managed marshes for fish habitat, eventual build-out of Rancho Cordova and of the Florin-Vineyard area, all of which are SWH foraging habitat, and predicted sea-level rise which will inundate low-lying areas west of Elk Grove which are currently agricultural land that serve as SWH foraging habitat. "

10 (cont.)

Our comments on the NOP were ignored, the questions posed were not addressed, and the RDEIR shows no sign that the preparers' consulted the documents and sources that we recommended. Nor does the RDEIR disclose the professional credentials of the preparers to make judgments about adequacy of mitigation and the significance of impacts on Swainson's

11

Hawks independent of the scientific body of knowledge available on the species in the project area. No information at all is provided on the credentials, training and experience of those who prepared the biological findings in the RDEIR. 11 (cont.)

Why did the EIR consultant not obtain from the City of Elk Grove, County of Sacramento and California Department of Fish and Wildlife their recent studies and Swainson's Hawk nesting locations from recent surveys? Why did the EIR consultant not utilize data that we provided to LAFCo prior to the beginning of preparation and in the comment periods? 12

Improper Reliance on the incomplete CNDDB (California Natural Diversity Data Base)

Despite our previous comments on the NOP and DEIR to LAFCo explaining why the CNDDB should not be relied upon, the RDEIR continues to rely on the CNDDB to identify species presence. It is well known to environmental professionals that the CNDDB records are poorly maintained, out of date, not complete, and often understate species actual presence and recent nesting behavior. 13

CNDDB is not intended to provide definitive data for purposes of CEQA review of a project. The CNDDB webpage by the California Department of Fish and Wildlife (CDFW) says:

> ". . .we cannot and do not portray the CNDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers." (http://www.dfg.ca.gov/biogeodata/cnddb/cnddb_info.asp) 14

Consulting the CNDDB is only the first step of a biological assessment, indicating where likely rare plants and animals may be found. It is highly substandard for a environmental document to ignore more thorough studies of an area, as here, in favor of CNDDB for the reasons stated by CDFW (*supra*).

Why did the EIR consultant rely on outdated CNNDB records for describing presence of nesting Swainson's Hawks when they had been advised that more recent and complete data were available from the City of Elk Grove, County of Sacramento and California Department of Fish and Wildlife? 15

When assessing Swainson's Hawk impacts, LAFCo should insist that their environmental consultants consult directly with CDFW to determine how well the area has been surveyed in the past, and include all data available at CDFW, not just what is reported in the CNDDB.

In the attached email from CDFW's CNDDB manager, Brian Acord, dated September 15, 2011, more information is provided about the backlog in updating the database with nesting site information. Mr. Acord notes: ". . .we currently have 418 unprocessed source documents for Swainson's hawk in the state." He also notes that these records could be nests, perched or flying birds. 16

Shawn Smallwood's previously-submitted comment letter on the DEIR, pages 8-9, specifically addressed the issue of the DEIR's improper reliance upon the CNDDB. 16 (cont.)

Failure to Identify the Project and Adjacent Area Populations of Nesting Swainson's Hawks and to Make Adequate Assessment of the Impacts of the Project on this Population

California Department of Fish and Wildlife published in 1994 what has become a primary guide to how to assess impacts on Swainson's Hawks (*Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California.*) This document is not within the list of references for the RDEIR. Environmental assessment of impacts on Swainson's hawks typically begins with identifying all the active nesting sites within 10 miles of the project site. This RDEIR (Figure 3.4-2b) looks within a five mile radius and limits observations to the California Natural Diversity Database (CNDDB). The DFW staff report (1994) recommends assessment of the amount and quality of foraging habitat based on agricultural crop patterns in the project area. This RDEIR uses a county formula based on zoning that we assert is improperly applied here. 17

The RDEIR cannot properly assess the impact of the project and its significance if it has not identified the size and characteristics of the nesting populations of Swainson's Hawk in and within ten miles of the project site. The City of Elk Grove has commissioned several relevant recent studies of Swainson's Hawk nesting. The South Sacramento County Habitat Conservation Planning team has also assembled and analyzed all available data. We have submitted to LAFCo on two occasions a copy of the South Sacramento Habitat Conservation Plan map entitled "Range of Swainson's Hawk in the SSHCP Plan Area," a copy of Estep's 2006 South County nesting sites map, and a map showing nesting sites identified by Department of Fish and Game and labeled 2005 and 2009 survey nesting sites. These maps show quite a few more nesting sites in and near the SOI area than are shown in the EIR Exhibit 3.4-2b. The RDEIR Exhibit shows 8 Swainson's Hawk nesting sites in the SOI area. Our consultant has identified from the available literature over 30 nesting sites in the same area. 18

The RDEIR shows no evidence that preparers requested all available data from CDFW on the SOI area or consulted any of these sources of information about the activities of Swainson's Hawk in and within ten miles of the project area.

FOSH has examined the data in the following maps to determine what information is provided on the Swainson's Hawk use of the area in and near the project area (SOI). These maps were provided to LAFCo on October 27, 2010 and November 2, 2011, as follows: James Estep, Estep Environmental Consulting, Distribution, Abundance, and Habitat Associations of Swainson's Hawk (2007) (results of 2006 census level surveys in South Sacramento County); and The Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (Buteo swainsoni) in the City of Elk Grove, California (2009) (results of census level surveys within City limits in 2008); South Sacramento County Habitat Conservation Plan, "Range of Swainson's Hawk in the SSHCP Plan Area." 19

At our request, Melinda Bradbury, biological consultant, used these data to summarize the findings about Swainson's Hawks in and near the SOI area [Memorandum of Linda Bradbury to FOSH, 3/15/10, submitted with this letter], p. 2, quoted below as follows: 20

- "There are approximately 12 nest territories reported in the section of the County south of the City limit, east of I-5 and west of 99 to Eschinger Road, in the proposed SOI;
- There are approximately 18 nest territories reported in the section of the County east of 99 and north of the Cosumnes River.
- There are approximately ten active nesting territories in the City between State Route 99 on the east and Bruceville Road on the west, immediately north (within one mile) of the SOI area.
- There are two active nesting territories on Grant Line Road east of State Route 99, on the border of the SOI area to the east.
- There were many nesting territories along the Cosumnes River and just south that would have the potential to forage north or south of the river depending on available habitat. Those birds would be impacted by loss of foraging habitat north of the Cosumnes River.
- There are several nesting territories in and near the Franklin area part of the SOI.
- Seventy-four percent of the nesting sites in South County (south of Elk Grove City boundary) were concentrated within the interior portion of the study area between approximately I-5 and Clay Station Road on the east side. (Estep, 2007)
- In this area the "territory density is lower than in Yolo County, but is high compared with other portions of the species' range and indicated the value of the agricultural habitats within this region to Swainson's hawks and the importance of the 'core' Central Valley population." (Estep, 2007)
- The SOI area is primarily the best forage type for Swainson's Hawks – Irrigated cropland/irrigated pasture."

20 (cont.)

These studies indicate that the availability of thousands of acres of contiguous high quality foraging habitat consisting largely of irrigated crop land and irrigated pasture, underlies the remarkable number of nesting territories and the density of nesting territories in and near the SOI area.

Given the close proximity of many of the nesting sites inside the City limits to the SOI area, there is reason to believe that the loss of the SOI foraging habitat will impact the viability of nesting and the degree of nesting success for nest sites within at least two miles of the SOI as well as those within the proposed SOI area.

21

The RDEIR fails to analyze the impact on the species of removal of this high quality foraging habitat and nesting habitat. It recommends a one to one mitigation ratio be required without addressing the issue of the impact of this mitigation ratio on available foraging for the pairs using this area (one half the foraging habitat remaining) and fails to acknowledge that the availability of privately-owned land containing foraging habitat for mitigation is not assured.

22

The RDEIR fails to consider an alternative that would guarantee mitigation land by requiring any land developed in the SOIA to be mitigated in the SOIA next to existing nesting sites, thus assuring that no more than one half of the SOIA area is developed and that mitigation lands are located in proximity to nesting sites in the SOIA area.

23

The RDEIR failed to consider loss of nesting habitat and how it can be mitigated. We suggest that the tree mitigation MM Bio-5 be amended to include documented Swainson's Hawk nesting trees to be defined as heritage trees, to be protected, and to be mitigated when loss occurs.

24

Likelihood of Take of Swainson's Hawks as a Result of SOI Approval; EIR provides no assessment or mitigation for take of listed species; no requirement for Incidental Take Permit take permit per Fish and Game Code § 2081.

25

As noted above, but largely ignored in the RDEIR, the SOI area is nesting and foraging habitat for 30-50 Swainson's Hawk pairs. The urbanization of over 6,000 acres of foraging habitat in very close proximity to this many nesting sites will inevitably lead to loss of chicks (inadequate forage to sustain nesting success) and the abandonment of traditional nesting sites. Projects within the SOI area will also have direct impacts on nesting sites inside the City which will lead to abandonment of nesting, mortality to young and greater risk to fledglings. 25 (cont.)

The likelihood of "incidental take" of Swainson's Hawks due to the SOI is very high; in addition, an indirect effect of development will be the extirpation of nesting in the area and a reduction in the range of the Swainson's Hawk in California. Yet the RDEIR does not acknowledge the potential for "take", and the reduction in range, and the resulting necessity for a "take" permit from California Department of Fish and Wildlife under Section 2081 of the Fish and Wildlife Code. It is quite important that LAFCo conduct a public review of the environmental consequences of "take" and that it require a "take" permit be issued before the SOI is approved. Otherwise the impact of this important consequence of SOI approval will not be known and evaluated by decision makers prior to approval of the expanded urban area. 26

Availability of Suitable Habitat to Mitigate for Loss of Foraging Habitat in the SOI Area – Cumulative Impacts

Among others, the California Department of Fish and Wildlife (CDFW) has questioned whether there is suitable land available to render feasible the mitigation for the impacts of urbanizing the SOI. On March 25, 2010, CDFW wrote to the liaison for the South Sacramento Habitat Conservation Plan (c: Peter Brundage, LAFCo) about ensuring "adequate cropland and irrigated pasture-grassland reserve lands to accommodate the Swainson's hawks adequate persistence over time in the Plan Area." A copy of this CDFW letter was submitted to LAFCo by FOSH at the November 2011 hearing on the RDEIR. The letter said in part:

> "Within the Plan Area, the highest densities of nesting Swaisnon's hawks occur within and adjacent to cover types identified in the Draft Plan as cropland and irrigated pasture-grassland in the western portion of the Plan Area (Zones 4, 5, 8, 9, 11, 12). **The DFG believes that these cover types are essential to the continued persistence of the hawk within their California breeding range and any conservation strategy for this species should place high value on these cover types."** (*emp. added*) 27

The letter went on to say that the plan should "guarantee preservation and maintenance of a minimum of an equal amount of cropland and irrigated pasture-grassland to that being impacted within the Plan Area." To do so, CDFW recommended reducing the size of the SOI, and decreasing the "take coverage" (i.e. the amount of land permitted for development) for cropland and irrigated pasture-grassland in the South Sacramento County Habitat Conservation Plan.

The RDEIR completely ignores this critical issue affecting a key biological resource of the SOI area and adjacent lands in the City and the County. The impact of proceeding with the SOI is that there will not be adequate mitigation land to mitigate for impacts on Swainson's Hawk for the already approved development in the City and County, as well as for the SOI area.

Attached are two maps currently used by local jurisdictions to define areas best suited for acquiring Swainson's Hawk habitat as mitigation to offset impacts for already approved development within the City of Elk Grove and South Sacramento County. These maps were developed with input from the Department of Fish and Wildlife and represent Fish and Wildlife's recommendations for suitable mitigation habitat. Both maps show large areas within the proposed SOI as suitable habitat. Please note also the portion of the SOI west of Franklin Boulevard is largely suitable habitat and is bounded on the north by protected conservation area. 28

LAFCo should consider the suitability of available mitigation lands before assuming that mitigation land will be readily available to offset impacts of urbanizing the SOI area. Recent research reviewed below indicates that much of the land west of I-5 is not suitable mitigation land for Swainson's Hawks and the analysis necessary to quantify the amount of available land that is suitable is not publicly available. A study commissioned by the City of Elk Grove included analysis of the habitat and nesting patterns within the Delta Zone of the South Sacramento County study area as compared with a representative area in the interior (between I-5 and 99, South of Elk Grove and north of Galt) and the area east of 99 (within the Eastern Foothill Zone of the South Sacramento County Study Area). Each area contained 36 square miles. A comparison of the SOI project area with these survey areas will demonstrate that the project area is foraging habitat to a significantly higher number of pairs, and has a larger expanse of good quality foraging habitat, with better reproductive results. The impacts to the species by approving the SOI cannot be adequately mitigated in the Delta Zone where nesting is less dense, nesting habitat is less abundant, and unsuitable habitat (orchards and vineyards) is common. [Estep Environmental Consulting, Monitoring Swainson's Hawk (Buteo swainsoni) Nesting Activity in South Sacramento County, Results of 2008 Surveys (February, 2009) pp. 10- 14, 20. Previously submitted] 29

In addition, lands west of I-5 are more likely to be below sea level and lack the necessary guarantee that they will be available in perpetuity for foraging habitat for Swainson's Hawks and other raptors.

LAFCo should proceed cautiously in approving SOI status, ensuring that any SOI expansion can be mitigated and fully compliant with all state laws protecting state listed species. The present RDEIR does not provide those assurances. 30

Foraging Habitat Impact Assessment.

The RDEIR fails to disclose that the County's methodology, which the RDEIR is apparently using to determine the amount of SWH habitat within the proposed SOI area, is inconsistent with the City's current Swainson's Hawk Mitigation Ordinance, and related policies, which call for assessment of the actual acres of Swainson's Hawk foraging habitat and mitigation at the ratio of one acre of land preserved for each acre developed. 31

Please explain why the RDEIR is using the County's zoning-based formula to assess SWH foraging habitat. The County formula was reviewed and approved by California Department of Fish and Game in 2006 in the context of a County General Plan that prohibited urban development in the area of the Elk Grove SOIA. It was never intended to be applied to this area and received no CEQA review or analysis. 32

Page 2-16 of the RDEIR shows 7,381 acres of the area as having current zoning of AG 80 or AG 40. The remaining designations total 488 acres, of which 302 acres is AG-20 and 186 is various urban or agricultural residential designations. Under the County's methodology, the SWH "SWH habitat value" of the 488 acres would be less than 100 percent. However review of the aerial photos in the RDEIR and on Goggle Earth shows that the footprint of existing urban and agricultural development appears to be very small and most of the 488 acres would be of the same quality in terms of foraging habitat as the remainder. As for each tract of land zoned for greater densities than AG-40, please explain why the area of SWH habitat or "SWH foraging value" is less than those lands zoned AG-40 or greater. 33

Please explain the impact on the Swainson's Hawk population within and adjacent to the SOIA of removal of 7000 to 8000 acres of high quality foraging habitat as described in Estep, *Distribution, Abundance, and Habitat Associations of Swainson's Hawk in South Sacramento County* (2007) and *Monitoring Swainson's Hawk (Buteo swainsoni) Nesting Activity in South Sacramento County Results of 2008 Surveys.* (2009) 34

The RDEIR says that the City's Swainson's Hawk mitigation program requires protection of existing habitat, but fails to provide even a minimal description of that program, which calls for one acre of habitat preserved for each acre of SWH habitat removed. This is an inadequate description under CEQA. The City's ordinance describing its program is not even in the list of references for the RDEIR, even though the RDEIR obviously relies on that program for assurances regarding mitigation. City programs are subject to change by a majority vote of the City Council. LAFCo has no assurance that programs will not change. Moreover, the existing City program did not undergo any CEQA review of its effectiveness to mitigate for impacts to Swainson's Hawk in the SOI area. Therefore the assumption that continuing existing City programs (which are not described) is not supported by substantial evidence. 35

The impact analysis says that the future development in the SOI area "would comply with the City's conditions," but fails to describe those conditions, thereby violating CEQA. Please describe the City's "conditions." We note that some of the City's requirements at present are not reflected in the RDEIR mitigation measure. Attached is Chapter 16.130 SWAINSON'S HAWK IMPACT MITIGATION FEES which describes Elk Grove's current program. The existing requirements prohibit mitigation by fee for any project of more than 40 acres. They also require that CDFW approve the location of the mitigation land and the conservation easement. There are additional requirements not reflected in the mitigation measures in the RDEIR. 36

Also attached is an evaluation of the City and County Swainson's Hawk Mitigation programs under CEQA prepared by Melinda Bradbury, Environmental Consultant to Friends of the Swainson's Hawk. This report demonstrates that past performance by the City in meeting the requirements of its own mitigation program has been marred by lack of compliance with its own standards and highlights the need for oversight by state and federal wildlife regulatory agencies. The Council has and can approve alternate mitigation measures that do not meet the standard set in their ordinance. The City went considerably in arrears on its mitigation obligations and though corrections have been made, by 2010 the City of Elk Grove had developed 102 projects covering 4,190.43 acres with 1,310 acres of mitigation land permanently preserved. Most of the deficit in mitigation was caused by the collection of fees that were inadequate to purchase mitigation land promised in project approval. 37

What enforcement authority does LAFCo have to ensure that the City carries out mitigation as required by the RDEIR after annexation occurs?

38

Why there is NO assessment of the amount of take of Swainson's Hawk likely to result from urbanization of the SOIA, and no requirement for a take permit?

Unlawful Deferral of Mitigation Violates CEQA

CEQA Guideline 15126.4(a)(1)(B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way."

39

The RDEIR at 3.4-41 describes MM Bio (1a). In this instance, formulation of mitigation measures for biological impacts is clearly deferred to the future development of a "habitat conservation management plan" (HCMP) whose contents are presently unknown.

Notably, MM Bio 1a contains NO performance standard. A key performance standard would be to require the approval of wildlife regulatory agencies including incidental take permits for all listed species as a condition of annexation. The requirement that a plan be developed "in consultation with" USFWS and CDFW does not require that the plan and its mitigation strategy be approved by those agencies -- only that the City consult with these agencies.

40

Please explain why the MM Bio1a fails to require state and federal incidental take permits as a performance standard. Explain how consultation with agencies would produce a mitigation plan that reduced impacts to the maximum extent feasible.

What is included in the MM Bio 1a is a laundry list of things that would be included in the proposed HCMP, if one is prepared. (3.4-41-42):

"If an HCMP is prepared, it shall incorporate mitigation guidelines of these agencies for listed species. For non-listed but sensitive species as defined by this Recirculated EIR, the HCMP shall include provisions including, but not limited to the following:

- Require clustering of urban development to retain undisturbed open space areas.

- Require comprehensive site development standards to minimize removal of existing vegetation and to require installation and long-term maintenance of landscaping in setback and buffer areas. Landscaping in buffer areas adjacent of preserved habitat areas should be of native and non-invasive plant materials, and non-irrigated.

41

- Require appropriate buffers between development and Right to Farm Ordinance lands, Nature Conservancy Lands, and Stone Lakes National Wildlife Refuge.

- Require buffers between development and drainage canals that serve as habitat and ultimately drain into Stone Lakes National Wildlife Preserve, Nature Conservancy lands, and/or Farmland Preservation Zones; buffers shall be a minimum of 150 feet on either side of

said drainage canals.

- Minimize impacts to movement corridors to ensure movement of wildlife.
- Provide for the integrity and continuity of wildlife and plant habitat.
- Support the acquisition, development, maintenance, and restoration of habitat lands for wildlife and plant enhancement. "

41 (cont.)

Some of these listed elements are not good standards. For example, stating that "the mitigation guidelines of these agencies for listed species" must be included is not helpful for Swainson's Hawks. The published mitigation guidelines are from 1994 (*Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California)* and no longer are the standard recommended by CDFW in Sacramento and nearby counties. Instead, the standards have been developed through regional conservation plans (e.g. San Joaquin, Yolo, South Sacramento) with recent and more thorough analysis of species distribution and needs. Reference to the "guidelines" results in a lower standard of performance than used in the preparation of the South Sacramento County HCP and the Elk Grove Swainson's Hawk Ordinance.

Other elements should not be included as performance standards because they could lead to more problems for wildlife than they solve. Specifically, clustering to retain open space areas within developments, and buffers within SOI area, are not suitable habitat for threatened species and do not mitigate for cumulative impacts. They include edge effects and fragmentation of habitat and should not be counted as mitigation lands. These areas will still be impacted and should be mitigated for loss of habitat. In other words, these open space areas and buffers are amenities for development that make for more attractive community but not suitable mitigation for impacts on wildlife and their movement. To offset the impact of any urbanization within the SOIA, there is a need to identify and permanently preserve large contiguous areas within SOI that have value for wildlife and are protected from edge effects. The RDEIR does not evaluate nor mitigate for the edge effects and the fragmentation of habitat that the proposed standards for a HCMP would create.

42

Some of the elements in the list set no standard at all but merely point to general goals. An example is: "Provide for the integrity and continuity of wildlife and plant habitat." Nor does the list reference wildlife regulatory agency guidance and criteria for habitat conservation plans. It also leaves out very key performance criteria such as (not limited to):

(1) mitigation must be in the form of land dedication, not acquisition fees;

(2) the plan must include mitigation in advance of development ("get ahead") and no grading permits should be issued if the acreage for mitigation secured is less than the acreage permitted (stay ahead);

43

(3) the plan must cover all species of concern found in nearby preserves and refuges;

(4) the plan must include an implementation agreement with federal and state wildlife regulatory agencies and be covered by state and federal incidental take permits.

Mitigation is improperly deferred in the RDEIR. In a situation nearly identical to the proposed Elk Grove SOI RDEIR, the Court of Appeal found a violation of CEQA where a MM called for development of an undefined habitat management plan developed by a biologist in consultation with the appropriate agencies, including USFWS and CDFW. *San Joaquin Raptor Rescue Center v County of Merced (Jaxon Enterprises, Inc.)* (2007)149 Cal. App.4th 645, 669, 670. See also Kostka & Zischke, Practice under the California Environmental Quality Act (2nd ed) Cal CEB 2008, January 2011 update, §14.12, pp, 696 - 700, and the numerous cases cited therein. 44

Most troubling, by setting up an alternative to the South Sacramento County HCP that does not have key guarantees such as regulatory agency approval and federal and state incidental take permits, the SOI RDEIR sets up an alternate and much degraded route to mitigate for wildlife impacts for urbanization of the SOI area. Instead, LAFCo should require, as a condition of any SOI approval, that no annexation shall be considered by LAFCo until the SSCHCP has been adopted and approved by the federal and state wildlife regulatory agencies and the City of Elk Grove. 45

Cumulative Impacts. There will be significant direct and indirect impacts on Swainson's Hawks from the adoption by LAFCo of the SOI proposed by Elk Grove. Section 4.6 of the RDEIR devotes one paragraph to the cumulative biological impacts and completely ignores the other significant impacts of the SOIA . 46

Initially, there will be impacts due to landowner anticipation of selling property for urban use. There may be destruction of known nesting site trees to "enhance" marketability of properties for urban use. While there is no incentive to destroy nesting sites when land is used for farming or grazing (and some incentive to retain nesting trees because raptors prey on agricultural pests), once the landowner expects to urbanize the land, a Swainson's Hawk nesting site simply poses more potential economic costs to development because of additional mitigation responsibilities. Foraging values on the farm and range lands in the SOI may also become depressed due to landowner changes in agricultural practices, such as reduced grazing and reduced irrigation, or simply no longer farming. 47

In addition, due to the agricultural mitigation measures proposed in this RDEIR, landowners will be at an economic advantage to cease irrigation of lands so that they are not required to mitigate for farmland loss upon development. The SOI RDEIR does not identify, analyze or mitigate for these and other impacts of prematurely designated 8,000 acres of farmland that serves as mostly high quality Swainson's Hawk foraging habitat. 48

One indirect impact is that suitable mitigation lands for Swainson's hawk impacts will become higher priced, and less available. In time, properties inside the current urban limit that are approved for development but require Swainson's Hawk mitigation, will not be able to find suitable foraging habitat mitigation at an affordable price. The Natomas Joint Vision area is a classic example, where land prices skyrocketed to ridiculous heights after the adoption of the 2002 MOU for the Joint Vision for Natomas. The owners of much of the land in the Sacramento County area of Natomas Basin, outside of the City ceased farming after the City adopted the Joint Vision for Natomas MOU, which is not even an SOI, but merely a non-binding statement of intent to urbanize some of that area at some unknown future date. 49

We discuss in more detail below the direct and indirect effects of the SOI approval and consequent urbanization. The SOI is a significant step in the urbanization process, without which annexation cannot be done. The impact on the Swainson's hawk species in Sacramento County and in the City of Elk Grove from urbanization in the SOI will be significant since the loss of foraging habitat and impacts on nesting sites will reduce the number of nesting pairs in the County, result in direct mortality of chicks during the urbanization process, and have cumulative and indirect impacts. The EIR should require a incidental take permit under Fish and Game Code Section 2081 prior to approval of any annexation following an SOI approval. 50

Issue of Impact of the SOI Approval on the South County Habitat Conservation Plan and the Feasibility of Mitigation for Other Projects, Already Approved, within the Urban Area

The EIR should identify available suitable habitat in close proximity to the project area, over and above the amount of such habitat needed to mitigate for already approved development in Elk Grove and the County of Sacramento. It should address the issue of willing sellers, land inventory and price of mitigation land. It should consider the impacts on the species of the scenario in which available mitigation land is captured by development at the edge, leaving already approved development sites further inside the urban area with no suitable mitigation land available. It should address the issue of SOI approval creating mitigation land scarcity and consequently driving mitigation land prices up for all development in the South Sacramento County area. 51

In addition, MM Bio 1a, by creating an alternative mitigation path no requiring state and federal wildlife regulatory agency approval and permitting for Elk Grove, significantly undermines the development and adoption of a SSCHCP regional conservation plan on which millions of dollars have already been spent to ensure quality and compliance with state and federal guidance. 52

Conflict with Local Policies – 1993 Urban Limit and 1993 Conservation Element of the County General Plan

On November 2, 2011, FOSH submitted to LAFCo pages of the County General Plan stating County policies that were in the General Plan to protect special status species in the South County, including the SOI area. This SOI approval would conflict with those policies. This issue was not addressed in the RDEIR. These policies indicate that the County's environmental analysis in 1993 anticipated significant impacts on wildlife, including the Swainson's hawk species in Sacramento County, if development were to extend beyond the current urban line into the proposed SOI area. The same conclusion is in the current County General Plan Update. The urban limit line remains unchanged in the current General Plan update. 53

Inconsistencies with LAFCo policies IV.C.3.b and c.

The EIR must disclose the project's inconsistencies with applicable plans and policies, and analyze the environmental effects of such inconsistencies. The part of the SOI between Franklin Boulevard and Highway I-5 would be inconsistent with LAFCo Policy IV.C.3.b. which states that LAFCo will not approve applications with boundaries which result in peninsulas of incorporated territory or otherwise cause distortion of existing boundaries. That portion of the SOI between Franklin Boulevard and I-5 is a peninsula bounded on the north by the USFWS Stone Lake Refuge (land owned by AKT, with perpetual easement to USFWS for management 54

as part of the Refuge); and on the south by agricultural land in a 100-year floodplain. 54 (cont.)

The SOI peninsula between Franklin Boulevard and Highway I-5 would also be inconsistent with LAFCo Policy IV.C.3.c. which states that LAFCo will not approve applications with boundaries drawn for the exclusive purpose of encompassing revenue-producing territories. The Connector expressway will run the length of the peninsula from I-5 to Franklin Blvd, to Hwy 99, and ultimately to Hwy 50 in El Dorado County, and will attract many more times traffic onto the Connector than presently use the existing Hood- Franklin Road. Elk Grove included the peninsula SOI within the proposed SOI so that Elk Grove may later annex it and line the Connector and/or Hood-Franklin Road with intense revenue-producing retail and commercial development between I-5 and Franklin Blvd. Otherwise, developing the peninsula makes no sense due to infrastructure costs, constrained area, the 100-year floodplain, and incompatibility with the neighboring Refuge and agricultural uses. 55

Inconsistencies with Government Code §§ 56001, 56300(a), 56377(a) and (b)

The Legislature has charged LAFCos with encouraging orderly growth and development, discouraging urban sprawl, and preserving open space and prime agricultural lands. (Government Code §§ 56001). LAFCos shall adopt policies which encourage and provide well-ordered and efficient urban development patterns with appropriate consideration for preserving open space and agricultural lands. (Government Code §56300(a)). See LAFCo Policy Manual, pg. 3.

The EIR must disclose inconsistencies between LAFCo's statutory charge and the proposed SOI, and analyze the environmental impacts of such inconsistencies. The RDEIR (p. 2-18 and Table 2-4, page 2-25) claims that Elk Grove has only 2,918 acres of available vacant land within existing city and requires 6,327 additional acreage from outside the existing city boundary to meet the need for growth to 2035. These numbers are unsupported and at odds with previous estimates that there are 8,000 acres of undeveloped land within the Elk Grove City limit which could be developed but are not. This includes properties that have been permitted for new development which has not occurred and properties where development started but then stalled or was abandoned. The 2000-acre Laguna Ridge project is one example; another is Lent Ranch Mall. The EIR must disclose the undeveloped areas (including project starts which have stalled) within Elk Grove that could be developed, and the status of development efforts on each such property. The EIR must disclose the environmental impacts of LAFCo approval of an 8000-acre SOI while substantial areas of developable land within Elk Grove remain undeveloped, and the consistency or inconsistency with Government Code §§ 56001, and 56300(a) and LAFCo policies of the proposed approval of the proposed SOI while large tracts within Elk Grove remain undeveloped. 56

Government Code §56377(a) charges LAFCo with guiding development away from open space and prime agricultural land uses unless such action would not promote planned orderly, and efficient development. Section 56377(b) charges LAFCo with encouraging development of existing vacant or nonprime agricultural lands with the existing jurisdiction of a local agency before any proposal is approved which would allow for or lead to the development of existing open space lands for non-agricultural uses which are outside of the existing jurisdiction of the local agency. There are 3,000 acres of developable land in Elk Grove (not including the areas zoned for Rural Residential) which remain undeveloped, including a very large tract immediately 57

north of Kammerer Road and west of Highway I-5, and thousands of additional acres within other Cities with the County. 58

The RDEIR violates CEQA by failing to even acknowledge the existence of Section 56377(b), which is directly applicable to the present situation, and fails to address the environmental impacts of the obvious inconsistencies between Section 56377 and the proposed SOI expansion. 59

There is further discussion of the inconsistency analysis in this letter in the section addressing the Agricultural Resources portion of the RDEIR.

The RDEIR violates CEQA because it relies on outdated land use assumptions which do reflect reality, and FAILS TO DISCLOSE or consider the Elk Grove Market Study, December 29, 2010, commissioned by the City of Elk Grove. which shows much smaller growth predictions. We submitted this economic analysis with our comments on the DEIR on November 21, 2011. 60

The land use assumptions of the RDEIR relies on the land use projections of the 2003 Elk Grove General Plan Update. (RDEIR p. 2-25.) The RDEIR and Application to LAFCo asserts that the SOI area will be needed to accommodate future urban growth predicted by the 2003 Elk Grove General Plan. The population projections have been discredited by the current reality and were contradicted by SACOG's growth projections in 2008 and its 2011 updated growth projections. Attached SACOG letter to LAFCo regarding "Area Growth and Population", May 18, 2011, disputes Elk Grove's claims about population projections and the assumptions for Elk Grove's land demand. The RDEIR <u>failed</u> to evaluate the studies and data relied upon by Elk Grove to determine if they are currently credible and show a need for future urban development of the proposed SOI area. 61

The more recent *Elk Grove Market Study* December 29, 2010, commissioned by the City of Elk Grove and prepared by Center for Strategic Economic Research, clearly demonstrates that Elk Grove's claims that it needs over 6,000 acres of new development by 2035 are <u>not supported</u> by independent economic analysis. At the most optimistic the 2010 *Market Study* estimates the potential future need for acres outside the current City limit as between 200 acres and 1,422 acres (high end) by 2029. SEE copies of *2010 Market Study*, pages iii, and 77. The 2010 *Market Study* estimates are based on the then SACOG 2035 MTP population projects for 2035 (see for example, p.83 footnote 1 to Figure 60). SACOG has since updated these population projections (which were adopted in 2008), as described in the attached Memo Item #10-4-12C Information, March 31, 2010, resulting in lower population projections. A complete copy of Market Study was submitted on November 21, 2011 and is hereby resubmitted. A letter of analysis by regional planning agency (attached), Mike McKeever letter to Don Lockhart, LAFCo, re Elk Grove Market Study, February 28, 2011, disputes assumptions in the Elk Grove Market Study which SACOG believes leads to overestimating land demand by 2029. 62

Detrimental effects of prematurely committing more land to urbanization than can be absorbed. 63

For the reasons stated above, there is a good likelihood that approval of the SOI, in combination with the existence of 8,000 acres of undeveloped but developable land

within the City and thousands of foreclosed homes needing a market, would result in the premature commitment of more land to urbanization than can be absorbed. The EIR must analyze and disclose the environmental impacts of such a scenario. 63 (cont.)

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

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

A copy of the Sacramento County County's staff report (Agenda for 10/13/10, 2030 General Plan Update = Adoption Hearings) with relevant pages 6 - 11, is attached. 64

The EIR needs to consider the likelihood of occurrence of each of these potential scenarios and the potential environmental consequences, including the physical effects of potential urban decay that may result from prematurely committing more land to urbanization than can be absorbed. Such analysis should take into consideration that once approved, the SOI allows multiple patchwork of annexation proposals driven by individual landowner development agendas. 65

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

CEQA requires an EIR to disclose and analyze the potential environmental effects of potential urban decay that could result from approval of a project. See *Bakersfield citizens for Local Control v City of Bakersfield* (2004) 124 Cal. App. 4th 1184, 1204-1213. *Bakersfield Citizens*, and other cases cited therein, dealt with potential urban decay that could result from permitting of a major new shopping center where project approval would foreseeably create oversupply of retail capacity beyond market demand, potentially leading to the closure of other retail outlets in the area, resulting urban decay that may have physical effects on the environment. **See** discussion in Zitsche and Kostka, CEB, *Environmental Practice Under the California Endangered Species Act*, 2nd Edition, March 2013 Update, §§ 11.40, 12.14, 13.24. The "shopping center" situation of Bakersfield Citizens and the cases cited therein is very analogous to the effects of approving an SOI which would very foreseeably lead to the annexation and urban development of nearly 8000 acres in a region which is suffering from the detrimental effects of a huge oversupply of vacant housing and retail. Until recently the Sacramento region was nationally recognized as a foreclosure "hot spot", and Elk Grove as the major foreclosure "hot spot" within the Sacramento region, with thousands of new or foreclosed homes remaining 66

unsold on the market. This includes the 2000-acre Laguna Ridge development, immediately north of the SOI area, which was abandoned after millions of dollars of infrastructure was installed. The Promenade is the classic example of failed retail mega development projects. There are also many other vacant storefronts and offices, and uncompleted approved projects, throughout Elk Grove and the Sacramento region The current "housing resurgence" proclaimed by the media is largely fueled by cash purchases at bargain prices by "investors" (e.g.: speculators), which is a very limited market looking for bargains for less than the cost of construction. 66 (cont.)

Current real estate sales are often at prices which are less than the cost of new construction. The construction of yet more homes and commercial property on a market suffering from gross oversupply could lead to urban decay and the accompanying physical environmental effects of urban decay, existing homes remain unsold and deteriorate, or are purchased as rentals by absentee landlords who may neglect maintenance and appearance. Local municipal revenues have drastically declined already due to the collapse of home and retail values, leading to major reductions in the staff and budgets of those agencies charged with maintaining parks, sanitation, drainage, and other functions which physically affect the environment. 67

Approval of the proposed SOI which will very likely lead to annexation for the purpose of new development. New housing and retail development competing with existing development would invariably worsen the market for housing and retail activity within the existing urban area, increase the current housing and retail vacancy amount within the existing urban area, and potentially cause yet more urban decay. 68

Alternatives Analysis Fails to Recognize Importance of Alternatives with Little to No Impact on Swainson's hawks

The Alternatives Analysis could have helped decision makers to consider alternatives with less impact on Swainson's hawk, but the RDEIR did not provide them with this option. By avoiding analysis of the Swainson's hawk populations affected by SOI development, the RDEIR denied decision makers the opportunity to tailor an SOI that avoided impacts. 69

In our NOP comment letter, we requested an alternative that would have had minimal impact on Swainson's hawks while meeting the City's need for additional large scale employment land uses within the City limits. The letter said:

> "the EIR should consider the alternative of a smaller SOI amendment of 500 - 600 acres, at Highway 99 and Kammerer Road, that would be limited exclusively to development of office and industrial parks." 70

The only smaller alternative considered was 4,350 acres, including 1,575 acres east of Highway 99 and 2,700 acres blanketing the area south of Kammerer Road, arguably the area within the application that has the highest quality farmland and is most valuable to the remaining SWH nesting sites in the City and in the SOI. This alternative that does little or nothing to reduce potential take of Swainson's hawks or its foraging habitat.

This oddly named "Enhanced Regional Alternative" (Exhibit 5-2) is described on page 5-4 as an alternative that meets regional as well as City goals. This is a misstatement since the regional 71

plans do not envision any urbanization in this area until after 2050. The SOI approval would allow annexation to proceed well in advance of the regional plans referenced. We concur in comment letters submitted by ECOS and others discussing the conflict between the SOI, including this alternative, and regional plans for air quality, transportation and greenhouse gas reduction. 71 (cont.)

Agricultural Resources Section

We concur in the other comments made in the DEIR and RDEIR comment periods on the inadequate assessment of agricultural resources impacts. Considering the magnitude of this agricultural area and its significance in the agricultural economy of Sacramento County, and the economic and physical role of this area in the south Sacramento farming community, the analysis and mitigation are entirely inadequate. LAFCo's statutory responsibility requires a careful analysis of agricultural resources impacts. The EIR fails to address the cumulative impacts over time of permanent loss of agricultural resources. It also fails to address the temporal impacts on agricultural uses of patchwork urbanization over an extended and unknown period of time. 72

On page 3.2-6, the RDEIR states that Elk Grove's policy is that agricultural land cannot be mitigated without creating new farmland. That policy was litigated in *South County Citizens for Responsible Growth et al. v. City of Elk Grove et.al* (2001); the Appeals court upheld the trial court finding that this Elk Grove policy is inconsistent with CEQA. CEQA requires mitigation of loss of farmland to less than significant or if that is not possible, to the extent feasible. In February, 2006, Elk Grove received an easement (see attached easement) to farmland to mitigate 1:1 for loss of farmland from the development of Lent Ranch Mall. The easement (p. 2) refers to Resolution No. 2004-200, approved on August 4, 2004, which imposes on the Lent Ranch Marketplace project the requirement to mitigate the loss of agricultural land through the conservation in perpetuity of an equal amount of land. Nonetheless, as regards future annexation in the SOI area, the Elk Grove General Plan policy stating that it will not mitigate for loss of farmland is troubling. It directly contradicts MM AG-1 in this RDEIR. The RDEIR fails to address the conflict and does not explain how LAFCo will enforce mitigation measures if Elk Grove reverts to its existing policy after annexation. 73

The Legislature has charged LAFCos with encouraging orderly growth and development, discouraging urban sprawl, and preserving open space and prime agricultural lands. (Government Code §§ 56001). LAFCos shall adopt policies which encourage and provide well-ordered and efficient urban development patterns with appropriate consideration for preserving open space and agricultural lands. (Government Code 56300(a)). See LAFCo Policy Manual (pg. 3). However, Sacramento LAFCo has decided to proceed on case-by-case rather than to have an adopted policy to govern agricultural land preservation. LAFCo's **Sacramento LAFCo Policy, Standards and Procedures Manual,** Chapter IV, pp 16-18 describes the standards used by Sac LAFCo to preserve agricultural lands. The RDEIR references the Sacramento LAFCo manual on pp. 1-3 to discuss LAFCo compliance with CEQA. The EIR reviews the unique statutory role and part of the policy for meeting this statutory obligation on pp. 3.10-48 to 3.10-50, and conclude without analysis or discussion that "the proposed project is inconsistent with this policy. . . . Refer to Section 3.2, Agricultural Resources for further discussion." However, there is no further discussion of the **Policy, Standards and Procedures Manual**, Section E. Agricultural Land Conservation, at that location. The proposed mitigation measures do not seem to have any relationship with the policy standards in the manual. 74

Permitting an 8,000 acre SOI with unknown timing, location and phasing of development can hardly be consistent with LAFCo's statutory charge of "encouraging orderly growth and development." It will destabilize a stable agricultural economy by introducing uncertainty about future land use and it will discourage future investment in agriculture in the SOI area and likely in adjacent areas. The infrastructure supporting the agricultural economy will be diminished as economies of scale are lost. Approval of the SOI must consider impacts of the SOI on farmland and the farm economy and not simply wave these away with requiring mitigation measures down the line (deferred mitigation). 75

LAFCo decision-makers cannot fairly evaluate the environmental impact of the SOI on agriculture and on its statutory charge to conserve agricultural land given the incomplete and misleading analysis in this RDEIR. Measures requiring mitigation at the project stage do not adequately address the direct and indirect consequences of approving an 8,000 acre SOI instead of a much smaller alternative with fewer impacts on farmland and the agricultural economy. 76

No analysis is presented in the RDEIR to demonstrate that adequate suitable agricultural land exists in the County to allow mitigation at 1:1 for the conversion of farmland that could occur as a result of the SOIA approval. 77

The RDEIR lacks a cumulative assessment of the impact on agricultural land resources of the approval of the SOI and the implementation of the Bay Delta Conservation Plan. While both the SOI and the BDCP are broad brush planning documents, there are clear land use changes consequent to their approval that would diminish agricultural resources and impact the agricultural economy.

RDEIR Mitigation Measures for Agricultural Land Use Are Inadequate (Section 3.2.5)

Failure to Mitigate for Loss of Farmland of Local Importance. AG Impact 1 fails to recognize loss of locally important farmland as an impact. The RDEIR does not acknowledge that the County of Sacramento requires locally important farmlands located outside the USB (Urban Services Boundary), that is, in the SOIA, to be mitigated at a ratio of 1:1 for projects converting more than 50 acres of farmland. The RDEIR identifies 25 percent of the agricultural lands in the SOIA to fall within this category of "farmland of local importance," and would not require mitigation for the loss. This is a significant conflict with existing preservation standards for the SOIA area, and an unmitigated impact of an SOI approval by LAFCo. The RDEIR incorrectly claims at pages 3.10-34 and 35 that there is no conflict with County policy if MM AG-1 is implemented. 78

> **MM AG-1**
>
> At the time of submittal of any application to change land uses within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City will require that applicants protect one (1) acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project.

MM AG-1 is unenforceable because LAFCo has no authority or mechanism to enforce this mitigation measure once Elk Grove has annexed the SOI area. LAFCo has no authority to

prevent Elk Grove from amending its policy to greatly reduce the agricultural protection requirement. No evidence is presented to show that mitigation lands would be available at an affordable price. It would make more sense for LAFCo to require prior to annexation, a farmland mitigation program and plan be prepared and submitted to LAFCo for approval, after public review and comment, which demonstrates that the annexation can mitigate for all loss of farmland, and includes mechanisms for LAFCo or public enforcement, and guarantees that the mitigation measure will be implemented.

78 (cont.)

MM AG-1, con't.

"The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas on the project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson's hawk habitat), or additional land identified by the City."

There are a number of reasons why on-site agricultural land uses are not compatible with urban uses and should not be included as agricultural land mitigation for loss of large landscape agricultural uses in place today unless specific findings are required to be made that the preserved on site agricultural lands will not be bounded on more than 2 sides by urbanization and that buffers between urban and farm uses will not be counted as preserved agricultural lands in calculating mitigation for agricultural land loss. We do not think it is consistent with LAFCo's charge or the County of Sacramento policy to allow on-site agricultural uses to be subtracted from farmland loss before mitigation and/or to be counted as farmland loss mitigation. This should be struck from the mitigation measure if it is adopted. Agricultural land preservation may also be incompatible with habitat preservation unless carefully planned to complement each other.

79

Further Comment on Inconsistency with LAFCo Policies.

The EIR analysis of Sacramento LAFCo consistency completely ignores Section E2, printed above, related to standards for LAFCo determination whether insufficient vacant non-prime land exists inside the City boundaries. On page 3.10-39 the consistency analysis does not recognize the conflict between LAFCo policy and City General Plan in regard to the standards for LAFCo to approve the SOI and defers mitigation to a future CEQA analysis. Such deferral of mitigation for the core impact under LAFCo responsibility ("LAFCo will exercise its powers to conserve agricultural land") is inexcusable. The largest area of prime agricultural land mapped in the EIR is found in both the proposed SOI and in the smaller 2,700 acre alternative. No alternative other than the no project alternative excludes prime agricultural land. As lead agency, LAFCo could have and should have insisted upon an alternative that conserved agricultural land, including all the prime agricultural land identified.

80

Finally, we believe that any reliance by LAFCo on the 2003 Elk Grove General Plan and EIR adoption to address the environmental impacts of the SOI would be inappropriate. The 2003 EIR on the General Plan is now out of date and was not prepared with the purpose of advising LAFCo regarding its important statutory responsibilities regarding open space and agricultural land preservation. Moreover, California Department of Fish ad Wildlife did not agree with the biological assessment in that document (see California Department of Fish and Game letter to City of Elk Grove on review of Elk Grove General Plan, September 17, 2003.

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Please keep us informed regarding future public review of the proposed application, and public hearings. Thank you for this opportunity to comment.

Judith Lamare, Ph.D. President,
Friends of the Swainson's Hawk
916-447-4956

James P. Pachl, Legal Counsel

REFERENCES ATTACHED (A) OR PREVIOUSLY SUBMITTED (PS)

Email from Brian Accord dated September 15, 2011, about CNDDB (PS)
Email to Don Lockhart, with attached maps (PS)
Map of Swainson's Hawk range, South Sacramento County Habitat Conservation Plan (PS)
Map of Swainson's Hawk nesting sites, *Distribution, Abundance, and Habitat Associations of Swainson's Hawk.* Results of 2006 census level surveys in South Sacramento County (PS).
Estep, James, *The Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (Buteo swainsoni) in the City of Elk Grove, California.* Census level surveys within City limits in 2008. (PS)
Map of Potential Swainson's Hawk Mitigation Areas, prepared by the Sacramento County Planning and Community Development Department with information from the California Department of Fish and Game. (PS)
Map of Swainson's Hawk suitable habitat for mitigation of development in the City, prepared by City of Elk Grove and Department of Fish and Game to guide City of Elk Grove mitigation location decisions (provided to FOSH by City of Elk Grove). (PS)
California Department of Fish and Game, Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (Buteo swainsoni) in the Central Valley of California (Nov. 8, 1994) (A)
California Department of Fish and Game letter of March 25, 2010, to Michele McCormick, copy to Eric Tattersall, and Peter Brundage (PS)
Estep, J., *Monitoring Swainson's Hawk (Buteo swainsoni) Nesting Activity in South Sacramento County Results of 2008 Surveys.* (2009) (PS)
1993 County of Sacramento General Plan Policies (PS)
City of Elk Grove, Ordinance SWAINSON'S HAWK IMPACT MITIGATION (A)
Elk Grove Market Study, December 29, 2010 (PS)
Mike McKeever, CEO, SACOG letter to LAFCo re Elk Grove Market Study, February 28, 2011 (A)
SACOG Item #10-4-12C, March 31, 2010 "Draft Regional Growth Projections) (PS)
Mike McKeever, CEO., SACOG letter to LAFCo regarding "Area Growth and Population", May 18, 2011 (A)
Sacramento County County's staff report (Agenda for 10/13/10, 2030 General Plan Update Adoption Hearings) with relevant pages 6 – 11 (PS)
City of Elk Grove Agricultural Easement, 2006, pp 1-2 and certificate. (PS)
Melinda Bradbury, Memo to Jude Lamare, Jim Pachl, 3/15/2010, "Assessing Elk

Grove SOI expansion on historical Swainson's Hawk locations and comparing to the information provided in the Gibson and Skordal letters developed for the City of Elk Grove" and Resume submitted to support memorandum. (A)

Melinda Bradbury, A Review of the City of Elk Grove and South Sacramento County Swainson's Hawk Mitigation Programs, January 25, 2011 (A)

K. Shawn Smallwood, Ph.D., Comment on City of Elk Grove Sphere of Influence EIR", November 21, 2011, resume submitted to support comment letter. (PS)

Don Mooney, Comment letter on the Elk Grove SOI DEIR, November 21, 2011 (PS)

California Department of Fish and Game letter to City of Elk Grove review of Elk Grove General Plan, September 17, 2003. (A)

Accompanying this letter is a flash drive containing the previously submitted attachments to FOSH's DEIR Comment letter of 11/21/11 and the letters submitted by Smallwood and Mooney. New attachments are submitted in paper form only.

STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor
DEPARTMENT OF FISH AND GAME
SACRAMENTO VALLEY AND CENTRAL SIERRA REGION
1701 NIMBUS ROAD, SUITE A
RANCHO CORDOVA, CALIFORNIA 95670
Telephone (916) 358-2900

September 17, 2003

Mr. Patrick Angell
City of Elk Grove
8400 Laguna Palms Way
Elk Grove, CA 95758

Dear Mr. Angell:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) for the City of Elk Grove's 2003 draft General Plan. The project consists of an update of the existing General Plan, which was adopted before the City of Elk Grove's incorporation in July 2000. For the next 20 years the proposed General Plan will provide land use designations and guide future development within the City of Elk Grove, as well as the 93,560 acre City of Elk Grove Planning Area (Planning Area) which extends outside the city limits and for which City of Elk Grove has applied to Sacramento County Local Agency Formation Commission (LAFCO) as a Sphere of Influence. The project is located in and around the City of Elk Grove in Sacramento County.

Wildlife habitat resources within the Planning Area consist of a mixture of natural habitat, agricultural lands, and urban development. Significant natural resources of the project include habitat for sensitive species, the Cosumnes River, tributary streams, vernal pools, grasslands, wetlands, and woodland and riparian habitat. Natural resources within the Planning Area are of considerable significance and value. The Nature Conservancy (TNC), Bureau of Land Management, Ducks Unlimited, DFG, U. S. Fish and Wildlife Service, and Sacramento County have all invested significant funds to protect land within the Planning Area expressly because of the high habitat values found there.

Given the significance of the natural resources that occur within the Planning Area, we are concerned that the DEIR does not provide an accurate picture of natural resources in the project area. Unfortunately, DFG finds that the DEIR fails to adequately describe natural resources present in the Planning Area, fails to discuss the potential impacts that may result from the proposed General Plan, and fails to provide mitigation that will off-set probable impacts. Following is a list of the DEIR's deficiencies:

I. Biological Resources Section 4.10:

The Biological Resources section of the DEIR fails to adequately describe wildlife resources. In order to accurately describe the impacts to fish and wildlife that may reasonably be expected to result from the proposed Elk Grove General Plan, the Biological Resources section must be revised to contain information about the actual distribution of species and habitats within the Planning Area. The Biological Resources section consists of information gathered during a single day's field survey conducted on September 27, 2002, and a records-search of databases kept by the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS). Review of the Biological Resources section's methodology (Page 4.10-38) reveals that the DEIR's biological analysis, with little or no exception, consists of merely reciting database records.

This approach to impact analysis is flawed for a variety of reasons. The CNDDB contains "positive observations" only. That is, CNDDB records will not tell you whether a given species of plant or animal occupies a particular area, or not. It merely records where species were once observed, provided that a record was submitted. In its License Agreement with its users the CNDDB cautions that:

> "...*we cannot, and do not, portray the CNDDB as an exhaustive and comprehensive inventory of rare species and natural communities. Field verification for the absence and presence of sensitive species will always be an important obligation of our customers*."

While CNDDB records are useful in identifying the list of species likely to inhabit the project site, database searches should never be used in place of actual field surveys or contact with knowledgeable individuals. The above CNDDB caveat warns that use of CNDDB information alone, can in many cases grossly misrepresent the distribution of wildlife. In addition to the inherent limitation of CNDDB noted above, the database incorrectly describes the distribution of more common species of wildlife simply because they are under-reported, and there is the well known lack of CNDDB records on private property because of limited access. These criticisms are not meant to denigrate CNDDB, but rather to point out the improper use of CNDDB records in the preparation of this DEIR. CNDDB does not provide a comprehensive inventory of wildlife within the Elk Grove Planning Area because it was never designed for this purpose.

The DEIRs analysis of impacts to the greater sandhill crane serves to illustrate the types of errors and attendant non-disclosure of impacts which results from using CNDDB as the only source of biological information. The DEIR states that "No records for this species (greater sandhill crane) are listed in the CNDDB". First of all, a check with the CNDDB revealed that prior to August 2003; the CNDDB did not track wintering sandhill cranes. Secondly, while prior to August 2003, the CNDDB contained no records for wintering sandhill cranes, DFG was, none-the-less, actively monitoring

greater sandhill crane use in the vicinity. Surveys conducted by DFG during November 2001, located sandhill crane nocturnal roosts within 2 miles of the Planning Area, at which time over 1,200 cranes were counted. Furthermore, in 2001, TNC prepared a report which identified important sandhill crane foraging areas surrounding the Cosumnes Preserve. All of this information was available upon request. Our point here is that in addition to database records the DEIR should contain all relevant information, such as, contact with State or Federal wildlife agency biologists, contact with local experts and conservation organizations (TNC, Audubon Society, CNPS, etc), as well as, focused surveys that are designed to identify suitable habitats and describe wildlife resources within the Planning Area.

In order to remove the deficiencies noted above and provide the information necessary to inform decision makers about the potential significant impacts of the proposed General Plan, we recommend that the Biological Resources Section be revised to include:

1. Information about the distribution of wildlife within the Planning Area. At a minimum, the DEIR should identify suitable habitat areas within the Planning Area and its vicinity. Suitable habitat areas should be assessed to determine there value to target species. When there is doubt of the habitat area's value to target species, then the DEIR should contain the results of field surveys that are designed to disclose the presence and status of State- or Federally-listed rare, threatened, or endangered species, and other species of concern. These surveys should be conducted at the time of year when endangered or threatened species are both evident and identifiable. As part of its analysis, the DEIR should also contact local wildlife agencies, conservation groups, and experts with knowledge of the distribution of wildlife within the Planning Area.

2. A map or maps showing the location and amounts of the various habitats types within the Planning Area. Figure 4.10-1 shows habitat with the Elk Grove City limits only. The DEIR should contain a map that shows the location of the various habitats throughout the Planning Area. Particular attention should be given to unique habitats like wetlands, riparian corridors, vernal pool grasslands, or habitats known to support sensitive species, such as, Sandhill crane roosts/foraging area, Swainson's hawk nests, etc.

3. Proper use of CNDDB information. Citation of the CNDDB records should be used to augment other data and aid in the accurate description of the distribution of species within the Planning Area. As written, however, the Biological Resources section consists of a recitation of "No records for this species are listed" giving an overall impression that there are no new natural resources within the Planning Area. Our experience with the planning area is that this is not an accurate depiction, and the understatement of natural resource value results from an improper use of CNDDB. Also, the use of CNDDB information should be

limited to species that are currently being tracked by CNDDB. The DEIR uses CNDDB records information to analysis the status of the oak titmouse (*Baeolophus inornatus*), Nutall's woodpecker (*Picoides nuttallii*), and grasshopper sparrow (*Ammodramus savannarum*) within five miles of the Planning Area. For each of the species the DEIR observes that "No records for this species are listed in the CNDDB within the Planning Area vicinity". However, a check with the staff at CNDDB revealed that these three species are not even tracked by CNDDB. And the database would, therefore not contain any records for them.

II. Project Impacts and Proposed Mitigation Measures:

The DEIR identifies the impacts to wildlife resulting from the proposed General Plan (Impacts 4.10-1 through 4.10-4). To summarize the DEIR's description of the project impacts, they consist of: direct or indirect impacts to habitat of special status plants, special status animals and associated habitat, sensitive habitat areas, and cumulative impacts to special status plants and wildlife through habitat loss. The DEIR provides mitigation for these impacts in two forms, either through Policies and Action Items within the General Plan, and/or mitigation proposal contained in the DEIR (Mitigation Measures MM 4.10-1 through MM 4.10-3).

MM 4.10-1a:

This Mitigation Measure consists of a proposal to, "*…seek to preserve areas, where feasible, where special-status plant and animal species and critical habitat areas are known to be present or potentially occurring ...*" Similarly, Parks Trails and Open Space policy PRO- 5 of the draft General Plan proposes to preserve open space lands for a variety of needs including wildlife habitat. However, neither the General Plan, nor the DEIR give the location of areas that are planned to mitigate the effects of the project upon wildlife, either in the City Limits, or within the greater Planning Area.

MM 4.10-1a has an additional inadequacy related to the source of information proposed to locate special status resource areas. The location of these special status resource areas are to be based on information contained in the, *"…City biological resource mapping and data provided in General Plan EIR or other technical material...".* As noted above, neither the General Plan nor the DEIR currently contain accurate information about the distribution of special status species or their habitats, and the "other technical materials" mentioned in the DEIR were not made available for review. What the DEIR does contain is CNDDB records information, and as noted, these records alone will not provide the information needed to plan preserves that benefit special status plants and animals. Since the location of special status plants and animals and their habitat remain undisclosed, Mitigation Measure MM4.10-1a is infeasible.

We recommend that Mitigation Measure 4.10-1a be revised to include information about the location of special status species and their habitat (see comments on the Biological Resources section), as well as the location and extent of areas that are to be set-aside to mitigate the impact to them. This information should be in sufficient detail to be useful in identifying the location and extent of preserves which would function to off-set the impacts identified in Impacts 4.10-1, 4.10-2 and 4.10-3.

MM 4.10-1b:

Similar to MM 4.10-1a, this measure relies on resource information purportedly contained in the General Plan or the DEIR. Measure MM 4.10-1b requires that a biological resources evaluation be conducted on private and public development projects in areas where, based on the *"…City's biological resource mapping and data provided in General Plan EIR…"* special status resources occur onsite. As mentioned in MM 4.10-1a and comments on the Biological Resources section above, the DEIR doesn't contain adequate information regarding the distribution of special status species or their habitats, and therefore would not be useful in identifying where biological resources evaluations should be preformed. For these reasons we find this mitigation measure infeasible without the revisions noted above in comments on the Biological Resources section.

We recommend that Mitigation Measure 4.10-1b be revised to:

1. Revise the DEIR to include information about the location of habitat for special status species (see comments on the Biological Resources section). This information should be in sufficient detail to be useful in identifying areas where a biological resource evaluation may be necessary in order to avoid impacting special status plants or animals.
2. Remove the provision calling for "relocation of the species to another suitable habitat area." Be removed from 4.10-1b. This measure may result in "take" under the State Endangered Species Act, as well as, having no positive benefit as a mitigation measure.

MM 4.10-3:

This mitigation measure is intended to off-set impacts to sensitive habitats. Sensitive habitat is described on page 4.10-37 of the DEIR, and includes: lakes, intermittent and perennial streams, rivers, irrigation ditches, seasonal marsh, seasonal wetlands, and vernal pools, native and some non-native trees, and riparian habitat. However, Mitigation Measure MM 4.10-3 only requires mitigation for impacts to riparian areas.

In addition to MM 4.10-3's requirement for mitigation of loss of riparian habitat, we recommend that the measure be revised to include a requirement to mitigate impacts to all sensitive habitats. We recommend that for streams, rivers, and lakes

mitigation be based on DFG's standard recommendations under 1600 of the Fish and Game Code. Intermittent streams should be affording a minimum 50 foot setback on either side of the stream, and perennial streams should be afforded a minimum 100 foot setback. Setbacks should be measured from the top of the bank, or the edge of riparian vegetation, which ever is greater. Within the setback no grading, construction, or destruction of vegetation should be allowed. Mitigation for unavoidable impacts to vernal pools, seasonal and perennial wetlands should be based on guidelines established by the U.S. Fish and Wildlife Service and the Army Corps of Engineers. Buffers should be expanded to protect any onsite riparian habitat or sensitive special status species (i.e. tiger salamander).

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

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

Thank you for the opportunity to review the DEIR and draft General Plan. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Senior Wildlife Biologist, telephone (209) 369-8851 or, Ms. Terry Roscoe, Habitat Conservation Supervisor, telephone (916) 358-2382.

Sincerely,

Larry L. Eng, Ph.D.
Deputy Program Manager

cc: U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 92825-1888

Ms. Terry Roscoe
Mr. Dan Gifford
Department of Fish and Game
Sacramento Valley - Central Sierra Region
1701 Nimbus Road, Suite A
Rancho Cordova, California

Chapter 16.130
SWAINSON'S HAWK IMPACT MITIGATION FEES

Sections:

16.130.010 Purpose and intent.
16.130.020 Definitions.
16.130.030 Applicability.
16.130.040 Conditions.
16.130.045 Impact mitigation fee.
16.130.080 Use of impact mitigation fee funds.
16.130.110 Authority of City Council to override mitigation measures.

16.130.010 Purpose and intent.

The City of Elk Grove City Council finds that the continued expansion of urban uses into the agricultural lands within the City that are identified through the California Environmental Quality Act ("CEQA") process to provide suitable foraging habitat for the Swainson's hawk, a listed threatened species under the California Endangered Species Act, will, absent mitigation, result in a significant reduction of such foraging habitat. The reduction in foraging habitat can occur through requests for zoning changes of agriculturally zoned lands to land use designations that enable land to be reduced to parcel sizes too small to support Swainson's hawk foraging habitat or through requests for land use entitlements for nonagricultural uses that are incompatible with the maintenance of Swainson's hawk foraging habitat. The California Department of Fish and Game ("DFG") has determined that parcels of land of five (5) acres or more in size are recognized to be the minimum acreage required for viable foraging habitat. Requests to subdivide AR-1 or AR-2 zoned property with an original total acreage size of five (5) acres or more to the lot sizes permitted under these zoning designations can also result in the reduction of foraging habitat for the Swainson's hawk. For any such requests which are within ten (10) miles of a Swainson's hawk nest, the City Council desires to establish an additional means of mitigating for loss of Swainson's hawk foraging habitat.

The City has identified, in consultation with the California Department of Fish and Game, that suitable foraging habitat for the Swainson's hawk exists in established land conservation programs in Sacramento County and also in agricultural and open lands currently not part of a conservation program. The City finds that the most effective means of mitigation for the loss of suitable Swainson's hawk foraging habitat is the direct preservation, in perpetuity, of equally suitable foraging habitat on an acre-per-acre ratio. Such preservation should occur, pursuant to this chapter, prior to the onset of development activities that cause the impact (i.e., land clearing and site grading). Development project proponents should be responsible for locating and acquiring the appropriate land or legal instruments (such as a conservation easement) that will ensure its preservation as Swainson's hawk foraging habitat in perpetuity. The City also finds that it may be infeasible to acquire easements for less than forty (40) acres and that proponents of projects less than forty (40) acres should have the option to mitigate adverse impacts to Swainson's hawk foraging habitat through the payment of an impact mitigation fee. An impact mitigation fee, as established pursuant to this chapter, will provide funds to acquire available land with suitable Swainson's hawk foraging habitat values. Such acquisition will create mitigation for the loss of this habitat through real property acquisition in fee or through conservation easements to facilitate the expansion of land conservation programs which include the preservation and management of Swainson's hawk foraging habitat.

The City Council recognizes that mitigation for foraging habitat for the Swainson's hawk is only feasible when replacement habitat is provided within the known foraging area for the hawk. In order to provide adequate mitigation for the loss of Swainson's hawk foraging habitat under CEQA through the provisions of this chapter, the City Council deems it necessary to expand the scope of this mitigation fee program to parcels located within the geographical foraging area of the Swainson's hawk that are owned and/or managed by a conservation organization where the location of mitigation parcels and the conservation organization are acceptable to the Department of Fish and Game.

The City Council finds that the direct preservation of suitable Swainson's hawk foraging habitat or the payment of an impact mitigation fee by project proponents for the actual acquisition of such habitat will meet the requirements of mitigation under CEQA by reducing the level of impact to Swainson's hawk foraging habitat to a less than significant level for those parcels falling within the scope of this chapter as set forth herein. The City Council intends that the requirement of direct preservation of suitable Swainson's hawk foraging habitat for projects forty (40) acres and greater and the requirement of an impact mitigation fee for projects less than forty (40) acres, in the amount set forth in this chapter, shall be included as mitigation options. Said mitigation shall arise when the environmental review process for a request falling within the scope of this chapter concludes that there would be a significant impact or a significant cumulative impact on the Swainson's hawk foraging habitat for which mitigation, pursuant to all applicable provisions of Section 21000 et seq., of the Public Resources Code and Title 24, Section 15000 et seq., of the California Code of Regulations, is required. The City Council also recognizes its continued authority to determine based on specific economic, social, legal, technical or other considerations that mitigation for Swainson's hawk foraging habitat is infeasible or that evidence has been presented to the City Council, which the Council determines eliminates the need for such mitigation. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 22-2004 §3, eff. 7-21-2004; Ord. 35-2003 §2, eff. 10-17-2003;

Ord. 2000-14A §1, eff. 10-25-2000; Ord. 2000-1 §1, eff. 7-1-2000]

16.130.020 Definitions.

"Agricultural designation" shall mean land which is zoned any of the following zoning designations or combinations thereof: AG-80, AG-20, AR-10, AR-5, A-10, and A-2.

"CEQA" means the California Environmental Quality Act.

"DFG" means the California Department of Fish and Game.

"Project" shall mean the total combined gross acreage of a parcel or parcels included in a development proposal subject to CEQA review.

"Urban designation" shall mean land which is zoned any of the following zoning designations or combinations thereof: a "residential land use zone" as set forth in Sacramento County Zoning Code Section 201-01, a "commercial land use zone" as set forth in Sacramento County Zoning Code Section 225-10 or an "industrial land use zone" as set forth in Sacramento County Zoning Code Section 230-10; a specific plan designation or a special planning area designation encompassing any of the aforementioned zoning designations or combinations thereof. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 22-2004 §4, eff. 7-21-2004; Ord. 2000-14A §1, eff. 10-25-2000; Ord. 2000-1 §1, eff. 7-1-2000]

16.130.030 Applicability.

A. This chapter shall apply to any project that has been determined through the CEQA process to result in a potential significant impact or potential significant cumulative impact on Swainson's hawk foraging habitat for which mitigation measures have been identified as necessary to reduce that impact to a less than significant level, and for which any of the following requests are being sought:

1. Any request for a change in land use designation from an agricultural designation to an urban designation; or

2. Any request to subdivide five (5) acres or more of contiguous land zoned AR-1 or AR-2; or

3. Any request for a land use entitlement for a nonagricultural use of land zoned with an agricultural designation; or

4. Any request for a land use entitlement for a nonagricultural use of land five (5) acres or more in size zoned AR-1 or AR-2; or

5. Any public improvement project proposed by any department or agency of the City of Elk Grove on land with an agricultural designation.

B. This chapter shall apply to any project approved prior to the effective date of the ordinance codified in this chapter which was conditioned to require mitigation for impacts to Swainson's hawk foraging habitat and which mitigation has not been completed through the payment of a fee or other mechanism included in such mitigation measure. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 22-2004 §5, eff. 7-21-2004; Ord. 35-2003 §3, eff. 10-17-2003; Ord. 2000-14A §1, eff. 10-25-2000; Ord. 2000-1 §1, eff. 7-1-2000]

16.130.040 Conditions.

A. On and after the effective date of the ordinance codified in this chapter, for any project forty (40) acres and greater falling within the provisions of EGMC Section 16.130.030, the following mitigation measure shall be required to reduce the impact to the Swainson's hawk foraging habitat of that particular project to a less than significant level:

The project applicant shall acquire conservation easements or other instruments to preserve suitable foraging habitat for the Swainson's hawk, as determined by the California Department of Fish and Game. The location of mitigation parcels as well as the conservation instruments protecting them shall be acceptable to the City and to the California Department of Fish and Game. The amount of land preserved shall be governed by a one-to-one (1:1) mitigation ratio for each acre developed at the project site. In deciding whether to approve the land proposed for preservation by the project applicant, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation of land shall be done prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first. In addition, the City shall impose the following minimum conservation easement content standards:

1. The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the California Department of Fish and Game.

2. All owners of the mitigation land shall execute the document encumbering the land.

3. The document shall be recordable and contain an accurate legal description of the mitigation land.

4. The document shall prohibit any activity which substantially impairs or diminishes the land's capacity as suitable Swainson's hawk foraging habitat.

5. If the land's suitability as foraging habitat is related to existing agricultural uses on the land, the document shall protect any existing water rights necessary to maintain such agricultural uses on the land covered by the document, and retain such water rights for ongoing use on the mitigation land.

6. The applicant shall pay to the City a 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 ten (10%) percent of the easement price paid by the applicant, or a different amount approved by the City Council, not to exceed fifteen (15%) percent of the easement price paid by the applicant.

7. Interests in mitigation land shall be held in trust by an entity acceptable to the City in perpetuity. The entity shall not sell, lease, or convey any interest in mitigation land which it shall acquire without the prior written approval of the City.

8. The City shall be named a beneficiary under any document conveying the interest in the mitigation land to an entity acceptable to the City.

9. If any qualifying entity owning an interest in 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.

Before committing to the preservation of any particular land pursuant to this measure, the project proponent shall obtain the City's approval of the land proposed for preservation. This mitigation measure may be fulfilled in combination with a mitigation measure imposed on the project requiring the preservation of agricultural land as long as the agricultural land is determined by the Department of Fish and Game to be suitable Swainson's hawk habitat.

B. On and after the effective date of the ordinance codified in this chapter, for any project less than forty (40) acres falling within the provisions of EGMC Section 16.130.030, the following mitigation measures shall be included within the mitigation measure options identified to reduce the impact to the Swainson's hawk foraging habitat of that particular project to a less than significant level:

1. Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall preserve one acre of similar habitat for each acre lost. This land shall be protected through a fee title or conservation easement acceptable to the DFG and the City of Elk Grove as set forth in subsection (A) of this section as such may be amended from time to time and to the extent that said subsection remains in effect; or

2. Prior to any site disturbance, such as clearing or grubbing, or the issuance of any permits for grading, building, or other site improvements, whichever occurs first, the project applicant shall submit payment of Swainson's hawk impact mitigation fee per acre of habitat impacted, payment shall be at a one-to-one (1:1) ratio, to the City of Elk Grove in the amount set forth in this chapter as such may be amended from time to time and to the extent that this chapter remains in effect.

C. The requirement of direct land preservation or payment of an impact mitigation fee established pursuant to this chapter is also applicable to those projects that were approved prior to the effective date of the ordinance codified in this chapter and which are conditioned to require mitigation for impacts to Swainson's hawk foraging habitat to include the option to participate in a future Swainson's hawk mitigation policy/program adopted by the City Council, provided the property owner/developer of any such project has not yet completed an alternative mitigation measure for impacts to Swainson's hawk foraging habitat; and provided, that the parcel(s) included in such a previously granted request fall within the scope of this chapter as set forth in EGMC Section 16.130.030. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 22-2004 §5, eff. 7-21-2004; Ord. 2000-14A §1, eff. 10-25-2000; Ord. 2000-1 §1, eff. 7-1-2000]

16.130.045 Impact mitigation fee.

The impact mitigation fee shall be that amount established by resolution of the Elk Grove City Council as such may be amended from time to time. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 22-2004 §7, eff. 7-21-2004]

16.130.080 Use of impact mitigation fee funds.

A. The City shall establish a separate interest-bearing fund within the City Treasury, in which monies collected pursuant to this chapter shall be deposited.

B. Monies from said fund shall be transferred pursuant to the terms and conditions acceptable to DFG and the City of Elk Grove. Monies from said fund shall be used for the specific acquisition of lands, in fee simple or through a conservation easement.

C. Pursuant to the terms and conditions of said agreement, said lands shall be held in perpetuity for Swainson's hawk foraging habitat. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 35-2003 §4, eff. 10-17-2003; Ord. 2000-14A §1, eff. 10-25-2000; Ord. 2000-1 §1, eff. 7-1-2000]

16.130.110 Authority of City Council to override mitigation measures.

Nothing herein shall be construed to preclude the City Council's consideration or approval of other means of mitigating significant impact or significant cumulative impact on Swainson's hawk foraging habitat or to limit the City Council's authority to override mitigation measures for reasons permitted by CEQA. [Ord. 7-2009 §3, eff. 5-1-2009; Ord. 22-2004 §11, eff. 7-21-2004; Ord. 2000-14A §1, eff. 10-25-2000; Ord. 2000-1 §1, eff. 7-1-2000]

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February 28, 2011

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

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SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

Dear Mr. Lockhart,

Thank you for inviting SACOG's comments on the Elk Grove Municipal Service Review for the Elk Grove Sphere of Influence Amendment Project (LAFC 09-10) and the support Elk Grove Market Study. We also thank the City of Elk Grove for commissioning the market study to determine the long term land use needs of the City. SACOG supports the City's aim to improve job opportunities in its jurisdiction and this market study is an important step toward that end. We also appreciate that the City asked its market study consultant team to meet with us to discuss and compare employment projections. We've since reviewed the final market study and find it to be a technically solid study of employment demand.

Our understanding of the market study is that it projected two potential growth scenarios – a low growth, high density scenario and a high growth, low density scenario – for the City of Elk Grove through the year 2029. The scenarios are intended to bracket the range of possible employment and housing growth that the City would need to plan for during that time period, including the amount of land that would need to be available to support that growth. The study states that these scenarios are intended to provide varying estimates of growth potential, but "are not meant to incorporate judgments about the likelihood of projections results or embedded assumptions" (Page A-14, Elk Grove Market Study). We have compared the market study to our preliminary MTP projections and generally agree that it is possible the city could need more employment land beyond the city limits sometime after the next 20 years and that the amount of land likely to be needed is within the amount identified by the Elk Grove Market Study. We do have a few observations as to the reason for some of this additional land supply:

- The market study discounts 80% of vacant unentitled land as unlikely to develop fully.
- The market study assumes very low residential densities for the high land consumption scenario (Scenario 2), at approximately 6.5 dwelling units per acre on average city-wide, which contributes substantially to the scenario's higher land demand.

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

- The market study assumes no redevelopment potential in its land supply analysis.
- The market study land supply analysis assumes no re-designation of vacant land, either from residential to employment or between employment designations. With no re-designation of land use assumed, the market study indicates that the employment acres in shortest supply are for institutional and school uses, which are public, not private uses.
- The market study arrives at land demand by adding an additional 20% of land capacity as a land supply contingency. Of the additional land needed in Scenario 1 (low growth, high intensity development), 100 percent of the 200 acre additional land supply is part of this contingency. For Scenario 2 (high growth, low intensity development), about 53% of the additional 1,422 acre additional land supply is part of this contingency. It is worth noting that this aspect of the land demand projections is different from SACOG's land use forecasts, which must represent actual anticipated development.

Lastly, as you know, SACOG is in the midst of the Rural-Urban Connection Strategy (RUCS) project, which focuses on economic and environmental sustainability in the region's rural areas. The project has not yet resulted in policy or program recommendations but we have been conducting groundbreaking technical research on the urban-rural interface and in particular, the effects of urban uses on neighboring agricultural use. Our preliminary research and modeling indicates that the more certainty there is to the edge of future urbanization, the lesser the impact will be on neighboring farming operations. A higher percentage of land is more likely to remain in active agriculture if there is some long-term certainty that farming is an economically viable use of the land.

Thank you again for inviting SACOG's comment in this process. We would be happy to discuss any of this information in more detail with the City and LAFCO if it would be of use.

Sincerely,

Mike McKeever
Chief Executive Officer

MM:KL:ef

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MAY 23 2011
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

May 18, 2011

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

Dear Mr. Lockhart,

Thank you for inviting SACOG's comments on the Elk Grove Municipal Service Review for the Elk Grove Sphere of Influence Amendment Request. The revisions to "Area Growth and Population" chapter, dated April 27, 2011, include information on SACOG's current housing and employment projections and suggest those projections as the basis for the city needing additional development land outside the current city limits. We do not find these statements to be accurate and would like to correct the following points.

- Page 3.0-2 states ,"The City utilized the MTP 2035 growth projection numbers in calculating future needed acreage for the initial Sphere of Influence Amendment application submitted in May 2008 and subsequent application update submitted in August 2010." SACOG submitted comments to LAFCO and the City explaining the misstatement of our projections for this purpose. Please reference the attached letter to the City dated January 23, 2008 and the letter to LAFCO dated August 13, 2008.

- Page 3.0-3 provides a table showing a "SACOG 2035 MTP Projection" for population. We did not provide this information and we have not released population projections for individual jurisdictions at this point in our MTP update process.

- Page 3.0-4 states, "The City has based future land demands on SACOG's MTP 2035 Preliminary Draft Preferred Scenario projections to estimate the amount of vacant lands necessary to accommodate the projected growth" and references "Table 3.0-45 Land Demand Projections for the MTP 2035 Preliminary Draft Preferred Scenario". The same paragraph then continues, "Based on the availability of 2,918 acres within the City, a total of 6,327 acres will be needed outside of the City limits to accommodate the projected growth to 2035". Again, we did not provide the acreage numbers shown in that table nor do we believe that additional acreage outside of the city is needed to meet our draft 2035 projections. For your reference, the projections we are using in our MTP 2035 Preliminary Draft Preferred Scenario are below. These projections were coordinated with city staff to ensure consistency with the city's latest capacity estimates for development *within* the current city limits. The projections do not assume development outside of the current city limits. The research supporting our current projections for the region indicate the region will grow less and at a slower pace than previously forecasted. This trend affects all parts of the region, including the city of Elk Grove.

Auburn
Citrus Heights
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El Dorado County
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Placer County
Placerville
Rancho Cordova
Rocklin
Roseville
Sacramento
Sacramento County
Sutter County
West Sacramento
Wheatland
Winters
Woodland
Yolo County
Yuba City
Yuba County

SACOG Projections for Preliminary Draft Preferred Scenario for the 2035 MTP Update

	2008 Employees	2008 Housing Units	2035 Employees	2035 Housing Units
City of Elk Grove (current City limits)	28,431	49,018	48,429	66,014

As we indicated in prior communications, we believe our estimates of development capacity inside current city boundaries are likely to be low because they do not account for any redevelopment activity. Over the next two to three decades, some level of redevelopment seems highly likely. In fact, the City is working hard to encourage this as a revitalization strategy.

To summarize, neither the currently adopted MTP projections nor the draft Preliminary Preferred Scenario projections being used in the MTP update assume growth in the proposed SOI area. To be clear, the purpose of the MTP is to forecast actual constructed development during the planning period. This is different from a land supply contingency needed to support a healthy land market. We agree that Elk Grove may need additional land outside of the current city limits at some point beyond 2035 to support additional job growth to help the City's current imbalance of jobs and housing. We do not see a need for land in the SOI for housing for a very long time. The key issues around such an expansion would involve the timing of urbanization and conditions for development.

Thank you for consideration in this matter.

Sincerely,

Mike McKeever
Chief Executive Officer

MM:KL:ef

Attachment

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August 13, 2008

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

Dear Mr. Brundage:

I am writing to comment on the City of Elk Grove Sphere of Influence Amendment Request (LAFCO 04-08). The application's "Municipal Service Review" document refers to SACOG projections, stating that:

> *"The City based future land demands on SACOG's projections to estimate the amount of vacant lands necessary to accommodate the projected growth." (p. 3.0-3)*
>
> *"SACOG anticipates that existing neighborhoods and subdivisions within the City are expected to build out in the vacant areas within SACOG's (2035 Metropolitan Transportation Plan) planning period." (p. 3.0-2)*

I don't believe that these statements accurately convey SACOG's adopted growth projections for Elk Grove. Our recently adopted 2035 Metropolitan Transportation Plan land use allocation shows all of the projected housing and employment growth for Elk Grove through 2035 occurring within the existing city limits, with an additional 1,700 acres of vacant land in 2035 that the City's General Plan currently designates for development. Additionally, within the city limits the 2050 Blueprint growth pattern projects another 19,000 employees and 1,500 housing units from 2035 to 2050. These figures were carefully coordinated with Elk Grove staff when the final Blueprint map was created because the City Council had asked SACOG to ensure complete consistency between the Blueprint map and the City's recently adopted General Plan. We had communicated our concerns about these issues to the City in the attached letter dated January 23, 2008.

Recently, SACOG met with Elk Grove senior management staff and consultants to discuss these issues and agreed that our staff would meet in the near future to compare information and hopefully resolve, within the next few weeks, the discrepancies noted above. We will keep you posted on the progress of those discussions.

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I have indicated to City staff that as they move forward to establish a Sphere of Influence, we encourage them to consider:

- the timing of urbanization in the Sphere of Influence and its possible impact on the build-out of the General Plan within the city's current municipal boundaries; and,
- focusing on jobs-housing balance and prioritizing future development that promote employment growth and development of a strong economic base for the City.

These issues matter to SACOG because of their strong connection to travel behavior and air emissions. I believe City leadership shares these concerns and we look forward to a good partnership working with them on these issues as this process moves forward.

Thank you for your consideration on this matter. Please let me know if you have questions.

Sincerely,

Mike McKeever
Executive Director

MM:JH:ef

cc: Laura Gill, Elk Grove

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January 23, 2008

Jim Estep, City Manager
8401 Laguna Palms Way
Elk Grove, CA 95758

Dear Mr. Estep:

Thank you for discussing the Sphere of Influence Amendment staff report with me last evening and the clarifications I believe should be made. As we discussed, the January 23, 2008 City Council Meeting staff report includes a discussion of the Sacramento Area Council of Government's (SACOG's) regional growth projections that does not accurately convey information in SACOG's adopted growth forecast and land use allocation for Elk Grove in the Metropolitan Transportation Plan.

I am writing to formally ask that this information be clarified in time for the City Council consideration of this topic at its Wednesday, January 23 meeting based upon our discussion. While you clarified for me that the City's time horizon for the development of the proposed Sphere of Influence is longer than SACOG 2035 MTP projections, and is not simply based on SACOG's 2035 growth forecast, it is important to note that in some places the staff report indicates that the land supply is not adequate for even a 20-year horizon. I very much appreciate your willingness to clarify page two of the staff report which currently states that "The Sacramento Area Council of Governments (SACOG) is projecting that the City will experience a 98% growth in employees and 72% growth in dwelling units over the next 20 years (2035 SACOG Land Use allocation). Based on these projections, existing land uses and intensities within the current City limits would result in a land shortage of approximately 19,500 acres over the next 20 years."

As we discussed, I understand that the City did not mean to indicate that there was a demand for a total of 19,500 acres outside of its current City boundaries using SACOG's projections. The SACOG growth forecast and land use allocation for the MTP are consistent with the Elk Grove General plan and show adequate capacity for SACOG's projected employment and housing growth in Elk Grove through 2035 within the current city boundaries.

I respectfully request that the statement in the staff report be clarified at the City Council meeting to ensure the City Council and the public are aware of these differences in time horizons.

Again, thank you for agreeing to clarify this item and SACOG looks forward to continuing to work collaboratively with you and the City of Elk Grove.

Sincerely,

Mike McKeever
Executive Director

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

[Company name]

To: Jude Lamare, Jim Pachl

From: Melinda Bradbury

CC:

Date: 3/15/2010

Re: Assessing Elk Grove SOI expansion on historical Swainson's Hawk locations and comparing it to the information provided in the Gibson and Skordal letters developed for the City of Elk Grove.

Comments: I reviewed the information available on Swainson's Hawk nesting locations in the SOI area and developed a summary.

Background

There are several documents that show in general where Swainson's Hawks are nesting in the area south of Elk Grove. Both nesting habitat and forage habitat are important in determining how Swainson's Hawks may be impacted by proposed SOI changes south of Elk Grove. Swainson's Hawk population trends are normally assessed by the number of pairs in the region, their nesting success and the number of chicks they are able to fledge. All of these indicators can change on a yearly basis depending on things such as whether prey is available and weather (did wind knock nests out of trees?). Nesting population numbers in a region can change depending on the year but urbanization has the effect of both removing foraging habitat and nest sites (if trees are removed). Urbanization can also make nest sites less suitable by increasing the distance adults have to fly to find food for young and for birds that may not be used to disturbance make nest sites less desirable because of noise and harassment.

Although the Gibson and Skordal letters only look at an additional 5,000 acres to annex, the City of Elk Grove actually is pursuing annexing 10,000 acres.

Project

The Gibson and Skordal cover letter just addresses whether 5,000 acres south of Elk Grove can be added to the planning area of the HCP, whether HCP chapters need to be updated to accommodate the larger planning area and what revisions need to occur to include the expanded area. The conclusion is that it can be done if enough mitigation land is available somewhere else in the region.

The letter that addresses the Swainson's Hawk in particular was prepared by Miriam Green and Associates. They reviewed the most recent version of CNDDB at the time (2007) and developed a new map of locations. Based on that, they came to the conclusion that if mitigation land is available then the area should be included in the SSHCP. They identified 5 CNDDB records that overlap with the 5,000 acres south of Kammerer road and 5 new records within the the SSHCP area, but outside the Elk Grove SOI area.

The letters are just letters, and are not a study of the feasibility of annexing additional land. The letters do not include an impacts analysis, they only do a review of existing documents. They are not a complete picture of the proposal for several reasons:

- The consultants did not include the information gathered by Jim Estep in his reports and unduly relied on CNDDB records as a complete picture of Swainson's Hawks in the region
- Without knowing how where mitigation land will be conserved the conclusion cannot be reached that it would be okay to include this area.
- Not only is the number of nesting pairs in the area important, but the density of nesting pairs within the area and outside of the area are key to understanding the importance of the nesting and foraging habitat.
- Acknowledgement that if nesting trees and forage are removed, the birds using that area don't just "move" somewhere else as that impacts the nesting success of surrounding pairs. No difference may be seen for several years but then as pairs die the old nest sites are not reused by young birds and populations decline. As an example of this you can site Fisherman's Lake – where pairs held on for a few years but then abandoned the historical nest site after a few years.

Specific Swainson's Hawk Information

Distribution, Abundance, and Habitat Associations of Swainson's Hawk. Results of 2006 census level surveys in South Sacramento County

- There were approximately 12 nest territories reported in the section east of I-5 and west of 99 south to Eschinger road (Figure 6)
- There were approximately 18 nest territories reported in the section east of 99 and north of the Cosumnes River.
- There were many nesting territories along the Cosumnes River and just south that would have the potential to forage north or south of the river depending on available habitat. Those birds would be impacted by loss of foraging habitat north of the Cosumnes River.
- A majority of the nesting sites in South County were concentrated within the interior portion of the study area between approximately I-5 and Clay Station Road on the east side (74.5%)
- Jim Estep remarks in the report that the "territory density is lower than in Yolo County, but is high compared with other portions of the species' range and indicated the value of the agricultural habitats within this region to Swainson's hawks and the importance of the 'core' Central Valley population."
- He also concludes, and other studies have also concluded, that rural residential does not make good habitat, and should be avoided as a conservation measure.
- The 10,000 acres is primarily the best forage type for Swainson's Hawks – Irrigated cropland/irrigated pasture
- Table 8 estimates 110,000 acres of irrigated cropland/pasture. Removal of 10,000 acres of that is almost 10% of the available habitat type. 10,000 acres of the same habitat would have to be added (not just preserved) in a suitable area in the interior area to mitigate for the loss.
- A study would have to be undertaken to determine whether there is enough acreage that could be converted to irrigated pasture to offset the impacts within the immediate interior zone that isn't already in that habitat type. Land would have to be preserved within the same zone. Soil types, water availability, willingness of land owners etc. would all have to be assessed.
- Territory density is also the highest in the interior zone, so removing habitat has a greater impact. Also the reason to add 10,000 acres of habitat and not just preserve existing habitat. Preservation would lead to a loss of 50% of the habitat at a 1:1 mitigation ratio (10,000 acres removed, 10,000 preserved is 50% of 20,000 acres lost.
- Not only would Swainson's Hawks be impacted but other nesting raptors too.

MELINDA DORIN BRADBURY
2367 Marina Glen Way Sacramento California 95833
Cell Phone: (916) 212-6589 Email: Melindabradbury@sbcglobal.net

Professional Experience

SEQUOIA ECOLOGICAL CONSULTING (PRESENT), CONSULTANT PROJECT MANAGER
Occasional surveys for Swainson's Hawks and project management activities including report writing and editing.

SWAINSON'S HAWK TECHNICAL ADVISORY COMMITTEE (PRESENT), ENVIRONMENTAL CONSULTANT
Organize data and map GPS locations for a Swainson's Hawk migration study so the results can be published. Satellite data was collected over several years and the data needs to be reviewed and transformed into a usable database and mapped for publication in a peer reviewed journal.

FRIENDS OF THE SWAINSON'S HAWK (JUNE 2008 – PRESENT), ENVIRONMENTAL CONSULTANT
Provide the organization expertise for several projects including the organization's strategic plan, their Swainson's Hawk Conservation Strategy, Local Government Mitigation Program Review Program, CEQA comments on biological issues, and for wind energy projects.
Specific Projects:

- Provide ongoing technical expertise as needed on wind and wildlife issues including:
  - Review of California Environmental Quality Act (CEQA) required Environmental Impact Reports for wind energy projects in the Montezuma Hills. Have provided technical comments for at least four proposed wind projects;
  - Developed a summary of the issues surrounding wind and wildlife interactions for the Friends of the Swainson's Hawk Board to consider.
  - Also serve as a public interest member on the Solano County Wind Technical Advisory Committee (since 2010 meeting).
- Project Manager and author of a review of Sacramento County's, City of Elk Grove's and City of Rancho Cordova's Swainson's Hawk Mitigation Programs
  - Reviewed project databases and mitigation databases to determine whether mitigation was being implemented to benefit the species. The review found that an almost 3000 acre historical deficit occurs;
  - Conducted site visits and reviewed reporting requirements and determined that annual reporting requirements have not always been met;
  - Worked with City and County staff as well as staff from non-profit organizations which manage the mitigation land for local governments;
  - As a result of the project and project findings additional grant money was received to expand the review to other local government mitigation programs in the Sacramento area.
- Wrote the organization's Conservation Strategy for Swainson's Hawks. Included talking with stakeholders, and receiving input from Board Members.
  - Conducted a review of the current research on Swainson's Hawks;
  - Developed priority issues and policies for the organization to address;
  - Developed measures for the organization to implement to help with conservation of the species.

- Wrote a strategic plan for the organization that was adopted in Aug 2008. Facilitated Board Member discussion and ideas and received input from stakeholders important to the organization.

THE WILDLIFE SOCIETY—NATIONAL (SUMMER 2011), PEER REVIEWER

Selected by The Wildlife Society to be part of a five person professional peer review team to review and evaluate the U.S. Fish and Wildlife Service's Draft Land Based Wind Energy Guidelines. The review was conducted after the comment period was closed, and was the only one conducted through a professional organization.

ENVIRONMENTAL COUNCIL OF SACRAMENTO (2009), ENVIRONMENTAL CONSULTANT

Developed and organized a Land Use Planning Workshop for ECOS. Developed the agenda, the budget, contacted speakers and organized all aspects of the workshop including food and location. Topics included a summary of the California Environmental Quality Act, Endangered Species Acts and Resource Agency roles, County and City of Sacramento Planning Processes, the relationship between Councils of governments and local land use decisions, and how the public can get involved in local planning issues. The goal for the workshop was to educate participants on how land use planning works so they could get involved and make informed comments at planning meetings.

SACRAMENTO TREE FOUNDATION (JUNE 2007—JANUARY 2008), ENVIRONMENTAL CONSULTANT

Wrote a plan describing a new Urban Forest Ecology Center in Sacramento that the Sacramento Tree Foundation could use to initiate building design and for fundraising. The Sacramento Tree Foundation is planning to open new headquarters and build an interpretive center. The project included facilitating meetings to develop key ideas on displays, target audience, children's area activities, and interpretive center lay out. Topics developed included the benefits of trees, the relationship between the urban canopy and open space, urban tree ecosystems and the physiology of trees.

CALIFORNIA ENERGY COMMISSION, ENERGY COMMISSION SPECIALIST

PUBLIC INTEREST ENERGY RESEARCH (PIER), ENVIRONMENTAL AREA PROGRAM (JUNE 2005-MARCH 2009)

General duties: Facilitated research to develop cost effective approaches to evaluating and resolving environmental effects of energy production, delivery, and use in California. Used research to determine the extent of and ways to reduce impacts from electricity generation, transmission and use, and recommend related policy.

Specific responsibilities:

- Worked on a team to research avian impacts from wind facilities and electrocution and collisions with transmission line infrastructure. Used the research to develop policy recommendations to reduce the energy production and delivery effects on avian species;
- Technical lead for the Once-Through Cooling Program. Reviewed research proposals and developed a program that researched the effects of once-through cooling technology on the marine environment. Used research to inform the Clean Water Act 316(b) regulatory process and California Energy Commission policies and permitting;
- Technical lead for the Nitrogen Deposition Program. Reviewed final research reports and recommended additional research to address nitrogen deposition from power plant emissions on sensitive habitats in California;
- Technical lead for Wave Energy White Paper. Worked in collaboration with the California Coastal

sampling protocol;
- Worked autonomously in a satellite office for two years.

U.S. FISH AND WILDLIFE SERVICE, BIOLOGICAL SCIENCES TECHNICIAN, SACRAMENTO-SAN JOAQUIN DELTA FIELD OFFICE, STOCKTON (OCTOBER 1995- JULY 1996)

General duties: Worked as field crew and crew lead on the Salmonid monitoring program assessing populations and juvenile migration through the delta. Responsible for data validation, summary reports, quality control of database files, and drafted tables and graphs for project reports. Received a service award for accepting and completing work above and beyond required duties.

RESEARCH ASSISTANT

SANTA ROSA NATIONAL PARK, COSTA RICA (SEPTEMBER 1994-MAY 1995)

Specific responsibilities:

- Collected and analyzed data for a Ph.D. student and for a post doctorate study. Captured yellow-naped amazon parrots to study dialects within the species. Compiled and analyzed vocal response data and co-authored a paper on the results;
- Captured iguanas to tag, draw blood and measure other physical characteristics. Monitored and observed tagged individuals for a behavior study;
- Assisted in the production of a natural history film titled "Crossroads of Nancite". The movie documented interactions of monkeys, turtles, coyotes and other animals that live in the dry forest along the beach in Northwestern Costa Rica.
- Collected olive ridly, green and leatherback turtle nesting data within the park to monitor population and nesting success for the University of Costa Rica species management plan.

Education

- University Of California, San Diego, (September 1990 - June 1994)
  Bachelors of Science Degree: Ecology Behavior and Evolution

Professional Development and Community Volunteering

THE SACRAMENTO SHASTA CHAPTER OF THE WILDLIFE SOCIETY BOARD MEMBER (2000-PRESENT)

Currently Membership Chair for the Chapter. I have also served as secretary of the Chapter and President of the Chapter. I also served as the Chapter Representative to the Western Section. Develop, coordinate and facilitate workshops and conference sessions, and associated budgets such as the Chapter's annual Natural Resources Symposium, Swainson's Hawk Workshop, California Red-legged Frog Symposium, Giant Garter Snake Workshop, and a Habitat Conservation Planning Workshop.

HAWK RESEARCH (1998-2000), VOLUNTEER

- Volunteer on several Swainson's Hawk studies including migration study, trapping and banding using several different capture techniques throughout California, took blood and measurements.
- Swainson's Hawk census of the central valley
- Banded Goshawks in Northern California.

Commission to assemble a team of researchers to write an environmental knowledge gaps paper pertaining to potential wave energy development off the coast of California;

- Technical lead for Biofuels and Biodiversity Research. Developed a research plan and contracted with researchers to address potential range response of several endangered species to different large scale crop pattern scenarios based on biofuel crop needs within California;

Other duties:

- Developed new areas of research;
- Coordinated with other groups such as California Department of Fish and Game, State Water Resources Control Board, Ocean Protection Council, local governments, non-profits, industry groups and other stakeholders;
- Hired and supervised students;
- Worked with planning staff on the California Guidelines for Reducing Impacts to Birds and Bats from Wind Energy Development;
- Worked with staff throughout the Energy Commission to develop policy recommendations for Policy Reports

CALIFORNIA ENERGY COMMISSION, ENVIRONMENTAL PLANNER
SYSTEMS ASSESSMENT AND FACILITIES SITING DIVISION (JUNE 2001-JUNE 2005)

General duties: Worked as part of an interdisciplinary team which surveyed for sensitive species and habitats,, analyzed environmental impacts from proposed power plants, monitored power plant construction to assure compliance with biological conditions of certification, wrote planning documents to meet legislative mandates, and provided comments on CEQA documents related to energy development. Recipient of a team service award for working on power plant siting cases.

Specific responsibilities:

- Reviewed and edited documents on current endangered species' research, applications for power plant certification, and Environmental Impact Reports. Coordinated with federal and State resource agencies and local land-use agencies to identify permit requirements and information needs. Facilitated and/or attended public workshops to determine project impacts and sufficient mitigation for them. This often included working in an adversarial setting with project applicants, interveners, and other resource agencies. Wrote testimony and testified, as needed, in defense of proposed mitigation at public hearings and before the Commissioners;
- Wrote several biological resources sections in Energy Policy Reports including: The Electrical Integrated Energy Policy Report; the Petroleum Infrastructure Environmental Performance Report; and the Environmental Performance Report in support of the Electrical Report;
- Lead author on the staff white paper on Avian Collision and Electrocution Impacts in the State which included policy recommendations for consideration by the Commission;
- Prepared briefings for the Commissioners and Management. This required good analytical and writing skills to present the issues and provide information used in determining policy recommendations by the Commission.

Other duties:

- Assumed responsibility for reviewing energy related environmental documents and providing comments on biological resource impacts on wind energy related projects under CEQA;
- Led the Interagency Wind Working Group Meetings to disseminate knowledge and promote

coordination of research between resource agencies;

- Worked with the PIER-EA staff to define potential areas of research that could be used to identify energy related impacts and mitigation.

CALIFORNIA STATE WATER RESOURCES CONTROL BOARD, ENVIRONMENTAL SPECIALIST
BAY DELTA BRANCH, DIVISION OF WATER RIGHTS SACRAMENTO (APRIL 2000- JUNE 2001)
General duties: Worked on the Bay-Delta Water Rights hearing assembling the administrative record. Developed an intricate knowledge of the water code in order to process water rights applications. Wrote California Environmental Quality Act documents.
Specific responsibilities:

- Represented the SWRCB at Interagency Meetings including the Interagency Ecological Program. As part of the review process for the existing water rights decision, I developed and gave Power Point presentations to interagency working groups on the water rights process. Attended interagency conferences and water rights seminars to stay current on water rights issues in the State;
- Responsible for processing water rights requests by local landowners. This included conducting site visits, writing the appropriate CEQA documents, determining whether a project had significant impacts, and the mitigation for the impact;
- On larger water rights projects such as the Victor Valley Reclamation Authority on the Mojave River and an El Dorado Irrigation District project, worked as part of a multi-disciplinary hearing team, including geologists, lawyers, engineers and archeologists, to gather data, address concerns and protests prior to issuing a water right permit. We worked with the Board Members to write the SWRCB Decision based on the administrative record. Good oral and written communication skills were essential to collect evidence through the administrative hearing process, and write an Order or Decision with permit terms.

CALIFORNIA DEPARTMENT OF FISH AND GAME, FISH AND WILDLIFE SCIENTIFIC AIDE
BAY DELTA BRANCH STOCKTON (JULY 1996-APRIL 2000)
General duties: As a seasonal employee of the California Department of Fish and Game (CDFG), I worked on several projects that had short term contract funding. I gained valuable experience working with different species, learned many different survey protocols and had the opportunity to design, lead, and implement a study.
Specific responsibilities:

- Developed and implemented a study program in the Suisun Marsh mandated by the Suisun Marsh Plan of Protection. Represented the CDFG at interagency meetings, developed interagency work plans and guidance documents outlining wetland restoration success criteria for the Department to follow on restoration parcels. Conducted trapping for the federally-listed salt marsh harvest mouse, developed a genetics research program with CalPoly, and worked with species experts to develop survey protocols for fish species, and black rails. Developed and maintained a database of survey results. Presented results at conferences and wrote annual reports to meet permit requirements;
- Participated in baseline surveys of State and federally-listed species such as San Joaquin kit fox, avian species, California red-legged frog and bats;
- Led field crews during salmon and delta smelt entrainment studies in Suisun Marsh. Compiled survey results, maintained databases and wrote weekly and final reports. Hired and trained field crew on the

sampling protocol;
- Worked autonomously in a satellite office for two years.

U.S. FISH AND WILDLIFE SERVICE, BIOLOGICAL SCIENCES TECHNICIAN, SACRAMENTO-SAN JOAQUIN DELTA FIELD OFFICE, STOCKTON (OCTOBER 1995- JULY 1996)
General duties: Worked as field crew and crew lead on the Salmonid monitoring program assessing populations and juvenile migration through the delta. Responsible for data validation, summary reports, quality control of database files, and drafted tables and graphs for project reports. Received a service award for accepting and completing work above and beyond required duties.

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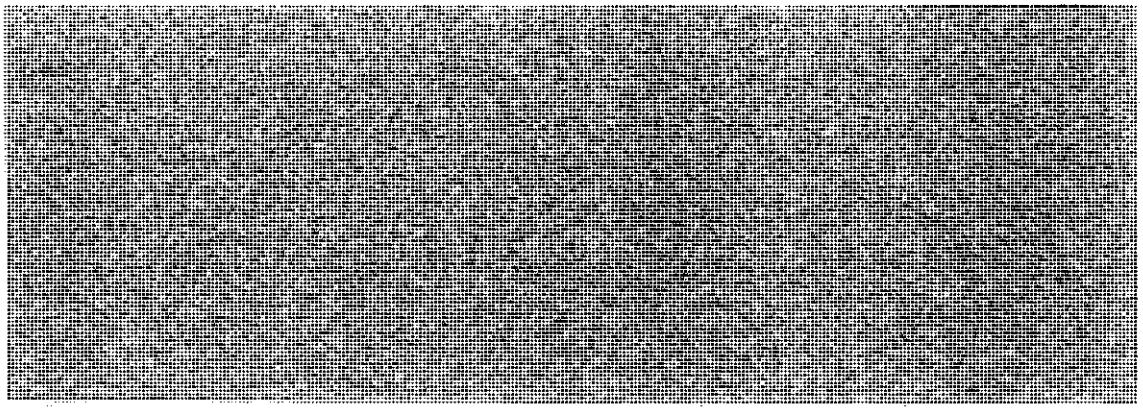
THE SACRAMENTO SHASTA CHAPTER OF THE WILDLIFE SOCIETY BOARD MEMBER (2000-PRESENT)
Currently Membership Chair for the Chapter. I have also served as secretary of the Chapter and President of the Chapter. I also served as the Chapter Representative to the Western Section. Develop, coordinate and facilitate workshops and conference sessions, and associated budgets such as the Chapter's annual Natural Resources Symposium, Swainson's Hawk Workshop, California Red-legged Frog Symposium, Giant Garter Snake Workshop, and a Habitat Conservation Planning Workshop.

HAWK RESEARCH (1998-2000), VOLUNTEER
- Volunteer on several Swainson's Hawk studies including migration study, trapping and banding using several different capture techniques throughout California, took blood and measurements.
- Swainson's Hawk census of the central valley
- Banded Goshawks in Northern California.

THE ENVIRONMENTAL COUNCIL OF SACRAMENTO (ECOS) BOARD MEMBER (2007-2011)
BOARD MEMBER AND ORGANIZATIONAL DEVELOPMENT COMMITTEE CHAIR
ECOS is a council that seeks to organize multiple environmental and social organizations in Sacramento to address issues such as County and City growth strategies, SB375 implementation, open space and endangered species habitat preservation as well as air quality, transportation, climate change and other categories of environmental issues that affect the Sacramento region.

- Wrote the 5-year strategic plan for the organization with input from the executive director, board members and stakeholders
- Wrote policy guidance documents
- Developed a fundraising plan framework

BOARD MEMBER OF RIVER OAKS COMMUNITY ASSOCIATION (2004-2005)
CHAIR OF THE RIVER OAKS COMMUNITY ASSOCIATION LAND USE COMMITTEE (2005 – PRESENT)
The Association reviews California Environmental Quality Act (CEQA) documents and is involved in land use planning, community safety and outreach. We work with developers and City of Sacramento staff to review projects.



A Review of the City of Elk Grove and South Sacramento County Swainson's Hawk Mitigation Programs

The City of Elk Grove and Sacramento County have implemented ordinances to address loss of Swainson's Hawk foraging habitat from development through the CEQA process. The County of Sacramento has a Swainson's Hawk Mitigation Fund. They have tracked projects that have contributed money as well as conservation easements purchased. The County has not sufficiently tracked projects in an organized manner which may have used mitigation banks or provided their own mitigation lands. The County of Sacramento is in deficit for habitat compensation at a 1:1 ratio. Since 2005 the City of Elk Grove has also had a mitigation fund. In 2005 the City of Elk Grove purchased a vineyard and removed the vines to create foraging habitat to use as mitigation. Prior to the project the City of Elk Grove was in deficit for mitigation, but since they purchased the vineyard they have been able to provide mitigation at a 1:1 ratio. The City of Elk Grove has records for the credits purchased at mitigation banks as well as a record of all the easements purchased. Some ideas are provided that could help the programs be implemented better and provide better regional conservation for the species.

1/25/2011

A Review of the City of Elk Grove and South Sacramento County Swainson's Hawk Mitigation Programs

Final Report

By Melinda Dorin Bradbury
Environmental Consulting
melindabradbury@sbcglobal.net

This project made possible with a grant from the California Wildlands Grassroots Fund

Acknowledgements

Thank you to Jude Lamare and Jim Pachl for providing background information and assistance throughout the project. Shannon McClure provided valuable information on the conservation easements and Frank Gray helped with site visits and document review. Thank you to everyone who provided information for and edits on the report and clarification on the mitigation programs.

Background

Friends of the Swainson's Hawk (FOSH), a California 501(c)(3) organization, was incorporated in 1994. It incorporated in response to the need to protect the Swainson's Hawk, a Threatened species under California law. Swainson's Hawks became listed as Threatened under the California Endangered Species Act (CESA) in 1983. FOSH has historically focused their conservation efforts in the Sacramento region as the Swainson's hawk breeding population in California is concentrated in Yolo, Sacramento, Solano, and San Joaquin counties making its survival a responsibility of this region.

This project supports the FOSH organization's adopted conservation strategy for the species and furthers FOSH's mission to see the California population of the species flourish for generations to come. One of FOSH's conservation objectives is to work with the resources agencies, partner organizations, and the public to preserve agriculture and promote quality mitigation for loss of farmland within the Swainson's Hawk's range. By conducting an independent analysis of the City of Elk Grove (Elk Grove) and Sacramento County Swainson's Hawk mitigation programs and sharing recommendations with the local governments and partner organizations the programs can be improved with the goal of maximizing quality habitat for Swainson's Hawks in the Sacramento area.

Sacramento County and Elk Grove have implemented their own Swainson's Hawk ordinances to address impacts to Swainson's Hawk foraging habitat that occur from development. Mitigation is assessed through the California Environmental Quality Act (CEQA) review process. Under their mitigation programs thousands of acres have been developed and protected with conservation easements for the purpose of providing wildlife habitat in perpetuity. FOSH has tracked the Elk Grove and Sacramento County programs for years and has occasionally contacted Elk Grove and the County when concerns have arisen about the programs. FOSH has written several letters with concerns about the programs operating at deficits. FOSH had collected data on the mitigation programs but had not analyzed the information. This report contains the results of the first phase of analysis.

Since the existing programs are conducted under CEQA they do not have the same monitoring and reporting framework that a Habitat Conservation Plan (HCP) normally provides. A HCP is approved by State and Federal regulatory agencies as part of a permit to take the covered listed species and their habitat. A HCP is being developed for the same area. Any information that FOSH can provide to the implementation team to help with the success of the HCP will be a benefit to the people living in the area, the local governments, and for the species' longevity in the region. For more information on HCPs see the FOSH Swainson's Hawk Conservation Strategy available at www.swainsonshawk.org.

The boundaries of the project are Elk Grove and South Sacramento County south of the American River. Our project goals included developing a database of mitigation projects, a review of legal filings and the easement language, tracking of fee collection and expenditures, an examination of land use on mitigation sites, a review of nesting site proximity from known records, a comparison of mitigation sites with pre-development habitat values on developed sites, and a discussion of the parts of the program that are successful and the parts that need improving. Not all of the project goals were completed because some information was hard to obtain. As a result of this review, additional issues have been identified that could be addressed in a later phase of the project.

FOSH plans to use the materials developed to carry on an informed dialog about the open space conservation programs with Sacramento County, Elk Grove and the non-profits that hold the easements. FOSH will determine how to use the project findings to inform the public, the media and interested

groups and use them as a tool and an example when looking into other jurisdictions that are using similar conservation strategies.

Local Swainson's Hawk Ordinances that Comply With CEQA

The Sacramento County and Elk Grove ordinances that require preservation of habitat are key to understanding the program. Summaries of the ordinances and mitigation programs are below.

City of Elk Grove Swainson's Hawk Mitigation Ordinance

Elk Grove inherited the County program on incorporation (in 2000) and adopted its own revised project in 2004 (Chapter 16.130). The ordinance finds that expansion into agricultural land within the City that is also foraging habitat for Swainson's Hawks is a significant impact to the hawk under CEQA and requires mitigation. Impacts can come from zoning changes that reduce parcel sizes to less than 5 acres or conversion of land to nonagricultural uses. The California Department of Fish and Game (CDFG) determined that parcel sizes 5 acres or greater are the minimum size for viable foraging habitat. Therefore, the ordinance applies to any parcel 5 acres or larger that is within 10 miles of a Swainson's Hawk nest site.

The ordinance splits projects into two categories; impacts greater than 40 and less than 40 acres. The ordinance requires that projects 40 acres or greater provide direct preservation of equally suitable foraging habitat, either fee-title or easement on an acre-per-acre ratio, prior to disturbance and by the development project proponent. Along with the land provided, the proponent pays a fee, set by the Elk Grove City Council, which will provide an endowment for property management, monitoring and enforcement. For less than 40 acres the fees paid will be based on the cost set by the City Council, which as of January 2011 is $18,325. For parcels less than 40 acres project proponents have the option of paying an impact mitigation fee to Elk Grove. The money is used to acquire available land (fee-title or conservation easement) with suitable Swainson's Hawk foraging habitat values.

Replacement habitat needs to be provided within the known foraging area for the hawk. The location and management organization needs to be acceptable to the CDFG as well as Elk Grove. The ordinance also states that the benefits of preserving land in proximity to other protected land will be considered. The ordinance applies to any project that goes through the environmental review process (CEQA process) and has been found to have a potentially significant impact on Swainson's Hawk foraging habitat. In order to streamline the process of finding suitable parcels CDFG preapproved areas that mitigation lands could be provided (see Figure 1). Elk Grove holds the conservation easements on the mitigation parcels and conducts the compliance with and enforcement of the easement. The Department of Fish and Game is a beneficiary of the easement.

Sacramento County Swainson's Hawk Protection Program

As part of the CEQA process the County Department of Environmental Review and Assessment (DERA) determines whether and how much a project will potentially impact Swainson's Hawk foraging habitat. The calculation is based on the existing zoning of the property and what the new zoning will be. Projects that don't request a zoning change mitigate based on the impact. The Swainson's Hawk Mitigation Program Fund is one of three ways habitat compensation can be provided. The Swainson's Hawk Mitigation Fund is a Planning Department program. If another option is used then it is DERA's responsibility to track.

Projects that have been determined to impact 40 acres and greater must provide fee title or easement to suitable Swainson's Hawk mitigation lands on an acre-per-acre basis prior to any site disturbance.

There are two other ways habitat compensation can be provided. Credits can be purchased at a mitigation bank or an applicant can develop a mitigation plan acceptable by CDFG. If CDFG approves the CEQA mitigation then Sacramento County will too.

Methodology

FOSH has been gathering information on the aforementioned mitigation programs over the years and has had an interest in tracking and analyzing the data. This review of the program is being conducted to determine whether the programs are being implemented as they are intended to be.

We obtained project and mitigation information as well the conservation easements from Sacramento County, Elk Grove, The Nature Conservancy (TNC), The Sacramento Valley Conservancy (SVC) and CDFG. We reviewed the databases, the financial transactions, and the easement language and set up meetings with the easement holders, as feasible, to discuss how they conduct monitoring and easement compliance. We also conducted drive-by site visits to have a "snap shot in time" as to the condition of the parcels. The work was all done within the time period of March 2010 to January 2011.

We wanted to complete additional analysis that did not get done for this phase of the project. We wanted to assess the quality of habitat using aerial photos. We wanted to use that information to compare the preserved versus developed land and look at historical nest locations but the information was not readily available. Elk Grove has records for all of the transactions that include Swainson's Hawk mitigation. Sacramento County has records for projects that have paid into the Swainson's Hawk Mitigation Fund, but does not keep written records for projects that may have mitigated with their own land, used a mitigation bank, or had a mitigation package that was acceptable to CDFG. We hope that additional analysis can be conducted in a later phase of the project.

Products and Results

As a result of this project FOSH has the following tools to help keep track of the mitigation programs:

- Copies of the easements that provide mitigation for Swainson's Hawks in Elk Grove and South Sacramento County
- Database of mitigation areas with key information and site visit results for all areas that were visited
- Database of projects and fees collected that has been cross checked with the mitigation acreage
- Potential findings to recommend to the local agencies to improve the programs performance
- Program pros and cons that can be used to comment on the South Sacramento County HCP
- A framework to look at other programs and to continue to analyze parts of the Elk Grove and Sacramento County programs

Sacramento County Results

Sacramento County has three options for providing habitat compensation for Swainson's Hawk foraging habitat.

- The developer can write a check to the County for impacts less than 40 acres and the County is responsible for providing the habitat compensation. The fund is a fee program.
- If the impact is determined to be more than 40 acres the developer provides acreage in fee title or with a conservation easement on it.

- Developers also have the option of mitigating with a custom agreement with CDFG. The compensation can occur at a mitigation bank. We are not aware of any projects using this option.

Sacramento County Swainson's Hawk Mitigation Fund

FOSH is aware of 97 development projects that have mitigated using the Sacramento County Swainson's Hawk Mitigation Fund – See Table 1. The fund is managed by the Sacramento County Planning Department. For earlier projects the data pertain to projects which passed the grading stage. Currently, because the mitigation is based on zoning it is not dependent on permits and earth moving activities. Sacramento County staff has done a good job tracking the projects that have used the fund, and accounting for the money that has been used to purchase easements.

Table 1: Summary of Sacramento County Swainson's Hawk Mitigation Program

	Sacramento County
Year the fund was initiated	1997
Year the ordinance was developed and amended	1998 – clarify terms and conditions 2002 – expand areas where monies could be spent 2003 – raise mitigation fee and add endowment fee 2005 – set fees, mitigation ratio and change to impacts over 40 acres to provide land 2009 –reduce fees
Number of development projects using the mitigation fund	97
Number of development acres*	2037.99
Number of conservation easement parcels	6
Conservation easement parcel names and acreage	Allen 323.00 acres Larkin 310.00 acres Van Steyn 197.00 acres Stokes 119.00 acres Sloughhouse 11.85 acres McKenzie 34.14 acres
Acres under conservation easement	994.99
Number of fee-title parcels	0
Acres of fee- title land owned	0
Number of mitigation banks used	Potentially 2 or more
Acres purchased on mitigation banks	unknown
Fees collected for land/easement purchase**	$2,988,017.75
Fees expended for land/easement purchase	$3,052,963.82
O&M fees collected	$259,135.10
O&M fees expended	$249,433

*Does not include all of the development acres in the County. Only includes the acres that we have identified as contributing money used to purchase conservation easements.

**County shows a higher balance due to including interest accrued on the account

Sacramento County has worked with TNC and SVC to acquire conservation easements in perpetuity. All of the conservation easements besides McKenzie were purchased with money from the Swainson's Hawk Mitigation Fund. The McKenzie easement was purchased using a separate fund. Allen, Larkin, Van Steyn and Stokes easements were all purchased with parcel fees. Sloughhouse was a joint effort with the City of Rancho Cordova. Sacramento County used operations and management (O&M) money from the Swainson's Hawk Mitigation Fund for that purchase. McKenzie was conserved using an in-kind development and then sold the extra acres to other projects.

Allen, Larkin, Van Steyn and Stokes easements are all held by TNC. According to TNC staff Larkin and Allen did not come with endowments. O&M money was not collected by Sacramento County until 2003; Allen and Larkin conservation easements were purchased prior to that. TNC does an annual review of the easement and a compliance visit. They have an organization wide database to keep track of all of the easements they monitor. TNC staff said they have had no major violations on the parcels being managed for the County. Allen, Larkin, Van Steyn and Stokes are all located within the mitigation zone preapproved by CDFG in Figure 2.

Sloughhouse and McKenzie easements are held by SVC. Sloughhouse is a joint purchase in a larger parcel called Westerberg. SVC conducts easement compliance visits. SVC also uses a management plan as part of their easements. The management plans are not legally enforceable, but they are developed when the easements are recorded so all of the parties know how the parcel should be managed. Management plans for the parcels seem like a good management tool.

The McKenzie conservation easement was not purchased using money from the Swainson's Hawk Mitigation Fund. The easement was placed on that parcel to off-set impacts from a project adjacent to the site. The mitigation parcel was larger than the development so there were excess acres that were available to be used for other projects. The original project was 6.14 acres. Another 8 projects purchased credits at McKenzie between 2007 and 2010 at $4,143 per acre. The money was tracked separately by planning department staff since the easement was not purchased through the mitigation fund. It seems like the McKenzie conservation easement was developed with a different set of criteria:

- The projects that mitigated at the site paid a fraction of the cost that projects paid using the Swainson's Hawk Mitigation Fund during the same time period
- The site is outside the CDFG preapproved areas in Figure 2
- Turn-key projects are normally a relatively quick turnaround, but projects were mitigating at the site over several years.

Sacramento County also has another turn-key site called the George Dairy Property, but we have not received information on the easement or the projects that have used that mitigation site. This is another project that should be followed up on.

Sacramento County's fee based mitigation program has not been able to keep pace with development. The County has spent most of the money that is in the Swainson's Hawk Mitigation Fund, but they have not been able to purchase enough to maintain a 1:1 mitigation ratio. The program is running at an over 50% deficit in conservation easement acquisitions. Fees were raised several times but the deficit has stayed relatively constant since 2004 – See Table 2 for a summary of the fee structure. A summary by year of the developed and conserved acres can be found in Table 3. Sacramento County's fee program is out of compliance with its own ordinance which requires a 1:1 habitat compensation ratio.

Table 2: Summary of the History of the Sacramento County Fee Structure

Year	Description	Land Fee/Acre	Operations and Management Fee/Acre	Administrative Fee
1996	Mitigation Fund	$750	$0	$382
2003	Mitigation Fund	$2500	$333	$382
2005	Mitigation Fund	$16,000	$2,375	$500
2007-2010	McKenzie	$4,143	n/a	n/a
2010	Mitigation Fund	$10,550	$2,375	$500

Swainson's Hawk Mitigation Fund fees should reflect the current costs of purchasing conservation easements so enough money is collected to mitigate at the ratio set in the ordinance. Conservation easements should be purchased every time the fund has enough money to purchase one. Money should not be held. Otherwise, in many cases the money in the fund can be devalued with inflation and as land prices rise. Prior to 2006 the entire mitigation program was a fee based program. In 2006 that was changed to projects with impacts less than 40 acres. Projects with impacts greater than 40 acres had to provide their own mitigation. According to Sacramento County records most of the projects that paid into the fund were small projects even prior to the amended ordinance. Of the 97 projects only 12 were over 40 acres. Since conservation easements are not purchased until enough money is collected the acres preserved will always be behind the acres developed. The ordinance should be revised to require the acres preserved to stay ahead of the acres developed for future transactions.

Table 3: Swainson's Hawk Fund Summary of Land Developed and Preserved by Year in South Sacramento County

Year	Acres Developed	Acres Preserved	Cumulative Deficit
1998	186.87	0	-186.87
1999	155.42	225	-117.29
2000	391.25	98	-410.54
2001	335.39	0	-745.93
2002	257.56	0	-1003.49
2003	155.28	310	-848.77
2004	118.26	0	-967.03
2005	373.84	197	-1143.87
2006	28.48	119	-1053.35
2007	8.64*	11.85	-1050.14
2008	7.15	34.14	-1023.15
2009	16.6	0	-1039.75
2010	3.25	0	-1043
Totals	**2037.99**	**994.99**	**-1043**

*McKenzie acres are added beginning in 2007

Habitat Compensation Deficit

For this project it was assumed that all projects were mitigating at a 1:1 ratio as part of their CEQA mitigation requirement. The Sacramento County Ordinance did not require a compensation ratio of 1:1 until 2005. Sacramento County staff asserts that after the ordinance was changed in 2005 a 1:1 habitat compensation ratio has been achieved, and prior to that it was not required.

The Swainson's Hawk Fund should not have land deficits and still expect the mitigation to be adequate for the species or legal under CEQA. Because the study is still basing the value on a 1:1 ratio we still determine that over 1000 acres are owed through the fund. That is 50% of the mitigation obligation. Every time an acre of foraging habitat is developed Swainson's Hawks lose 50% of their habitat with a 1:1 acre habitat compensation ratio. With the current mitigation deficit, only 25% of the habitat is being preserved.

To determine what the true deficit is a review of CEQA documents from 1998 – 2005 needs to be done and project impacts and required mitigation amounts recorded. If Sacramento County had a comprehensive tracking system in place for their CEQA program a determination of compliance could be tracked easily. It is still assumed that a deficit up to 1000 acres has occurred.

Unfortunately, Sacramento County has made themselves responsible for ensuring mitigation is implemented by taking fees and establishing a mitigation fund. Fee based programs are not legal or adequate under CEQA. Somehow the County program has to make up the deficit and provide the additional habitat that has been required through the CEQA process. Operating at a deficit is also a good reason to start thinking about higher than 1:1 mitigation ratios. Other habitats such as wetlands, vernal pools, and riparian are mitigated at higher ratios.

Some ideas that could help correct the deficit include:

- Provide permanent Swainson's Hawk easements on county owned land such as Regional Sanitation District although the habitat would have to be managed as Swainson's Hawk foraging habitat and could not be on land unlikely to be developed
- Require higher than 1:1 mitigation ratios in the HCP to ensure enough habitat is preserved to maintain and recover the Swainson's Hawk population in South Sacramento County
- Seek money through foundations and partner organizations to purchase land/easements
- Assess a reconveyance fee for development approved but not fully mitigated

Sacramento County Non-Fund Swainson's Hawk Mitigation

The amount and location of mitigation required and fulfilled outside of the Sacramento County Mitigation Fund has been hard to track. Although Sacramento County has a process for approving Swainson's Hawk mitigation required in the CEQA process, it is decentralized and without comprehensive oversight. If projects do not use the mitigation fund they can either find their own parcel or implement a compensation package approved by CDFG. These projects are tracked by DERA; not by the planning department. DERA checks off whether all of a project's CEQA mitigation measures have been implemented through their Mitigation Monitoring and Reporting Program (MMRP). They do not keep a centralized database of how mitigation measures were implemented. We have not been able to comprehensively identify projects outside the Swainson's Hawk Mitigation Fund that have provided mitigation.

Developers have to provide their own mitigation for projects that have been determined to have greater than 40 acres of impacts. This can be either fee-title or easement. This option has only been available since 2006. The process does not seem to be well exercised. The requirements are laid out in the County Ordinance (summary above) or full Ordinance on the Sacramento County website www.msa2.saccounty.net/planning/Pages/Swainsons-Hawk-Ordinance.aspx. Developers have to fill out a form requesting approval of the parcel they would like to set aside. We have copies of the forms for 4 projects but there is no indication whether the projects moved forward and parcels were set aside.

A complete review of Sacramento County's CEQA process for Swainson's Hawk mitigation needs to be completed. All of the CEQA documents that required Swainson's Hawk mitigation need to be identified and cataloged. Then the mitigation needs to be tracked to determine what option was used. Mitigation needs to be checked to determine whether it was completed. Contacting CDFG, mitigation banks and conducting title searches to see if easements were recorded might be the only way to determine whether mitigation was implemented as required in the CEQA document. All of the CEQA documents for South Sacramento County need to be reviewed to determine how mitigation was implemented for projects that did not pay into the Swainson's Hawk Mitigation Fund.

Summary of Elk Grove Results

Elk Grove has two options for providing habitat compensation for Swainson's Hawk foraging habitat. For projects less than 40 acres the developer can write a check to Elk Grove and the City becomes responsible for providing the habitat compensation. For projects more than 40 acres the developer has to provide the compensation by either using a mitigation bank, or providing acreage in fee title or with a conservation easement. Elk Grove took over their Swainson's Hawk habitat compensation program from Sacramento County when they incorporated – see Table 4. Between 2000 and 2005 no habitat compensation or easements were purchased even though 2344 acres were developed. In 2005 the Carli easement was purchased with almost everything available in the fund. In 2005 Elk Grove's program improved and they created Swainson's Hawk habitat with the establishment of Delta Breeze. They changed from a fee program to a land based mitigation program that has allowed Elk Grove to stay ahead of development with their mitigation program.

City of Elk Grove Swainson's Hawk Mitigation Program

Elk Grove keeps records of all the projects that have had to provide Swainson's Hawk mitigation. They keep track of all projects that have paid into the Swainson's Hawk Fund, have mitigated at Delta Breeze, and Bryte Ranch mitigation bank or provided easements to the City for habitat compensation. In the past the money was used to purchase easements. But now the money is used primarily for reimbursement and management of the Delta Breeze vineyards project – See Table 4.

FOSH has tracked the Elk Grove program for years. In 2004 it wrote several letters to the City and to the Local Agency Formation Commission (LAFCO) expressing concern that Elk Grove was out of compliance with CEQA. FOSH pointed out to Elk Grove that CEQA findings that impacts would be mitigated to less than significant by payment of a mitigation fee did not comply with CEQA. This was because the fee was too small to provide reasonable assurance that the desired mitigation measures (1 to 1 mitigation ratio) would be carried out. FOSH raised the concern in connection with Elk Grove's Laguna Ridge project. That project resulted in the current Elk Grove mitigation program. The current program requires that projects greater than 40 acres provide land plus the appropriate O&M fee before a grading permit is issued.

When Elk Grove changed from a fee program to reimbursement for Delta Breeze in 2005 there was some money left in the Swainson's Hawk account that was not enough to purchase additional easements. The City was not planning to collect more money for easements so they used the money for several Swainson's Hawk surveys.

Elk Grove has kept track of all the projects that provided their own land for compensation or used mitigation banks. Carli is the only easement purchased by Elk Grove. All of the other easements have been transferred from developers to Elk Grove to mitigate for impacts to Swainson's Hawks. Elk Grove holds all of the conservation easements on the parcels; not a third party conservation organization. Elk Grove completed monitoring and compliance reports on all of the easement parcels in 2010 and is

working on a webpage where all of the easement information will be accessible by the public. Elk Grove also tracks all of the projects that have bought credits at Bryte Ranch mitigation bank.

Table 4: Summary of Elk Grove's Swainson's Hawk Mitigation Program

Category	City of Elk Grove
Year the City initiated mitigation program	2000
Year policy was developed and amended	2000
Number of development projects that have paid fees to Elk Grove	102
Number of development acres including those that compensated at Delta Breeze	4190.43
Number of development acres excluding Delta Breeze	3173.42
Number of conservation easement parcels	8
Conservation easement parcel names and acreage	Kirkham 169.0 Goodwin 80.0 Carli 84.93 Reynen and Bardis 56.34 Treasure Homes 91.8 Delta Breeze 1104.65 Mohamed 80.0 (Mahon 62.35)*
Acres under conservation easement Acres used in Delta Breeze Total acres set aside	562.07 ~~763.0~~** 1729.07
Number of fee-title parcels	1 (Delta Breeze)
Acres of fee- title land owned	736
Number of mitigation banks used	1
Acres purchased at mitigation banks***	178.92
Average per acre amount charged and range	$3996.00 ($750-$18,375)
Fees collected for land/easements purchase	$14,563,705.03
O&M fees collected	$ 1,781,332.75
Total fees collected****	$16,747,370.33

*Mahon easement is not included in the total since it has not been used for mitigation yet

**Delta Breeze was purchased in advance of development and is operated as a mitigation bank. The only acres included are the ones already accounted for by development

***The only mitigation bank used is Bryte Ranch.

****Total is a combination of administrative fees, fees for acreage and O&M

Delta Breeze

Elk Grove purchased a vineyard in 2005 and removed all of the vines with the intent of creating Swainson's Hawk habitat; not just preserving it. Because of the creation component, CDFG in May 2005 approved a 1.5:1 ratio of development to habitat compensation for the projects mitigating at the site. Elk Grove can sell 1104.65 credits although the parcel is only 736 acres. TNC holds the easement on Delta Breeze and is responsible for compliance and enforcement of the easement terms. According to a

CDFG letter in the FOSH file, TNC intended to manage the parcel too, but now they are just holding the easement. The vines have all been removed but the parcel is fallow. Elk Grove has had delays in converting it from a fallow parcel to one that is actively managed as foraging habitat. Elk Grove has recently partnered with the Bureau of Land Management for management of the property. A request for proposals was open in the summer of 2010.

Since Delta Breeze became available for mitigation 30 projects have used it. See Table 5 for a summary. Most of the projects using the site have been small. They have paid their mitigation credits prior to development occurring. Delta Breeze is the reason why Elk Grove's mitigation program successfully sets aside habitat in a large block of land which is more useful as foraging habitat then small parcels.

Delta Breeze is owned in fee-title by the City of Elk Grove which is a different approach then the other parcels. The other parcels all have conservation easements on them which are held by the City of Elk Grove. The easements allow parcels to be conserved, but managed by landowners at their discretion as long as the easement terms are not violated. Delta Breeze can be managed solely as Swainson's Hawk habitat since the money collected in mitigation fees will pay off the parcel and create the endowment. There is no reason to take into account the market value of crops as part of the management strategy so the best management plan for Swainson's Hawks can be implemented.

Table 5: Summary of Delta Breeze

Category	Result
Number of projects	30
Number of projects that were city projects	8
Number of projects over 40 acres	2
Money collected in fees	$13,101,202.20
Fees collected per acre	$18,325.00
Acres mitigated	763.0

Swainson's Hawk Habitat Compensation Deficit

The City of Elk Grove had early habitat compensation deficits too. There are 4190.43 acres that have been developed, but easements have only been provided on 562.07 acres plus the 763 acres accounted for in Delta Breeze. The City of Elk Grove has recently started keeping track of operations and management money separately, but did not collect money for that early on. The range of fees that the City of Elk Grove has collected is from $750/acre to the current $18,325/acre for mitigating at Delta Breeze. As late as 2003 the City was still only collecting $750 which is one of the reasons why they have operated at such a large deficit. A summary by year of the acreage developed and conserved can be found in Table 6. From 2000 – 2005 the deficit became larger and larger and the City did not take action to provide habitat compensation. After 2005 more acres have been preserved then developed, but it still does not make up the deficit.

The City of Elk Grove has found a way with Delta Breeze to come into compliance with their ordinance and CEQA. Purchasing land up front and then selling credits ensures that:

- Adequate habitat compensation occurs.
- Mitigation acres stays ahead of development acres
- Mitigation can occur at the ratio required in the ordinance and CEQA documents

Owning the land in fee-title and managing it for Swainson's Hawk habitat ensures that it will be managed for the greatest benefit to the species and not what the market or the needs of the land owner dictate.

Table 6: Summary of Swainson's Hawk Foraging Land Developed and Preserved by Year in Elk Grove

Year	Acres Developed	Acres Preserved	Cumulative Deficit
2000	10.62	0	-10.62
2001	479.19	0	-489.81
2002	774.63	0	-1,264.44
2003	914.67	0	-2,179.11
2004	165.68	0	-2,344.79
2005	1196.64	850.57	-2,690.86
2006	51.83	93.43	-2,649.26
2007	29.65	136.19	-2,542.72
2008	19.96	99.96	-2,462.72
2009	16.94	81.99	-2,397.67
2010	n/a	n/a	
Multiple*	482.56		-2,880.23
City Projects**	48.06	48.06	-2,880.23
Total	**4190.43**	**1310.2**	**-2880.23**

*Several projects are listed as multiple years with no date listed. It is assumed they were all permitted prior to 2003 since the fees collected are at the $750 rate

**No date is listed for city projects, but all are listed as mitigating at Delta Breeze

Prior to Delta Breeze the City of Elk Grove collected money and began to record conservation easements (only Carli was purchased and recorded). When the City switched over to using Delta Breeze there was money left in the fund for habitat compensation. The City did not believe there was enough money to purchase another easement, and so they used the funds to conduct a Swainson's Hawk nesting survey within City boundaries and in the South Sacramento County region.

Role of CDFG

CDFG is a trustee agency under CEQA that is responsible for conservation of the state's resources, including Swainson's Hawks which are listed as Threatened under the California Endangered Species Act. CDFG has worked with Elk Grove (Figure 1) and Sacramento County (Figure 2) to identify areas where mitigation is preapproved. Not every parcel within the preapproved areas is good Swainson's Hawk mitigation but it allows developers and local governments a starting point of where to look.

CDFG also approves mitigation banks; the species that can be off-set, the amount of credits that can be sold, and the service area. CDFG also keeps track of how many credits are sold and whether banks are operating according to their management plans. Unfortunately, the mitigation bank service areas are not always consistent with the other parts of the program. The only mitigation bank that includes Elk Grove and Sacramento County in its service area at this time is Bryte Ranch. Bryte Ranch is outside the preapproved areas found in Figures 1 and 2. Other mitigation banks do not have blanket approval, but mitigation has been approved there by CDFG on a case by case basis. More data needs to be collected and analyzed to develop a complete picture of the role of mitigation banks, their locations and habitat types compared to the location and habitat type of development.

CDFG can also hold endowment money and easements, or be a beneficiary to an easement. Because of the programmatic level of oversight CDFG does not track each individual transaction by a local government. It is the responsibility of the permitting agency to ensure that mitigation measures are fulfilled. CDFG's responsibility is to make sure the mitigation bank program and the conservation easements are operating as they are required to.

Mitigation Banking

Mitigation banking is a popular option due to the ease by developers of fulfilling their mitigation obligations. Developers can write a check to the bank operator and have their mitigation obligations completed. There are pros and cons to mitigation banks. If they are used right they can increase the value of land set aside. If they are not used correctly then the mitigation value can drop. Some of the ways that mitigation banks can benefit species are:

- Having the ability to conserve larger tracts of land than would otherwise be conserved with small projects that only need a couple of acres
- They require a resources agency approved management plan. The management plan requires the parcel to be managed for the species and habitats being covered
- When used for in-kind habitat the value of habitat at a bank can be equal or greater value than land being lost. For example, projects that impact vernal pool/grassland complexes can mitigate at banks that provide that habitat type.

Some of the concerns with using mitigation banks for projects in Sacramento County and Elk Grove include:

- When large projects use mitigation banks for their habitat compensation instead of providing separate parcels
- Mitigation banks that provide credits for both federal and state listed species are tracked separately (by the separate agencies) and layering or an incomplete accounting of credits can occur
- In some cases credits are sold in areas where it would be unlikely for development to occur. For example, credits for uplands at a vernal pool sites which have already been protected
- When they are located outside of the region/habitat type that the impact is occurring
- No Swainson's Hawk mitigation banks are in the zones preapproved by CDFG (Figures 1 and 2).
- Elk Grove and CDFG have kept track of credits sold at Bryte Ranch. Elk Grove reported to the project that 178.92 have been purchased there and CDFG reported to FOSH that for Elk Grove projects 180.69 acres have been purchased.

The only bank that has Elk Grove and South Sacramento County in its service area is Bryte Ranch. Van Vleck Ranch is located in Sacramento County. Several others have received approval for Swainson's Hawk mitigation or may have approval on a case by case basis - see Table 7. Elk Grove does give approval to use mitigation banks and has identified 12 projects that have mitigated at Bryte Ranch. The Elk Grove school district has mitigated at Van Vleck Ranch for a project. Elk Grove could deny the use of Bryte Ranch because it is outside the service area in Figure 1. It does not provide in-kind habitat compensation for impacts in agricultural areas. Elk Grove and CDFG should work on way to resolve the discrepancy between service areas.

Additional analysis on the use of mitigation banks should be done in a future phase of this project. Because Sacramento County DERA does not keep a database of projects and how they mitigated we have incomplete information on how many projects may have used banks. If a project in Sacramento

County wants to mitigate at a bank they would need CDFG approval. The County Ordinance does not give blanket approval for using mitigation banks.

Table 7: CDFG Approved Swainson's Hawk Mitigation Banks that can potentially be used in Sacramento County

Name of Mitigation Bank	Owner/Contact	Total Acres
Laguna Terrace	Wildlands	200
Bryte Ranch	Brian Johnson	431
Van Vleck Ranch	Westervelt	
Deer Creek Swainson's Hawk Preserve	Wildlands	183
Twin Cities Mitigation Wetland Preserve	Wildlands	255
Laguna Creek	Conservation Resources	1000

Site Visits to Conservation Easement Parcels

Most of the parcels that have been conserved through the Sacramento County or Elk Grove program were visited in late June or early July 2010 to conduct a drive by assessment. Using google earth the parcel was identified. We also had the conservation easement to verify whether the parcels appeared to be in compliance with the easement crop restrictions. The site visit methodology was neither comprehensive enough to determine whether Swainson's Hawk were nesting on the site or in the vicinity nor was it comprehensive enough to determine whether parcels are being used for foraging habitat. The site visit was to determine potential suitability as foraging habitat. Incidental sightings of Swainson's Hawks were noted. A summary of the site visits are in Table 8. Not all parcels were visited since not all of them have a public road adjacent to the site.

Easements

The parcels seem to be in compliance with the easement language. The easement language is not necessarily restrictive enough to guarantee that the best crops for Swainson's Hawks are planted every year. Even accounting for crop rotation, the crops best suited for Swainson's Hawks are either alfalfa or other irrigated pasture which is mowed or managed. Other crops can be planted but crops such as corn and rice should be excluded. The easements do exclude orchard and vineyard but the excluded list should be more comprehensive since the habitat needs to be as high value as possible. There have been several foraging studies conducted in Sacramento, San Joaquin and Yolo Counties which all conclude that Swainson's Hawks use alfalfa the most frequently and then other crops such as irrigated pasture and some row crops.

The Allen parcel, which is the first easement recorded allows rice. Some of the easement prohibit certain crops and others do not. Some of the easements are restrictive on such things as water right transfers, mineral extraction, noise, and other uses, but there is leeway. Just because the parcels are in compliance with the easements, does not mean that they are being managed for Swainson's Hawks to the best extent possible.

Table 8: Summary of site visit information

Conservation Parcel	Parcel for Elk Grove/ Sacramento County	Date of Site Visit	Crops/Habitat Type	Other Observations
Allen	Sacramento County	6/26/2010	Fallow, corn	Alfalfa on adjacent parcel
Bryte Ranch	Mitigation Bank	5/23/2010	None	Vernal pool complex with associated upland grassland
Carli	Elk Grove	7/5/2010	Alfalfa	
Delta Breeze	Elk Grove	6/30/2010	Fallow, weeds	unmanaged
Goodwin	Elk Grove	6/26/2010	Dry pasture	
Kirkham	Elk Grove	6/30/2010	Wet pasture	Adjacent to Cosumnes Preserve
Larkin	Sacramento County	No public access		
Mahon	Elk Grove	7/5/2010	Alfalfa	
McKenzie	Sacramento County	7/5/2010	Pasture wet/dry	Actively being grazed
Mohamed	Elk Grove	7/5/2010	Cut hay	
Reynan and Bardis	Elk Grove	No access		
Stokes	Elk Grove	7/5/2010	Alfalfa	
Treasure Homes	Elk Grove	No access		
Van Steyn	Elk Grove	6/26/2010	Irrigated pasture/corn	

Sacramento County Findings

The review of the Sacramento County program has identified several positives and negatives about the program. Some of the things that are going well in the program include:

- All easements purchased with the Swainson's Hawk Fund money are recorded
- Easement language seems to be improving with each recording
- The third party land management organizations seem organized, are conducting compliance visits with dedicated staff, and have been transparent in sharing their procedures
- The program was changed from a nominal fee based program to one that includes O&M and realistic fees which allows more habitat to be preserved with easements
- Projects with impacts larger than 40 acres are required to provide their own habitat compensation

The following are some suggestions to improve Sacramento County's Swainson's Hawk mitigation program:

- The Swainson's Hawk Fund should determine what the actual deficit is (if less than 1000 acres) and look for a way to reconcile their historical deficit
- Better oversight, tracking, coordination and transparency need to be implemented in the non-fund transactions
- Habitat compensation in the County needs to have centralized oversight to ensure preserve design is the best for Swainson's Hawks and to ensure one entity is tracking all jurisdictions and facets of the program

- Mitigation banks not on the valley floor (outside the area in Figure 2) should not be approved by local agencies or CDFG for habitat compensation
- Sacramento County should be requesting an annual report from the third party conservation organizations to ensure that easements are in compliance and so the County can track mitigation parcels. It doesn't appear that the County has tracked the status of the parcels
- McKenzie is outside the target area preapproved by CDFG. It may have been in-kind for the original project, but the extra credits should not have been sold to other projects if impacts were in a different habitat type
- A stay-ahead clause should be required so that land is always available at the current rate. The mitigation program should be a land based program, not a fee based program
- Mitigation areas should be areas that would otherwise be developed. In other words, areas that cannot be developed such as within the flood plain should be excluded unless habitat improvement of the property occurs.

Non-Fund Transactions

Better oversight, tracking, coordination and transparency need to be implemented in the non-fund transactions. Sacramento County has kept track of fund transactions in an organized way but the non-fund transactions are not tracked in a central location. Getting information on the projects that have provided their own mitigation, their location, and whether the mitigation obligation has been met has been a challenge. The County has not been able to provide information on whether conservation easements have been recorded for projects not using the mitigation fund. Conservation parcels through this part of the program could be small, could have easement language that does not benefit the species to the greatest extent possible, and their locations could be piecemealed throughout the County. Both the Department of Environmental Review and Assessment (DERA) and the Planning Department have different roles and they need better coordination with each other as well as the other Cities in the County. Working together would result in fewer impacts to the species and would help provide the best mitigation possible.

Elk Grove Findings

The review of the Elk Grove program has identified several positives and negatives about the program. Some of the things that are going well in the program include:

- Taking out vineyards and restoring habitat for Swainson's Hawk at the Delta Breeze site is one of the only ways that the species will gain any foraging habitat
- The Elk Grove program has been able to operate with no deficit since the purchase of Delta Breeze since land can be accounted for and set aside prior to the grading permit being issued
- Elk Grove conducted compliance monitoring on the conservation easement parcels in 2010 and the reports were available for review
- All easements purchased were recorded
- Has kept records of all aspects of the mitigation; mitigation bank credits purchased, developer provided conservation easements, money and land as part of the Swainson's Hawk fund and acres sold at Delta Breeze.

The following are some suggestions to improve Elk Grove's Swainson's Hawk mitigation program:

- The City should plan ahead and before the next housing boom set aside large areas that can sell credits

- Parcels that are being considered for easements should be larger than in the existing program prior to Delta Breeze
- Mitigation banks not on the valley floor (outside target area) should not get approval from Elk Grove to mitigate impacts
- Conservation organizations should hold the conservation easements, not the City itself so an independent entity can do the compliance and monitoring
- Prior to the next housing boom Delta Breeze should be closed to big projects
- Elk Grove can learn from Delta Breeze and do the next project even better
- The historical deficit should be addressed and reconciled

Although the City of Elk Grove has not operated in a deficit on an annual basis since 2005 there is still a large deficit that has not been addressed by the City. Add the approximately 2800 acre deficit to the 1000 acre County deficit and it is apparent that mitigation programs have not been fully implemented.

Easement or Fee-Title?

Easement language should be more restrictive, or land needs to be purchased in fee-title so the parcels can be managed as the best Swainson's Hawk foraging habitat possible. Easements are a cheaper option for developers and local governments. It does allow landowners who want to conserve their property but still have ownership and management that option. If conservation easements are still going to be used they need to be restrictive enough to benefit Swainson's Hawks every year.

Fee title has benefits as the land can be managed solely for Swainson's Hawks. Owning property as mitigation removes any conflict that can occur from land owners needing to plant crops they can sell. Fee title can also be complicated as local governments are not necessarily the best group to develop a parcel into Swainson's Hawk foraging habitat. Properties can be held in fee-title by conservation organizations too.

Instead of promoting easements or fee title we found, based on the review, that several things can make either program successful:

- Either program should have a stay ahead requirement to ensure no additional deficit occurs
- Fees should reflect the market value of the program chosen to ensure that enough money is collected to purchase adequate acreage, for operations and management, and cover administrative needs
- Criteria for potential mitigation parcels should accompany the maps already developed
- Management Plans should be developed that establish criteria to manage the parcel for Swainson's Hawk foraging habitat – and follow-up should occur to confirm management plans are being implemented
- A third party conservancy, set up to run the mitigation program, could be the clearing house for all projects in the County. This would help all the local governments keep track and reduce the likelihood of double counting

Biological Significance

Swainson's Hawks are continually losing their foraging habitat in South Sacramento County. The early habitat compensation programs that just took fees for development and did not provide habitat compensation not only were out of compliance with CEQA and the ordinances they contributed to the decline of regional habitat values for the Swainson's Hawk. The current programs collect more money for compensation and money for operations and management but the deficits remain and for the

County program can still get bigger. If Elk Grove changes the development parcel size that can mitigate using Delta Breeze and they go back to a fee program they too could increase their deficit.

One of the reasons why projects such as Delta Breeze become important is its size. Biologically it is important to have parcels large enough to provide quality habitat. Smaller parcels have a larger edge habitat to interior ratio. Depending on where the parcels are and the matrix of conserved lands and the crops being grown small parcels do not provide the foraging opportunities that large uninterrupted parcels do. Some of the parcels that have easements on them are small. Preserve design, size and location are important attributes in a conservation program when the available land cover is shrinking by 50% every time land is set aside.

To limit any potential impacts to the population size in South Sacramento County a regional approach should be taken to habitat compensation. Management of mitigation parcels should be conducted to benefit the Swainson's Hawk with alfalfa being the primary crop grown and other crops used as forage identified as part of the crop rotation.

Centralized Oversight

Habitat compensation in the County needs to have centralized oversight to ensure preserve design is the best for Swainson's Hawks and to ensure one entity is tracking all jurisdictions and facets of the program. The County has not kept adequate track of what projects outside of the mitigation fund have needed Swainson's Hawk mitigation. The County is using a form on their website for parcels outside the mitigation fund to ensure that the appropriate habitat is used as mitigation and that easements or title restrictions don't already occur.

The Swainson's Hawk program for the County and all the jurisdictions could be more streamlined and have a better biological result for the species if there was a coordinated program. An HCP could help alleviate some of the disjointedness of the programs. Having one entity:

- Oversee implementation of the program,
- Keep track of where habitat compensation has been provided,
- Have a conservancy who is responsible for managing the parcels specifically for the covered species, and
- Make sure easements are recorded, and holds all the easements

Additional items that could be researched

The scope of this project was large, but based on the information that we could gather some aspects of the mitigation programs were not analyzed. Other phases of the project are not limited to this list, but below are several areas that further analysis could be conducted to benefit the programs.

- Follow up with a review of mitigation banks to determine their role in Swainson's Hawk mitigation in Sacramento County and Elk Grove
- Review CEQA documents for projects in Sacramento County prior to 2005 to determine mitigation ratios, what the true deficit is and whether habitat compensation was provided
- Develop a spatial analysis of where development has occurred and where mitigation has occurred in relation to what is known about nesting sites
- Follow up on the Sacramento County turn-key project; George Dairy Project
- Conduct a similar analysis of other jurisdictions within Sacramento County that have been mitigating for Swainson's Hawk

A Comparison of Swainson's Hawk Conservation Easements

County of Sacramento

City of Elk Grove

Summary Report



Shannon McClure

Summer 2010

Purpose

Sacramento County and its cities have implemented Swainson's hawk mitigation programs over the last decade under the California Environmental Quality Act (CEQA). These programs operate outside of a monitoring framework provided by a habitat conservation plan approved by wildlife regulatory agencies. Thousands of acres have been protected through conservation easements that are designed to preserve open space habitat in perpetuity. However, little research has been conducted to assess the success of these conservation easements. Friends of the Swainson's Hawk (FOSH) is engaged in an evaluation of these programs and this summary report is the first step.

FOSH's purpose for this report is to summarize the legal instruments used to conserve mitigation land, create a database cataloging the conservation easements, inform project members about possible compliance issues, and to inform FOSH about potential issues for discussion with the local jurisdiction using the conservation easements to comply with CEQA obligations.

Method

In order to accomplish FOSH's purposes, I first reviewed FOSH's model Swainson's Hawk conservation easement prepared by Jim Pachl. This provided me with a better understanding of what an ideal conservation easement should include. I then compared FOSH's model easement to 10 easements provided by the City of Elk Grove and 8 easements provided by the Sacramento County, generated for the respective SWH habitat mitigation programs of City and County to comply with CEQA for loss of SWH habitat due to urban development. From there, I was able to identify boilerplate language, identify elements missing from FOSH's model easement, and identify unique elements. I then verified with the Elk Grove and Sacramento County clerk recorder's offices that each of the easements was recorded. I made an Excel spreadsheet summarizing the recorded easements and, for greater clarity, wrote summaries on each of the easements to be used when in the field. The summaries highlight key issues for each of the properties. I reviewed easements in the Yolo County Habitat/Natural Community Conservation Plan Joint Powers Authority (Yolo County JPA) program as a comparison point. Finally, I

reviewed the Swainson's hawk ordinances for Elk Grove and Sacramento County in order to prepare this summary report.

Key Issues

During the review process, the following key issues were identified as important to FOSH.

1. Agriculture
    a) What crops may be planted/cultivated?
    b) What plant and animal species are allowed on the property?
    c) What facilities and equipment are allowed on the property?
2. California Department of Fish and Game (CDFG)
    a) Is CDFG named as a third-party beneficiary?
    b) What rights, if any, does CDFG have?
3. Natural Resources
    a) May the grantor alter the surface topography?
    b) May the grantor lease air, oil, and mineral rights?
4. Scientific Research
    a) Who, if anyone, can conduct scientific research on the property?
5. Water
    a) May the grantor maintain irrigation systems?
    b) Is the grantor required to preserve water quality?
    c) May the grantor alter natural watercourses?
    d) May the grantor lease water rights?
6. Others
    a) May the grantor hunting and fish or allow others to do so on the CE property?
    b) May the grantor lease the property?
    c) Are there any known prior encumbrances?
    d) Is there a development envelope on which the grantor may construct a residence?
    e) Are there other species protected by a conservation easement on the same land that would indicate double counting for mitigation credits?

Of these issues, the most important to FOSH involve cropping, water and double counting of land for different mitigation purposes. All easements restrict agricultural uses which reduce foraging value for SWH, for example excluding orchards and vineyards; some restrict rice; none require production of alfalfa, the highest value Swainson's Hawk foraging crop. Likewise, the easements vary in restrictions on water and on use of the land for other conservation easements.

Comparison

The restrictions enumerated in the conservation easements vary quite substantially. However, some similarities can be found between grantees or easement holders. The main easement holders are California Department of Fish and Game (CDFG), the City of Elk Grove, Sacramento Valley Conservancy (SVC), and The Nature Conservancy (TNC).

1. CDFG – Bryte Ranch

   CDFG is named as a third-party beneficiary in several conservation easements, but the only easement actually held by CDFG is Bryte Ranch, a mitigation bank located east of Elk Grove. On the whole, the document is very thorough. It specifically prohibits alteration of the surface topography, natural resource development, paving, use of vehicles, and transferring/leasing water rights.

   FOSH has several questions about this easement that include:

   a) Is Bryte Ranch double counting for multiple species? Bryte Ranch was originally created to preserve vernal pool habitat and other species were added later. Further research in the field is necessary to determine whether double counting is occurring.
   b) Is CDFG monitoring compliance? FOSH field visit to the site by volunteers raised questions about the quality of the habitat and the presence of Swainson's Hawks in the area that would use the mitigation land.

c) Does Bryte Ranch conform to the Elk Grove ordinanee requirement that CDFG approve mitigation land? While the bank itself was approved by CDFG, is there documentation that CDFG found it adequate for offsetting impacts of development in Elk Grove? According to the attached map published by CDFG, Bryte Ranch is located outside of the suitable Swainson's hawk habitat area agreed to by DFG and the City of Elk Grove.

2. City of Elk Grove

Of all the conservation easements, those held by the City of Elk Grove are the least restrictive. First, they allow for natural resource development. This means that the grantor or a lessee may explore and extract natural resources such as oil, gas, and minerals. Importantly, most easements contain a provision limiting this natural resource development to 200 or 500 feet in depth, thus protecting the surface topography. Second, although all the conservation easements protect water quality with a boilerplate clause, the City of Elk Grove easements allow water rights to be transferred up to a five-year period.

According to the Elk Grove Municipal Code § 16.130.40, the city must be named as a beneficiary and a qualified non-profit organization must hold the easement in trust. Therefore, it makes little sense that the City of Elk Grove holds these easements itself. Despite this inconsistency, the newer easements held by the City of Elk Grove show improvements in that they name CDFG as a third-party beneficiary and allow access for scientific research. FOSH should consider asking the City of Elk Grove to transfer the easements to a non-profit organization.

3. SVC

The conservation easements held by SVC are generally beneficial for the Swainson's hawk. For instance, the easements have provisions providing that CDFG be involved in decisions to transfer and in dispute resolution. In addition, the easements list all known

prior encumbrances and indicate that no additional easements be granted. On the other hand, the SVC easements are missing provisions on hunting and signs. This is not to say that the SVC easements are inadequate; however, FOSH should inquire further into these issues.

4. TNC

Of the Sacramento County conservation easements, those held by TNC are the most restrictive. They include a list of prohibited crops and clauses restricting vehicle use, topography alteration, and leases. Further, water rights may only be transferred for a maximum of one year and the property, as a whole, cannot be leased for more than five years. While these restrictions clearly benefit the Swainson's hawk, the TNC easements do not name CDFG as a third-party beneficiary and do not include a provision that allows for scientific research. FOSH should inquire further into the consequence of these missing elements.

Evaluation

Compared to the Sacramento County conservation easements, the easements located in Yolo County are by far more consistent and restrictive. The Yolo County easements are very close to the FOSH model conservation easement. Each of the Yolo County easements names CDFG and Habitat JPA—that is, if Habitat JPA is not the easement holder—as third-party beneficiaries with the right of enforcement. Additionally, most include a copy of the present conditions report, which summarizes the biology of the property and a list of known prior encumbrances. Also, most do not allow additional CE easements to be granted, which prevents double dipping. Finally, each easement provides greater restrictions on agricultural use and natural resource development than the Sacramento County easements.

The Yolo County easements raise questions for FOSH to research further. Some areas for concern include the grantor's reserved right to hunt and to bring utilities across the property. In addition, some easements permit a development envelope where the grantor does not have to

follow all the restrictions that apply to the easement area. However, the development envelope is not moveable, located in an area suitable to the grantee, limited in acreage, and cannot be used in a manner that will negatively effect the easement area.

Overall, the Yolo County conservation easements are superior to the Sacramento County easements, but all have some potential inadequacies. Assuming that jurisdictions in Sacramento County will continue to preserve Swainson's hawk habitat via conservation easements, FOSH should advise that the following provisions become standard:

a) no degradation of water quality and no alteration of natural watercourses,
b) no alteration of surface topography and no natural resource development,
c) no antennas/towers/windmills, no vehicles and no paving,
d) limited hunting and fishing,
e) limited agricultural use (e.g. no rice, restrictions on crops like corn and safflower that have very limited utility for Swainson's Hawks),
f) list of known prior encumbrances,
g) CDFG as a third-party beneficiary with the right of enforcement, and
h) annual monitoring compliance reports.

State of California

Memorandum

To : Div. Chiefs - IFD, BDD, NHD, WMD
Reg. Mgrs. - Regions 1, 2, 3, 4

Date : November 8, 1994

From : Department of Fish and Game

Subject: Staff Report Regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California

I am hereby transmitting the Staff Report Regarding Mitigation for Impacts to Swainson's Hawks in the Central Valley of California for your use in reviewing projects (California Environmental Quality Act [CEQA] and others) and in developing 2081 Management Authorizations and 2090 Biological Opinions which may affect Swainson's hawk habitat in the Central Valley. The staff report has been developed during the last 18 months by the Environmental Services Division (ESD) in cooperation with the Wildlife Management Division (WMD) and Regions 1, 2, and 4. It has been sent out for public review on several occasions and redrafted as appropriate.

Either the mitigation measures in the staff report may be used or project specific measures may be developed. Alternative project specific mitigation measures proposed by the Department Divisions/Regions or by project sponsors will also be considered. However, such mitigation measures must be submitted to ESD for review. The review process will focus on the consistency of the proposed measure with Department, Fish and Game Commission, and legislative policy and with laws regarding raptors and listed species. ESD will coordinate project specific mitigation measure review with WMD.

If you have any questions regarding the report, please contact Mr. Ron Rempel, Program Supervisor, Habitat Conservation Planning and Endangered Species Permitting, Environmental Services Division at (916) 654-9980.

COPY Original signed by
A. Petrovich, Jr.
For
Boyd Gibbons
Direction

Enclosure

cc: Mr. Ron Rempel
Department of Fish and Game
Sacramento

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Staff Report regarding Mitigation for Impacts to Swainson's Hawks (*Buteo swainsoni*) in the Central Valley of California

INTRODUCTION

The Legislature and the Fish and Game Commission have developed the policies, standards and regulatory mandates which, if implemented, are intended to help stabilize and reverse dramatic population declines of threatened and endangered species. In order to determine how the Department of Fish and Game (Department) could judge the adequacy of mitigation measures designed to offset impacts to Swainson's hawks in the Central Valley, Staff (WMD, ESD and Regions) has prepared this report. To ensure compliance with legislative and Commission policy, mitigation requirements which are consistent with this report should be incorporated into: (1) Department comments to Lead Agencies and project sponsors pursuant to the California Environmental Quality Act (CEQA); (2) Fish and Game Code Section 2081 Management Authorizations (Management Authorizations); and (3) Fish and Game Code Section 2090 Consultations with State CEQA Lead Agencies.

The report is designed to provide the Department (including regional offices and divisions), CEQA Lead Agencies and project proponents the context in which the Environmental Services Division (ESD) will review proposed project specific mitigation measures. This report also includes "model" mitigation measures which have been judged to be consistent with policies, standards and legal mandates of the Legislature and Fish and Game Commission. Alternative mitigation measures, tailored to specific projects, may be developed if consistent with this report. Implementation of mitigation measures consistent with this report are intended to help achieve the conservation goals for the Swainson's hawk and should complement multi-species habitat conservation planning efforts currently underway.

The Department is preparing a recovery plan for the species and it is anticipated that this report will be revised to incorporate recovery plan goals. It is anticipated that the recovery plan will be completed by the end of 1995. The Swainson's hawk recovery plan will establish criteria for species recovery through preservation of existing habitat, population expansion into former habitat, recruitment of young into the population, and other specific recovery efforts.

During project review the Department should consider whether a proposed project will adversely affect suitable foraging habitat within a ten (10) mile radius of an active (used during one or more of the last 5 years) Swainson's hawk nest(s). Suitable Swainson's hawk foraging habitat will be those habitats and crops identified in Bechard (1983), Bloom (1980), and Estep (1989). The following vegetation types/agricultural crops are considered small mammal and insect foraging habitat

for Swainson's hawks:

- alfalfa
- fallow fields
- beet, tomato, and other low-growing row or field crops
- dry-land and irrigated pasture
- rice land (when not flooded)
- cereal grain crops (including corn after harvest)

The ten mile radius standard is the flight distance between active (and successful) nest sites and suitable foraging habitats, as documented in telemetry studies (Estep 1989, Babcock 1993). Based on the ten mile radius, new development projects which adversely modify nesting and/or foraging habitat should mitigate the project's impacts to the species. The ten mile foraging radius recognizes a need to strike a balance between the biological needs of reproducing pairs (including eggs and nestlings) and the economic benefit of development(s) consistent with Fish and Game Code Section 2053.

Since over 95% of Swainson's hawk nests occur on private land, the Department's mitigation program should include incentives that preserve agricultural lands used for the production of crops, which are compatible with Swainson's hawk foraging needs, while providing an opportunity for urban development and other changes in land use adjacent to existing urban areas.

LEGAL STATUS

Federal

The Swainson's hawk is a migratory bird species protected under the Migratory Bird Treaty Act (MBTA) of 1918 (16 U.S.C. 703-711). The MBTA makes it unlawful to take, possess, buy, sell, purchase, or barter any migratory bird listed in Section 50 of the Code of Federal Regulations (C.F.R.) Part 10, including feathers or other parts, nests, eggs or products, except as allowed by implementing regulations (50 C.F.R. 21).

State

The Swainson's hawk has been listed as a threatened species by the California Fish and Game Commission pursuant to the California Endangered Species Act (CESA), see Title 14, California Code of Regulations, Section 670.5(b)(5)(A).

LEGISLATIVE AND COMMISSION POLICIES, LEGAL MANDATES AND STANDARDS

The FGC policy for threatened species is, in part, to: "Protect and preserve all native species...and their habitats...." This policy also directs the Department to work with all interested persons to protect and preserve sensitive resources and their habitats. Consistent with this policy and direction, the Department is enjoined to implement measures that assure protection for the Swainson's hawk.

The California State Legislature, when enacting the provisions of CESA, made the following findings and declarations in Fish and Game Code Section 2051:

> a) "Certain species of fish, wildlife, and plants have been rendered extinct as a consequence of man's activities, untempered by adequate concern and conservation";
>
> b) "Other species of fish, wildlife, and plants are in danger of, or threatened with, extinction because their habitats are threatened with destruction, adverse modification, or severe curtailment because of overexploitation, disease, predation, or other factors (emphasis added)";and
>
> c) "These species of fish, wildlife, and plants are of ecological, educational, historical, recreational, esthetic, economic, and scientific value to the people of this state, and the conservation, protection, and enhancement of these species and their habitat is of statewide concern" (emphasis added).

The Legislature also proclaimed that it "is the policy of the state to conserve, protect, restore, and enhance any endangered or threatened species and its habitat and that it is the intent of the Legislature, consistent with conserving the species, to acquire lands for habitat for these species" (emphasis added).

Section 2053 of the Fish and Game Code states, in part, "it is the policy of the state that state agencies should not approve projects as proposed which would jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species and or its habitat which would prevent jeopardy" (emphasis added).

Section 2054 states "The Legislature further finds and declares that, in the event specific economic, social, and or other conditions make infeasible such alternatives, individual projects may be approved if appropriate mitigation and enhancement measures are provided" (emphasis added).

Loss or alteration of foraging habitat or nest site disturbance which results in:

(1) nest abandonment; (2) loss of young; (3) reduced health and vigor of eggs and/or nestlings (resulting in reduced survival rates), may ultimately result in the take (killing) of nestling or fledgling Swainson's hawks incidental to otherwise lawful activities. The taking of Swainson's hawks in this manner can be a violation of Section 2080 of the Fish and Game Code. This interpretation of take has been judicially affirmed by the landmark appellate court decision pertaining to CESA (DFG v. ACID, 8 CA App.4, 41554). The essence of the decision emphasized that the intent and purpose of CESA applies to all activities that take or kill endangered or threatened species, even when the taking is incidental to otherwise legal activities. To avoid potential violations of Fish and Game Code Section 2080, the Department recommends and encourages project sponsors to obtain 2081 Management Authorizations for their projects.

Although this report has been prepared to assist the Department in working with the development community, the prohibition against take (Fish and Game Code Section 2080) applies to all persons, including those engaged in agricultural activities and routine maintenance of facilities. In addition, sections 3503, 3503.5, and 3800 of the Fish and Game Code prohibit the take, possession, or destruction of birds, their nests or eggs.

To avoid potential violation of Fish and Game Code Section 2080 (i.e. killing of a listed species), project-related disturbance at active Swainson's hawk nesting sites should be reduced or eliminated during critical phases of the nesting cycle (March 1 - September 15 annually). Delineation of specific activities which could cause nest abandonment (take) of Swainson's hawk during the nesting period should be done on a case-by-case basis.

CEQA requires a mandatory findings of significance if a project's impacts to threatened or endangered species are likely to occur (Sections 21001 (c), 21083, Guidelines Sections 15380, 15064, 15065). Impacts must be avoided or mitigated to less than significant levels unless the CEQA Lead Agency makes and supports findings of Overriding Consideration. The CEQA Lead Agency's Findings of Overriding Consideration does not eliminate the project sponsor's obligation to comply with Fish and Game Code Section 2080.

NATURAL HISTORY

The Swainson's hawk (*Buteo swainsoni*) is a large, broad winged buteo which frequents open country. They are about the same size as a red-tailed hawk (*Buteo jamaicensis*), but trimmer, weighing approximately 800-1100 grams (1.75 - 2 lbs). They have about a 125 cm. (4+foot) wingspan. The basic body plumage may be highly variable and is characterized by several color morphs - light, dark, and rufous. In dark phase birds, the entire body of the bird may be sooty black. Adult birds generally have dark backs. The ventral or underneath sections may be light with a characteristic dark, wide "bib" from the lower throat down to the upper

breast, light colored wing linings and pointed wing tips. The tail is gray ventrally with a subterminal dusky band, and narrow, less conspicuous barring proximally. The sexes are similar in appearance; females however, are slightly larger and heavier than males, as is the case in most sexually dimorphic raptors. There are no recognized subspecies (Palmer 1988).

The Swainson's hawk is a long distance migrator. The nesting grounds occur in northwestern Canada, the western U.S., and Mexico and most populations migrate to wintering grounds in the open pampas and agricultural areas of South America (Argentina, Uruguay, southern Brazil). The species is included among the group of birds known as "neotropical migrants". Some individuals or small groups (20-30 birds) may winter in the U.S., including California (Delta Islands). This round trip journey may exceed 14,000 miles. The birds return to the nesting grounds and establish nesting territories in early March.

Swainson's hawks are monogamous and remain so until the loss of a mate (Palmer 1988). Nest construction and courtship continues through April. The clutch (commonly 3-4 eggs) is generally laid in early April to early May, but may occur later. Incubation lasts 34-35 days, with both parents participating in the brooding of eggs and young. The young fledge (leave the nest) approximately 42-44 days after hatching and remain with their parents until they depart in the fall. Large groups (up to 100+ birds) may congregate in holding areas in the fall and may exhibit a delayed migration depending upon forage availability. The specific purpose of these congregation areas is as yet unknown, but is likely related to: increasing energy reserves for migration; the timing of migration; aggregation into larger migratory groups (including assisting the young in learning migration routes); and providing a pairing and courtship opportunity for unattached adults.

Foraging Requirements

Swainson's hawk nests in the Central Valley of California are generally found in scattered trees or along riparian systems adjacent to agricultural fields or pastures. These open fields and pastures are the primary foraging areas. Major prey items for Central Valley birds include: California voles (*Microtus californicus*), valley pocket gophers (*Thomomys bottae*), deer mice (*Peromyscus maniculatus*), California ground squirrels (*Spermophilus beecheyi*), mourning doves (*Zenaida macroura*), ring-necked pheasants (*Phasianus colchicus*), meadowlarks (*Sturnella neglecta*), other passerines, grasshoppers (*Conocephalinae* sp.), crickets (*Gryllidae* sp.), and beetles (Estep 1989). Swainson's hawks generally search for prey by soaring in open country and agricultural fields similar to northern hariers (*Circus cyaneus*) and ferruginous hawks (*Buteo regalis*). Often several hawks may be seen foraging together following tractors or other farm equipment capturing prey escaping from farming operations. During the breeding season, Swainson's hawks eat mainly vertebrates (small rodents and reptiles), whereas during migration vast numbers of insects are consumed (Palmer 1988).

Department funded research has documented the importance of suitable foraging habitats (e.g., annual grasslands, pasture lands, alfalfa and other hay crops, and combinations of hay, grain and row crops) within an energetically efficient flight distance from active Swainson's hawk nests (Estep pers. comm.). Recent telemetry studies to determine foraging requirements have shown that birds may use in excess of 15,000 acres of habitat or range up to 18.0 miles from the nest in search of prey (Estep 1989, Babcock 1993). The prey base (availability and abundance) for the species is highly variable from year to year, with major prey population (small mammals and insects) fluctuations occurring based on rainfall patterns, natural cycles and agricultural cropping and harvesting patterns. Based on these variables, significant acreages of potential foraging habitat (primarily agricultural lands) should be preserved per nesting pair (or aggregation of nesting pairs) to avoid jeopardizing existing populations. Preserved foraging areas should be adequate to allow additional Swainson's hawk nesting pairs to successfully breed and use the foraging habitat during good prey production years.

Suitable foraging habitat is necessary to provide an adequate energy source for breeding adults, including support of nestlings and fledglings. Adults must achieve an energy balance between the needs of themselves and the demands of nestlings and fledglings, or the health and survival of both may be jeopardized. If prey resources are not sufficient, or if adults must hunt long distances from the nest site, the energetics of the foraging effort may result in reduced nestling vigor with an increased likelihood of disease and/or starvation. In more extreme cases; the breeding pair, in an effort to assure their own existence, may even abandon the nest and young (Woodbridge 1985).

Prey abundance and availability is determined by land and farming patterns including crop types, agricultural practices and harvesting regimes. Estep (1989) found that 73.4% of observed prey captures were in fields being harvested, disced, mowed, or irrigated. Preferred foraging habitats for Swainson's hawks include:

- alfalfa;
- fallow fields;
- beet, tomato, and other low-growing row or field crops;
- dry-land and irrigated pasture;
- rice land (during the non-flooded period); and
- cereal grain crops (including corn after harvest).

Unsuitable foraging habitat types include crops where prey species (even if present) are not available due to vegetation characteristics (e.g. vineyards, mature orchards, and cotton fields, dense vegetation).

Nesting Requirements

Although the Swainson's hawk's current nesting habitat is fragmented and unevenly distributed, Swainson's hawks nest throughout most of the Central Valley floor. More than 85% of the known nests in the Central Valley are within riparian systems in Sacramento, Sutter, Yolo, and San Joaquin counties. Much of the potential nesting habitat remaining in this area is in riparian forests, although isolated and roadside trees are also used. Nest sites are generally adjacent to or within easy flying distance to alfalfa or hay fields or other habitats or agricultural crops which provide an abundant and available prey source. Department research has shown that valley oaks (*Quercus lobata*), Fremont's cottonwood (*Populus fremontii*), willows (*Salix* spp.), sycamores (*Platanus* spp.), and walnuts (*Juglans* spp.) are the preferred nest trees for Swainson's hawks (Bloom 1980, Schlorff and Bloom 1983, Estep 1989).

Fall and Winter Migration Habitats

During their annual fall and winter migration periods, Swainson's hawks may congregate in large groups (up to 100+ birds). Some of these sites may be used during delayed migration periods lasting up to three months. Such sites have been identified in Yolo, Tulare, Kern and San Joaquin counties and protection is needed for these critical foraging areas which support birds during their long migration.

Historical and Current Population Status

The Swainson's hawk was historically regarded as one of the most common and numerous raptor species in the state, so much so that they were often not given special mention in field notes. The breeding population has declined by an estimated 91% in California since the turn of the century (Bloom 1980). The historical Swainson's hawk population estimates are based on current densities and extrapolated based on the historical amount of available habitat. The historical population estimate is 4,284-17,136 pairs (Bloom 1980). In 1979, approximately 375 (± 50) breeding pairs of Swainson's hawks were estimated in California, and 280 (75%) of those pairs were estimated to be in the Central Valley (Bloom 1980). In 1988, 241 active breeding pairs were found in the Central Valley, with an additional 78 active pairs known in northeastern California. The 1989 population estimate was 430 pairs for the Central Valley and 550 pairs statewide (Estep, 1989). This difference in population estimates is probably a result of increased survey effort rather than an actual population increase.

Reasons for decline

The dramatic Swainson's hawk population decline has been attributed to loss of

native nesting and foraging habitat, and more recently to the loss of suitable nesting trees and the conversion of agricultural lands. Agricultural lands have been converted to urban land uses and incompatible crops. In addition, pesticides, shooting, disturbance at the nest site, and impacts on wintering areas may have contributed to their decline. Although losses on the wintering areas in South America may occur, they are not considered significant since breeding populations outside of California are stable. The loss of nesting habitat within riparian areas has been accelerated by flood control practices and bank stabilization programs. Smith (1977) estimated that in 1850 over 770,000 acres of riparian habitat were present in the Sacramento Valley. By the mid-1980s, Warner and Hendrix (1984) estimated that there was only 120,000 acres of riparian habitat remaining in the Central Valley (Sacramento and San Joaquin Valleys combined). Based on Warner and Hendrix's estimates approximately 93% of the San Joaquin Valley and 73% of the Sacramento Valley riparian habitat has been eliminated since 1850.

MANAGEMENT STRATEGIES

Management and mitigation strategies for the Central Valley population of the Swainson's hawk should ensure that:

- suitable nesting habitat continues to be available (this can be accomplished by protecting existing nesting habitat from destruction or disturbance and by increasing the number of suitable nest trees); and

- foraging habitat is available during the period of the year when Swainson's hawks are present in the Central Valley (this should be accomplished by maintaining or creating adequate and suitable foraging habitat in areas of existing and potential nest sites and along migratory routes within the state).

A key to the ultimate success in meeting the Legislature's goal of maintaining habitat sufficient to preserve this species is the implementation of these management strategies in cooperation with project sponsors and local, state and federal agencies.

DEPARTMENT'S ROLES AND RESPONSIBILITIES IN PROJECT CONSULTATION AND ADMINISTRATION OF CEQA AND THE FISH AND GAME CODE

The Department, through its administration of the Fish and Game Code and its trust responsibilities, should continue its efforts to minimize further habitat destruction and should seek mitigation to offset unavoidable losses by (1) including the mitigation measures in this document in CEQA comment letters and/or as

management conditions in Department issued Management Authorizations or (2) by developing project specific mitigation measures (consistent with the Commission's and the Legislature's mandates) and including them in CEQA comment letters and/or as management conditions in Fish and Game Code Section 2081 Management Authorizations issued by the Department and/or in Fish and Game Code Section 2090 Biological Opinions.

The Department should submit comments to CEQA Lead Agencies on all projects which adversely affect Swainson's hawks. CEQA requires a mandatory findings of significance if a project's impacts to threatened or endangered species are likely to occur (Sections 21001 (c), 21083. Guidelines 15380, 15064, 15065). Impacts must be: (1) avoided; or (2) appropriate mitigation must be provided to reduce impacts to less than significant levels; or (3) the lead agency must make and support findings of overriding consideration. If the CEQA Lead Agency makes a Finding of Overriding Consideration, it does not eliminate the project sponsor's obligation to comply with the take prohibitions of Fish and Game Code Section 2080. Activities which result in (1) nest abandonment; (2) starvation of young; and/or (3) reduced health and vigor of eggs and nestlings may result in the take (killing) of Swainson's hawks incidental to otherwise lawful activities (urban development, recreational activities, agricultural practices, levee maintenance and similar activities. The taking of Swainson's hawk in this manner may be a violation of Section 2080 of the Fish and Game Code. To avoid potential violations of Fish and Game Code Section 2080, the Department should recommend and encourage project sponsors to obtain 2081 Management Authorizations.

In aggregate, the mitigation measures incorporated into CEQA comment letters and/or 2081 Management Authorizations for a project should be consistent with Section 2053 and 2054 of the Fish and Game Code. Section 2053 states, in part, "it is the policy of the state that state agencies should not approve projects as proposed which would jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species and or its habitat which would prevent jeopardy" . Section 2054 states: "The Legislature further finds and declares that, in the event specific economic, social, and or other conditions make infeasible such alternatives, individual projects may be approved if appropriate mitigation and enhancement measures are provided."

State lead agencies are required to consult with the Department pursuant to Fish and Game Code Section 2090 to ensure that any action authorized, funded, or carried out by that state agency will not jeopardize the continued existence of any threatened or endangered species. Comment letters to State Lead Agencies should also include a reminder that the State Lead Agency has the responsibility to consult with the Department pursuant to Fish and Game Code Section 2090 and obtain a written findings (Biological Opinion). Mitigation measures included in Biological Opinions issued to State Lead Agencies must be consistent with Fish and Game

Code Sections 2051-2054 and 2091-2092.

NEST SITE AND HABITAT LOCATION INFORMATION SOURCES

The Department's Natural Diversity Data Base (NDDB) is a continually updated, computerized inventory of location information on the State's rarest plants, animals, and natural communities. Department personnel should encourage project proponents and CEQA Lead Agencies, either directly or through CEQA comment letters, to purchase NDDB products for information on the locations of Swainson's hawk nesting areas as well as other sensitive species. The Department's Nongame Bird and Mammal Program also maintains information on Swainson's hawk nesting areas and may be contacted for additional information on the species.

Project applicants and CEQA Lead Agencies may also need to conduct site specific surveys (conducted by qualified biologists at the appropriate time of the year using approved protocols) to determine the status (location of nest sites, foraging areas, etc.) of listed species as part of the CEQA and 2081 Management Authorization process. Since these studies may require multiple years to complete, the Department shall identify any needed studies at the earliest possible time in the project review process. To facilitate project review and reduce the potential for costly project delays, the Department should make it a standard practice to advise developers or others planning projects that may impact one or more Swainson's hawk nesting or foraging areas to initiate communication with the Department as early as possible .

MANAGEMENT CONDITIONS

Staff believes the following mitigation measures (nos. 1-4) are adequate to meet the Commission's and Legislature's policy regarding listed species and are considered as preapproved for incorporation into any Management Authorizations for the Swainson's hawk issued by the Department. The incorporation of measures 1-4 into a CEQA document should reduce a project's impact to a Swainson's hawk(s) to less than significant levels. Since these measures are Staff recommendations, a project sponsor or CEQA Lead agency may choose to negotiate project specific mitigation measures which differ. In such cases, the negotiated Management Conditions must be consistent with Commission and Legislative policy and be submitted to the ESD for review and approval prior to reaching agreement with the project sponsor or CEQA Lead Agency.

Staff recommended Management Conditions are:

1. No intensive new disturbances (e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing

activities) or other project related activities which may cause nest abandonment or forced fledging, should be initiated within 1/4 mile (buffer zone) of an active nest between March 1 - September 15 or until August 15 if a Management Authorization or Biological Opinion is obtained for the project. The buffer zone should be increased to 1/2 mile in nesting areas away from urban development (i.e. in areas where disturbance [e.g. heavy equipment operation associated with construction, use of cranes or draglines, new rock crushing activities] is not a normal occurrence during the nesting season). Nest trees should not be removed unless there is no feasible way of avoiding it. If a nest tree must be removed, a Management Authorization (including conditions to off-set the loss of the nest tree) must be obtained with the tree removal period specified in the Management Authorization, generally between October 1- February 1. If construction or other project related activities which may cause nest abandonment or forced fledging are necessary within the buffer zone, monitoring of the nest site (funded by the project sponsor) by a qualified biologist (to determine if the nest is abandoned) should be required . If it is abandoned and if the nestlings are still alive, the project sponsor shall fund the recovery and hacking (controlled release of captive reared young) of the nestling(s). Routine disturbances such as agricultural activities, commuter traffic, and routine facility maintenance activities within 1/4 mile of an active nest should not be prohibited.

2. Hacking as a substitute for avoidance of impacts during the nesting period may be used in unusual circumstances after review and approval of a hacking plan by ESD and WMD. Proponents who propose using hacking will be required to fund the full costs of the effort, including any telemetry work specified by the Department.

3. To mitigate for the loss of foraging habitat (as specified in this document), the Management Authorization holder/project sponsor shall provide Habitat Management (HM) lands to the Department based on the following ratios:

(a) Projects within 1 mile of an active nest tree shall provide:

- one acre of HM land (at least 10% of the HM land requirements shall be met by fee title acquisition or a conservation easement allowing for the active management of the habitat, with the remaining 90% of the HM lands protected by a conservation easement [acceptable to the Department] on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk) for each acre of development authorized (1:1 ratio); or

- one-half acre of HM land (all of the HM land requirements shall be met by fee title acquisition or a conservation easement

[acceptable to the Department] which allows for the active management of the habitat for prey production on the HM lands) for each acre of development authorized (0.5:1 ratio).

(b) Projects within 5 miles of an active nest tree but greater than 1 mile from the nest tree shall provide 0.75 acres of HM land for each acre of urban development authorized (0.75:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

(c) Projects within 10 miles of an active nest tree but greater than 5 miles from an active nest tree shall provide 0.5 acres of HM land for each acre of urban development authorized (0.5:1 ratio). All HM lands protected under this requirement may be protected through fee title acquisition or a conservation easement (acceptable to the Department) on agricultural lands or other suitable habitats which provide foraging habitat for Swainson's hawk.

4. Management Authorization holders/project sponsors shall provide for the long-term management of the HM lands by funding a management endowment (the interest on which shall be used for managing the HM lands) at the rate of $400 per HM land acre (adjusted annually for inflation and varying interest rates).

Some project sponsors may desire to provide funds to the Department for HM land protection. This option is acceptable to the extent the proposal is consistent with Department policy regarding acceptance of funds for land acquisition. All HM lands should be located in areas which are consistent with a multi-species habitat conservation focus. Management Authorization holders/project sponsors who are willing to establish a significant mitigation bank (> 900 acres) should be given special consideration such as 1.1 acres of mitigation credit for each acre preserved.

PROJECT SPECIFIC MITIGATION MEASURES

Although this report includes recommended Management Measures, the Department should encourage project proponents to propose alternative mitigation strategies that provide equal or greater protection of the species and which also expedite project environmental review or issuance of a CESA Management Authorization. The Department and sponsor may choose to conduct cooperative, multi-year field studies to assess the site's habitat value and determine its use by nesting and foraging Swainson's hawk. Study plans should include clearly defined criteria for judging the project's impacts on Swainson's hawks and the methodologies (days of monitoring, foraging effort/efficiency, etc.) that will be used.

The study plans should be submitted to the Wildlife Management Division and ESD for review. Mitigation measures developed as a result of the study must be reviewed by ESD (for consistency with the policies of the Legislature and Fish and Game Commission) and approved by the Director.

EXCEPTIONS

Cities, counties and project sponsors should be encouraged to focus development on open lands within already urbanized areas. Since small disjunct parcels of habitat seldom provide foraging habitat needed to sustain the reproductive effort of a Swainson's hawk pair, Staff does not recommend requiring mitigation pursuant to CEQA nor a Management Authorization by the Department for infill (within an already urbanized area) projects in areas which have less than 5 acres of foraging habitat and are surrounded by existing urban development, unless the project area is within 1/4 mile of an active nest tree.

REVIEW

Staff should revise this report at least annually to determine if the proposed mitigation strategies should be retained, modified or if additional mitigation strategies should be included as a result of new scientific information.

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STATE OF CALIFORNIA - THE RESOURCES AGENCY GRAY DAVIS, Governor
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Flex your POWER

September 17, 2003

Mr. Patrick Angell
City of Elk Grove
8400 Laguna Palms Way
Elk Grove, CA 95758

Dear Mr. Angell:

The Department of Fish and Game (DFG) has reviewed the Draft Environmental Impact Report (DEIR) for the City of Elk Grove's 2003 draft General Plan. The project consists of an update of the existing General Plan, which was adopted before the City of Elk Grove's incorporation in July 2000. For the next 20 years the proposed General Plan will provide land use designations and guide future development within the City of Elk Grove, as well as the 93,560 acre City of Elk Grove Planning Area (Planning Area) which extends outside the city limits and for which City of Elk Grove has applied to Sacramento County Local Agency Formation Commission (LAFCO) as a Sphere of Influence. The project is located in and around the City of Elk Grove in Sacramento County.

Wildlife habitat resources within the Planning Area consist of a mixture of natural habitat, agricultural lands, and urban development. Significant natural resources of the project include habitat for sensitive species, the Cosumnes River, tributary streams, vernal pools, grasslands, wetlands, and woodland and riparian habitat. Natural resources within the Planning Area are of considerable significance and value. The Nature Conservancy (TNC), Bureau of Land Management, Ducks Unlimited, DFG, U. S. Fish and Wildlife Service, and Sacramento County have all invested significant funds to protect land within the Planning Area expressly because of the high habitat values found there.

Given the significance of the natural resources that occur within the Planning Area, we are concerned that the DEIR does not provide an accurate picture of natural resources in the project area. Unfortunately, DFG finds that the DEIR fails to adequately describe natural resources present in the Planning Area, fails to discuss the potential impacts that may result from the proposed General Plan, and fails to provide mitigation that will off-set probable impacts. Following is a list of the DEIR's deficiencies:

I. Biological Resources Section 4.10:

The Biological Resources section of the DEIR fails to adequately describe wildlife resources. In order to accurately describe the impacts to fish and wildlife that may reasonably be expected to result from the proposed Elk Grove General Plan, the Biological Resources section must be revised to contain information about the actual distribution of species and habitats within the Planning Area. The Biological Resources section consists of information gathered during a single day's field survey conducted on September 27, 2002, and a records-search of databases kept by the California Natural Diversity Database (CNDDB) and California Native Plant Society (CNPS). Review of the Biological Resources section's methodology (Page 4.10-38) reveals that the DEIR's biological analysis, with little or no exception, consists of merely reciting database records.

This approach to impact analysis is flawed for a variety of reasons. The CNDDB contains "positive observations" only. That is, CNDDB records will not tell you whether a given species of plant or animal occupies a particular area, or not. It merely records where species were once observed, provided that a record was submitted. In its License Agreement with its users the CNDDB cautions that:

> *"...we cannot, and do not, portray the CNDDB as an exhaustive and comprehensive inventory of rare species and natural communities. Field verification for the absence and presence of sensitive species will always be an important obligation of our customers."*

While CNDDB records are useful in identifying the list of species likely to inhabit the project site, database searches should never be used in place of actual field surveys or contact with knowledgeable individuals. The above CNDDB caveat warns that use of CNDDB information alone, can in many cases grossly misrepresent the distribution of wildlife. In addition to the inherent limitation of CNDDB noted above, the database incorrectly describes the distribution of more common species of wildlife simply because they are under-reported, and there is the well known lack of CNDDB records on private property because of limited access. These criticisms are not meant to denigrate CNDDB, but rather to point out the improper use of CNDDB records in the preparation of this DEIR. CNDDB does not provide a comprehensive inventory of wildlife within the Elk Grove Planning Area because it was never designed for this purpose.

The DEIRs analysis of impacts to the greater sandhill crane serves to illustrate the types of errors and attendant non-disclosure of impacts which results from using CNDDB as the only source of biological information. The DEIR states that "No records for this species (greater sandhill crane) are listed in the CNDDB". First of all, a check with the CNDDB revealed that prior to August 2003; the CNDDB did not track wintering sandhill cranes. Secondly, while prior to August 2003, the CNDDB contained no records for wintering sandhill cranes, DFG was, none-the-less, actively monitoring

greater sandhill crane use in the vicinity. Surveys conducted by DFG during November 2001, located sandhill crane nocturnal roosts within 2 miles of the Planning Area, at which time over 1,200 cranes were counted. Furthermore, in 2001, TNC prepared a report which identified important sandhill crane foraging areas surrounding the Cosumnes Preserve. All of this information was available upon request. Our point here is that in addition to database records the DEIR should contain all relevant information, such as, contact with State or Federal wildlife agency biologists, contact with local experts and conservation organizations (TNC, Audubon Society, CNPS, etc), as well as, focused surveys that are designed to identify suitable habitats and describe wildlife resources within the Planning Area.

In order to remove the deficiencies noted above and provide the information necessary to inform decision makers about the potential significant impacts of the proposed General Plan, we recommend that the Biological Resources Section be revised to include:

1. Information about the distribution of wildlife within the Planning Area. At a minimum, the DEIR should identify suitable habitat areas within the Planning Area and its vicinity. Suitable habitat areas should be assessed to determine there value to target species. When there is doubt of the habitat area's value to target species, then the DEIR should contain the results of field surveys that are designed to disclose the presence and status of State- or Federally-listed rare, threatened, or endangered species, and other species of concern. These surveys should be conducted at the time of year when endangered or threatened species are both evident and identifiable. As part of its analysis, the DEIR should also contact local wildlife agencies, conservation groups, and experts with knowledge of the distribution of wildlife within the Planning Area.

2. A map or maps showing the location and amounts of the various habitats types within the Planning Area. Figure 4.10-1 shows habitat with the Elk Grove City limits only. The DEIR should contain a map that shows the location of the various habitats throughout the Planning Area. Particular attention should be given to unique habitats like wetlands, riparian corridors, vernal pool grasslands, or habitats known to support sensitive species, such as, Sandhill crane roosts/foraging area, Swainson's hawk nests, etc.

3. Proper use of CNDDB information. Citation of the CNDDB records should be used to augment other data and aid in the accurate description of the distribution of species within the Planning Area. As written, however, the Biological Resources section consists of a recitation of "No records for this species are listed" giving an overall impression that there are no new natural resources within the Planning Area. Our experience with the planning area is that this is not an accurate depiction, and the understatement of natural resource value results from an improper use of CNDDB. Also, the use of CNDDB information should be

limited to species that are currently being tracked by CNDDB. The DEIR uses CNDDB records information to analysis the status of the oak titmouse (*Baeolophus inornatus*), Nutall's woodpecker (*Picoides nuttallii*), and grasshopper sparrow (*Ammodramus savannarum*) within five miles of the Planning Area. For each of the species the DEIR observes that "No records for this species are listed in the CNDDB within the Planning Area vicinity". However, a check with the staff at CNDDB revealed that these three species are not even tracked by CNDDB. And the database would, therefore not contain any records for them.

II. Project Impacts and Proposed Mitigation Measures:

The DEIR identifies the impacts to wildlife resulting from the proposed General Plan (Impacts 4.10-1 through 4.10-4). To summarize the DEIR's description of the project impacts, they consist of: direct or indirect impacts to habitat of special status plants, special status animals and associated habitat, sensitive habitat areas, and cumulative impacts to special status plants and wildlife through habitat loss. The DEIR provides mitigation for these impacts in two forms, either through Policies and Action Items within the General Plan, and/or mitigation proposal contained in the DEIR (Mitigation Measures MM 4.10-1 through MM 4.10-3).

MM 4.10-1a:

This Mitigation Measure consists of a proposal to, "*...seek to preserve areas, where feasible, where special-status plant and animal species and critical habitat areas are known to be present or potentially occurring ...*" Similarly, Parks Trails and Open Space policy PRO- 5 of the draft General Plan proposes to preserve open space lands for a variety of needs including wildlife habitat. However, neither the General Plan, nor the DEIR give the location of areas that are planned to mitigate the effects of the project upon wildlife, either in the City Limits, or within the greater Planning Area.

MM 4.10-1a has an additional inadequacy related to the source of information proposed to locate special status resource areas. The location of these special status resource areas are to be based on information contained in the, "*...City biological resource mapping and data provided in General Plan EIR or other technical material...*". As noted above, neither the General Plan nor the DEIR currently contain accurate information about the distribution of special status species or their habitats, and the "other technical materials" mentioned in the DEIR were not made available for review. What the DEIR does contain is CNDDB records information, and as noted, these records alone will not provide the information needed to plan preserves that benefit special status plants and animals. Since the location of special status plants and animals and their habitat remain undisclosed, Mitigation Measure MM4.10-1a is infeasible.

We recommend that Mitigation Measure 4.10-1a be revised to include information about the location of special status species and their habitat (see comments on the Biological Resources section), as well as the location and extent of areas that are to be set-aside to mitigate the impact to them. This information should be in sufficient detail to be useful in identifying the location and extent of preserves which would function to off-set the impacts identified in Impacts 4.10-1, 4.10-2 and 4.10-3.

MM 4.10-1b:

Similar to MM 4.10-1a, this measure relies on resource information purportedly contained in the General Plan or the DEIR. Measure MM 4.10-1b requires that a biological resources evaluation be conducted on private and public development projects in areas where, based on the *"...City's biological resource mapping and data provided in General Plan EIR..."* special status resources occur onsite. As mentioned in MM 4.10-1a and comments on the Biological Resources section above, the DEIR doesn't contain adequate information regarding the distribution of special status species or their habitats, and therefore would not be useful in identifying where biological resources evaluations should be preformed. For these reasons we find this mitigation measure infeasible without the revisions noted above in comments on the Biological Resources section.

We recommend that Mitigation Measure 4.10-1b be revised to:

1. Revise the DEIR to include information about the location of habitat for special status species (see comments on the Biological Resources section). This information should be in sufficient detail to be useful in identifying areas where a biological resource evaluation may be necessary in order to avoid impacting special status plants or animals.
2. Remove the provision calling for "relocation of the species to another suitable habitat area." Be removed from 4.10-1b. This measure may result in "take" under the State Endangered Species Act, as well as, having no positive benefit as a mitigation measure.

MM 4.10-3:

This mitigation measure is intended to off-set impacts to sensitive habitats. Sensitive habitat is described on page 4.10-37 of the DEIR, and includes: lakes, intermittent and perennial streams, rivers, irrigation ditches, seasonal marsh, seasonal wetlands, and vernal pools, native and some non-native trees, and riparian habitat. However, Mitigation Measure MM 4.10-3 only requires mitigation for impacts to riparian areas.

In addition to MM 4.10-3's requirement for mitigation of loss of riparian habitat, we recommend that the measure be revised to include a requirement to mitigate impacts to all sensitive habitats. We recommend that for streams, rivers, and lakes

mitigation be based on DFG's standard recommendations under 1600 of the Fish and Game Code. Intermittent streams should be affording a minimum 50 foot setback on either side of the stream, and perennial streams should be afforded a minimum 100 foot setback. Setbacks should be measured from the top of the bank, or the edge of riparian vegetation, which ever is greater. Within the setback no grading, construction, or destruction of vegetation should be allowed. Mitigation for unavoidable impacts to vernal pools, seasonal and perennial wetlands should be based on guidelines established by the U.S. Fish and Wildlife Service and the Army Corps of Engineers. Buffers should be expanded to protect any onsite riparian habitat or sensitive special status species (i.e. tiger salamander).

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

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

Thank you for the opportunity to review the DEIR and draft General Plan. If the DFG can be of further assistance, please contact Mr. Dan Gifford, Senior Wildlife Biologist, telephone (209) 369-8851 or, Ms. Terry Roscoe, Habitat Conservation Supervisor, telephone (916) 358-2382.

Sincerely,

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Deputy Program Manager

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Elk Grove Market Study

December 29, 2010

Prepared for:

City of Elk Grove

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CITY OF ELK GROVE
PROUD HERITAGE. BRIGHT FUTURE.

December 20, 2010

Subject: Elk Grove Market Study

I am pleased to present the culmination of a two-year collaborative effort between the City of Elk Grove and representatives from numerous sectors, including education, business, development, agriculture, community, non-profit, and other governmental agencies. In 2009, the City began to undertake a study to determine the City's long term land use needs so that future growth is appropriately allocated. The participation of stakeholders with a broad range of backgrounds and experience resulted in the scope of work for this study. The scope covered future land use needs as well as an economic development element intended to identify key sectors for economic growth and their associated land use needs.

After a thorough analysis of growth projections, current demographics, existing land uses, vacant land, and numerous other data sources, the Center for Strategic Economic Research (CSER) has developed a report that provides keen insight into the City's future. The study also acts as a guide to prepare for that future by identifying strategies to provide for future growth and to develop a stronger economic foundation.

During the Stakeholder meeting process, a number of individuals volunteered their time to serve as members of the Market Study Steering Committee. The members assisted with finalizing the scope of work for the project, selecting a consultant to complete the study, and reviewing the completed Market Study. I am grateful to these individuals and thank them for their time and assistance with this project:

Dennis Barksdale, Business
Jim Cline, Utilities
John Costa, Residential Development
Steve Czarnecki, Economic Development
Leo Fassler, Community
John Ferguson, Commercial Development
Jim Alves, Utilities
Marcela Iglesias, Education
Regina Lugani, Government
Gregg Mason, Commercial Broker
Charlotte Mitchell, Agriculture
Tim Moran, Medical Sector
John Pappas, Commercial Development
Rob Pierce, Education
Darren Suen, Residential Development
Angi Perry, Business
Jack Williams, Business
Ardie Zahedani, Development

Sincerely,

Laura S. Gill

Laura S. Gill
City Manager

Key Concepts

The City of Elk Grove commissioned the Center for Strategic Economic Research (CSER) and Economic & Planning Systems, Inc. (EPS) to conduct a market study examining economic development opportunities and land use needs for the City of Elk Grove. The Market Study was designed to supplement the City's ongoing assessment of future growth areas and the community's economic development strategic planning efforts. The information below highlights the key concepts from each chapter of the Market Study report.

Economic and Demographic Profile

- In the past decade, the Sacramento Region's population grew by close to 24 percent while employment increased by almost 8 percent, growth significantly above the statewide and national averages. Elk Grove has been a major contributor to and recipient of this growth with its population increasing by 66,000 residents since the City's 2000 incorporation and employment supported by establishments in the area growing by 8,000 jobs in the same time period. Currently, the City contains approximately 6 percent of all residents in the Region with a slightly larger share of labor force and establishments and a notably lower proportion of housing units, commercial real estate square footage, taxable sales, and employment.

- In 2008, Elk Grove's nearly 5,300 private and public sector establishments supported around 29,000 jobs. Elk Grove's economy is much less diversified than the larger Sacramento Region as well as the state. Five major sectors make up the majority of the total employment in Elk Grove including Retail Trade; Government & Unclassified; Construction; Accommodation & Food Services; and Professional, Scientific, & Technical Services. Around 22 percent of Elk Grove employment is supported by base activities that bring net new wealth into the community, a much lower share than in the Sacramento Region. Five of the 20 major sectors in Elk Grove support a mix of base and local-serving components, five sectors are comprised entirely of base activities, and 10 sectors solely include local-serving components.

- With over 48,000 housing units in 2009, Elk Grove contains approximately 5 percent of the residential real estate in the Sacramento Region—well-reputed schools, desirable parks and recreational amenities, and relatively affordable home prices have proven attractive to first-time buyers and family households. Per capita levels of commercial real estate development show that the Elk Grove submarket is below other competitive submarkets and the Sacramento Region overall in terms of industrial, office, and retail space. Although neighborhood and community retail centers display low vacancy rates and appear healthy given larger economic issues, Elk Grove's retail market seems to be underperforming particularly with regard to regional retail as taxable sales levels on a per capita basis are below regional benchmarks.

Competitiveness

- Elk Grove supports a lower jobs-household balance (0.62) than the five comparative areas with considerably fewer jobs than households. Only Folsom maintains a ratio of less than 1.0 with Rancho Cordova, Roseville, and Corona supporting a generally healthy balance and Pleasanton showing an employment-heavy ratio over 2.0. None of the comparative areas show worker outflow rates as high as Elk Grove—when worker inflow is accounted for, all the comparative areas see a greater number of in-commuters than out-commuters with inflow-outflow ratios ranging from about 109 percent in Corona to close to 206 percent in Rancho Cordova. In Elk Grove, only approximately 47 percent of the number of workers that leave the local area for work are replaced by workers coming into the City for jobs.

- Elk Grove ranked fourth among the six measured areas on the 2010 Business Vitality Index falling behind only Pleasanton and Folsom. Rancho Cordova and Corona placed below Elk Grove with the latter showing a notable gap in performance versus Elk Grove and the top-performing areas. Overall, the Index suggests that Elk Grove presents a somewhat weak competitive position relative to the five comparative areas—in certain cases, it should be able to compete well with the two areas it outranked and needs to improve its performance and competitive assets to compare favorably with the three areas it fell behind.

- Elk Grove ranks as an "average" cost area for doing business compared to over 400 other jurisdictions in the country (with more than half in California) according to the 2009 *Cost of Doing Business Survey*, which takes taxes, fees, and economic development programs into consideration. Of the measured areas in the Sacramento Region, Elk Grove is one of three that are classified as average cost area (along with Citrus Heights and unincorporated Sacramento County)—four other areas in the Region rank as low or very low cost areas including Folsom, Rocklin, Roseville, and unincorporated El Dorado County. Further analysis of taxes, fees, and incentives in Elk Grove and its regional competitors supports the conclusion that the City presents an average cost of doing business.

Economic Development Potential

- A few of Elk Grove's major industry sectors in particular should pique the interest of economic development efforts based on unique characteristics—Construction; Wholesale Trade; Retail Trade; Information; Real Estate & Rental; and Professional, Scientific, & Technical Services. For those sectors that have seen healthy conditions in the past decade, economic development efforts can help build upon this growth by mitigating barriers and looking for unique opportunities to take advantage of emerging business trends in the Sacramento Region such as green building, clean energy technology, sustainability, and healthcare information management.

- While, like many cities, Elk Grove does not necessarily possess fully-integrated industry clusters, there are certainly core activities within the local economy that

already play a role in or can be networked into larger clusters that have a regional presence or are more broadly geographically dispersed. Breaking apart Elk Grove's major sectors into their more narrowly-defined components reveals that nine clusters present economic development potential in the City based principally on economic performance within the core activities grouped into the clusters as well as input from local leaders. These clusters include Business Services; Creative; Finance & Insurance; Food; Government; Medical; Real Estate; Local Services; and Transportation.

- There are a handful of commonly-recognized factors that point to a specific area's economic development potential related to business creation, retention, expansion, and attraction across nearly all major sectors and clusters. Among the nine factors, only three elicit perceptions that tip the scale into positive territory for Elk Grove including workforce size and quality, consumer base size and quality, and access to markets. With six of the nine key factors in neutral or negative territory, there are clearly some real issues affecting economic development potential in the City.

Development Scenarios

- For purposes of comparing the supply of vacant land within Elk Grove to the demand generated by population and employment growth over the next 20 years, two separate growth scenarios were created through 2029. Both scenarios assume an increase of over 52,000 residents and 19,000 households between 2009 and 2029. Scenario 1, the low land use consumption scenario, projects that employment growth in Elk Grove will generate approximately 13,600 new jobs from 2009 to 2029. Under Scenario 2, the high land use consumption scenario, new job growth is anticipated to create approximately 20,900 jobs through 2029.

- Total estimated land supply under each of the two scenarios is approximately 3,100 acres. Under Scenario 1, the projected demand for developable land totals approximately 3,300 acres. Scenario 2 shows estimated demand for developable land at a total of approximately 4,500 acres. Overall, the results of the land supply and demand analysis support the need for an additional 200 to 1,400 acres of land to accommodate projected 2029 levels of demand.

- Both growth scenarios assume roughly 67,000 households in 2029 with a jobs-household ratio of 0.54 in the low land use consumption scenario and 0.72 in the high land use consumption scenario. In order to reach the low ratio of 0.8 from the comparative areas, Elk Grove would need nearly 54,000 jobs in 2029, about 10 percent higher than the more aggressive jobs level incorporated in the high land use consumption scenario. To realize the average ratio across the comparative areas of 1.5, Elk Grove would need close to 101,000 jobs in 2029, which is about 106 percent higher than the high land use consumption scenario jobs projection.

Market Strategy

- Elk Grove has the potential to experience a future with more desirable outcomes and a stronger business climate than what it has historically experienced. However, fundamental building blocks need to be put in place in order to do so. First and foremost, there is a recognized need for additional physical assets in the community, such as a wide range of inter-related residential products, civic and cultural amenities, and well positioned commercial sites, in order to create a stronger competitive position and build economic vitality. The planning and development horizon associated with building long-term physical assets can be lengthy. Therefore, while the planning and development processes are underway, Elk Grove should take the opportunity to expand the narrowly-focused economic development program and implement more strategic approaches to maximize the economic growth potential based on its current competitive position.

- The five-year market strategy includes a broad vision and two guiding principles that overlay a set of six strategies split equally between real estate and land use and economic development topics:

  Vision: Enhance economic well-being and quality of life, improve the job-housing balance, create employment opportunities for residents, and build economic stability by facilitating job creation and economic diversification

  ⇒ *Guiding Principle 1: Attract investment by simplifying and reducing up-front costs of entitlement and infrastructure while delivering prioritized, high-quality facilities*
  ⇒ *Guiding Principle 2: Structure economic development investments around a performance-based system to encourage strong leadership and effective use of funds*

  ➡ *Strategy 1: Create a process for long-term planning including the Sphere of Influence, area surrounding the mall, and other major assets to proactively shape the future around economic vitality*
  ➡ *Strategy 2: Activate and intensify primary TOD and other high profile infill and redevelopment sites, creating close proximity between residential, employment, entertainment, and recreational uses*
  ➡ *Strategy 3: Improve Elk Grove's competitive position for regional growth by facilitating and supporting private investment in a major, high profile new business park, targeted to office, R&D, light industrial, heavy industrial warehouse/distribution, and campus users*
  ➡ *Strategy 4: Develop a business retention and expansion program to enhance the local business climate and job creation*
  ➡ *Strategy 5: Create strategic groupings of targeted industries for business attraction efforts to diversify the economy and grow the economic base*
  ➡ *Strategy 6: Develop a comprehensive economic development marketing plan to build visibility for the community, local businesses, and programs*

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Introduction

The City of Elk Grove commissioned the Center for Strategic Economic Research (CSER), an economic research and consulting group affiliated with the Sacramento Area Commerce and Trade Organization (SACTO), to conduct a market study examining economic development opportunities and land use needs for the City of Elk Grove. The Market Study was designed to supplement the City's ongoing assessment of future growth areas and the community's economic development strategic planning efforts. CSER partnered with Economic & Planning Systems, Inc. (EPS), an urban economics consulting firm, to build a consultant team with a full complement of regional economics, economic development, and real estate and land use expertise. The Market Study was conducted between February and November 2010 and included reviews of published studies and documents, technical analysis using publicly-available, proprietary, and internally-developed data sets, a series of interviews with more than 30 local and regional leaders and businesses, case studies of five competitive and comparative communities in the state, and strategic engagement with a City-organized Steering Committee consisting of 19 members and four City representatives.

This report assembles the five core components of the Market Study. The first chapter provides an overview of key economic and demographic characteristics in the City to establish the context for the economic development and land use analysis. The second chapter explores Elk Grove's competitiveness based on comparisons to other areas in the state and focuses on community characteristics, business vitality, and cost of doing business. Chapter three summarizes key aspects defining economic development potential in Elk Grove and includes analyses of strengths, weaknesses, opportunities, and threats, viable sectors and clusters, and business factor perceptions. Two development scenarios are presented in the fourth chapter along with an evaluation of the possible gap between land supply and future demand. The final chapter provides a market strategy incorporating an overarching vision, two guiding principles, and six strategies equally split between real estate and land use and economic development. In addition to the five main sections, three appendices are included containing an overview of the Market Study research methodology, a roster of the Market Study Steering Committee, and an outline of the National Establishment Time Series (NETS) database structure.

The City of Elk Grove, incorporated in July 2000, is one of 24 cities in the six-county Sacramento Region (shown in Figure 1). The 2.3 million-person Region, which includes El Dorado, Placer, Sacramento, Sutter, Yolo, and Yuba Counties, is one of the fastest-growing and most dynamic regions in California. Elk Grove is located in the southern portion of the Region within Sacramento County and sits between two of the Region's key north-south transportation corridors, Interstate 5 and State Route 99. In the past decade, the Sacramento Region's population grew by close to 24 percent while employment increased by almost 8 percent (reaching a total of 889,000 jobs), growth significantly above the statewide and national averages.[1] Elk Grove has been a major contributor to and recipient of this growth. Currently, the City contains approximately 6

[1] Data Sources: U.S. Census Bureau, U.S. Bureau of Labor Statistics, CA Department of Finance, and CA Employment Development Department

percent of all residents in the Region with a slightly larger share of labor force and establishments and a notably lower proportion of housing units, commercial real estate square footage, taxable sales, and employment (as illustrated in Figure 2). Strong regional growth is projected to continue over the next decade as the economy moves out of the current recession and the inland parts of the state are expected to absorb the most growth.

FIGURE 1
SACRAMENTO REGION MAP

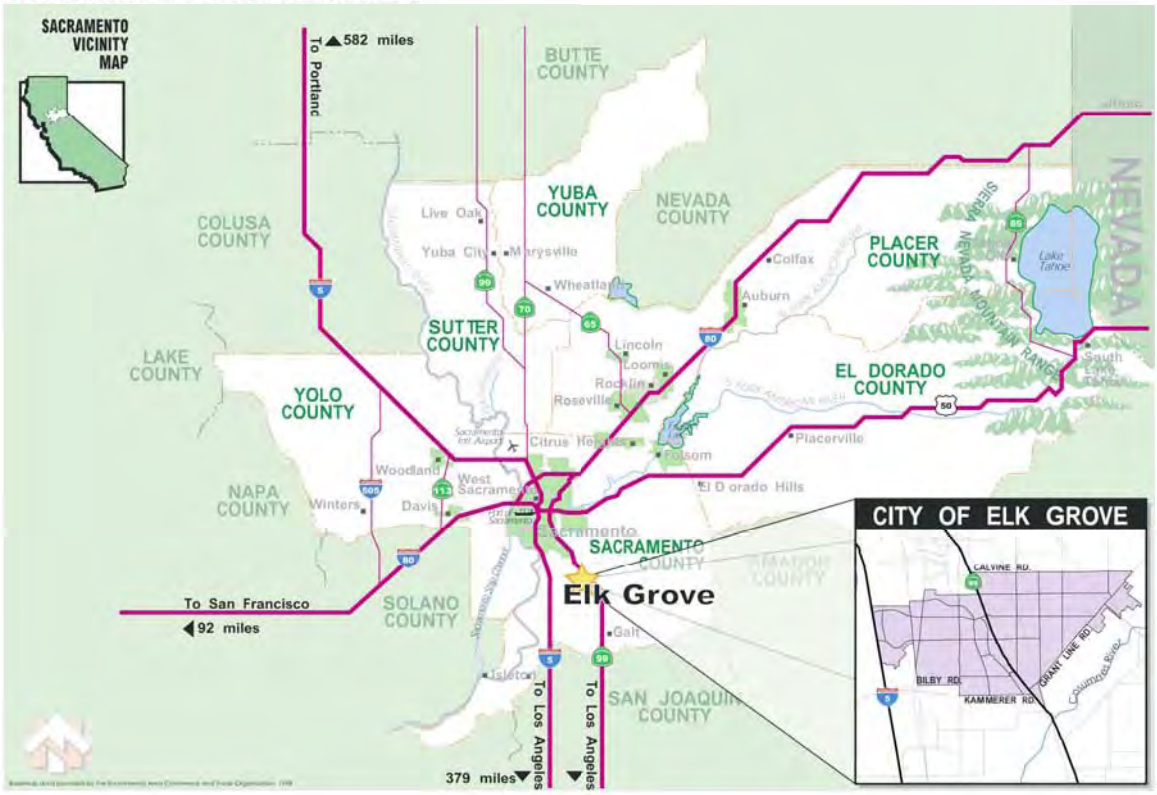
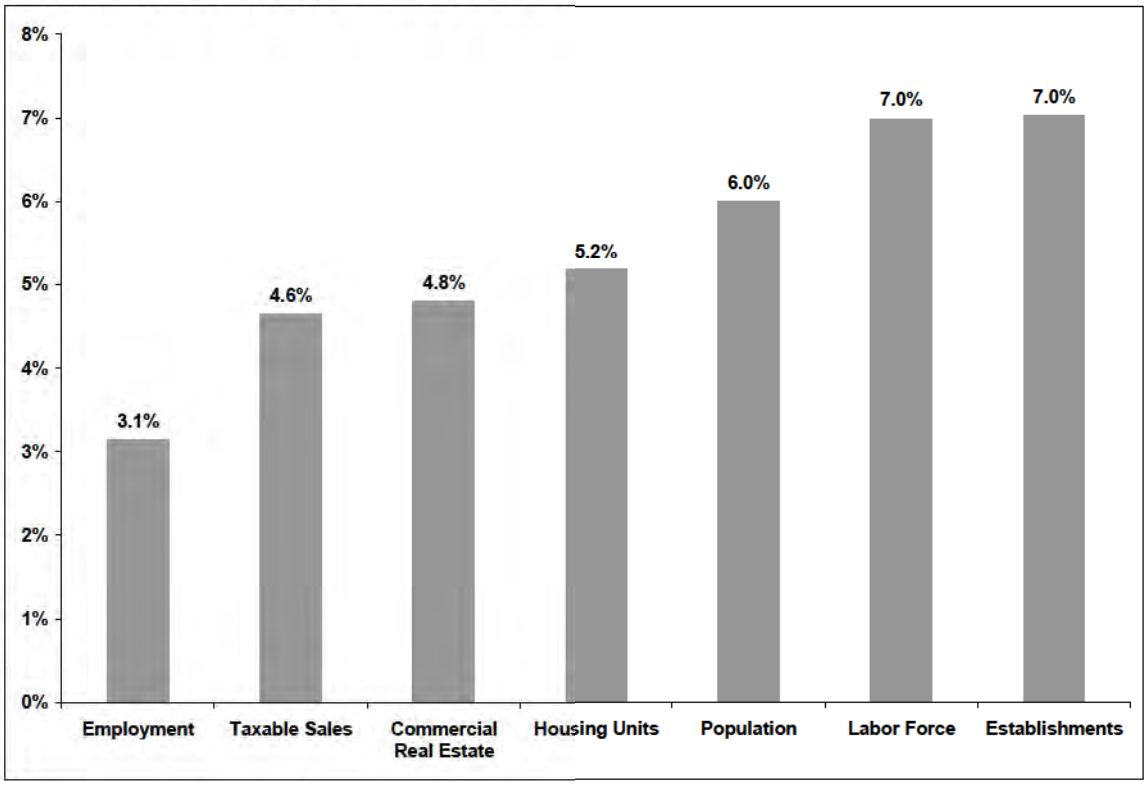


FIGURE 2
ELK GROVE SHARE OF SACRAMENTO REGION



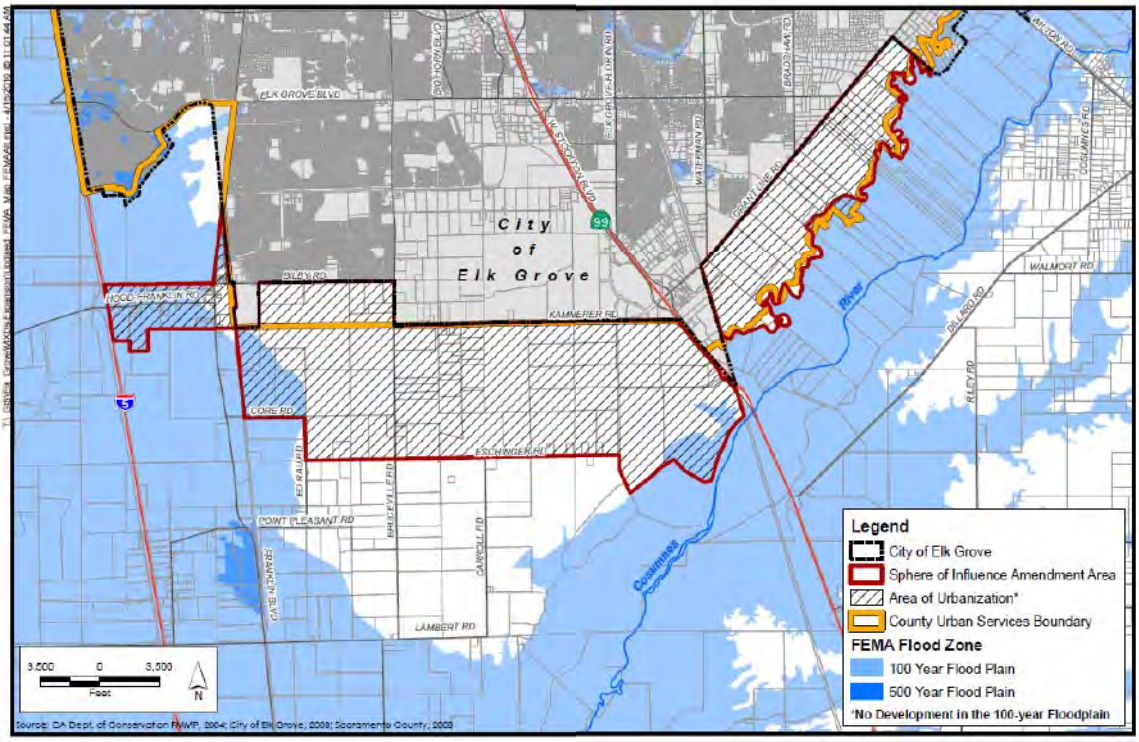
Center for Strategic Economic Research, November 2010
Data Sources: CSER estimates based on:

- National Employment Time Series database
- CA Employment Development Department, Employment by Industry Data
- Moody's Economy.com
- ReferenceUSA
- CA Board of Equalization, Taxable Sales in California
- CA Department of Finance, Population Estimates for Cities, Counties, and State
- ESRI Business Analyst Online
- CB Richard Ellis, Market View Reports
- Grubb & Ellis, Market Snapshot Reports
- U.S. Bureau of Labor Statistics, Quarterly Census of Employment and Wages

Note: Commercial real estate reflects the average share of submarket square feet for industrial, office, and retail properties.

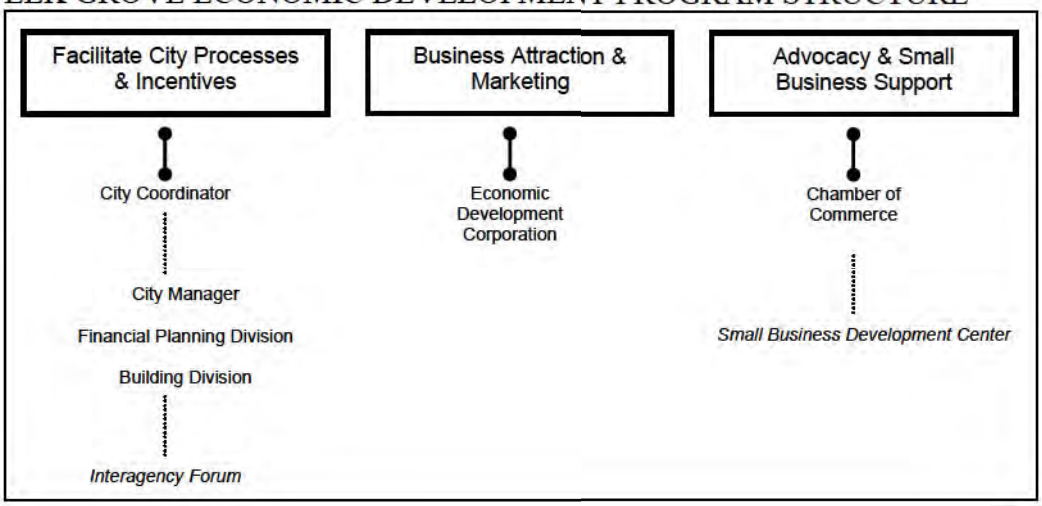
The City is currently undertaking a multi-year process of planning for future growth and development. In this process, the City has proposed amending its Sphere of Influence area (SOI) to include areas immediately south and southeast of the existing boundaries (shown in Figure 3). Future annexation and subsequent General Plan and zoning designation for this area will ultimately require the City to identify projected land use needs to ensure growth is appropriately allocated.

FIGURE 3
SPHERE OF INFLUENCE AREA MAP



Economic development efforts in Elk Grove are currently housed in three main entities including the City of Elk Grove, Elk Grove Economic Development Corporation, and Elk Grove Chamber of Commerce (depicted in Figure 4). These entities are primarily focused on helping companies navigate City processes and incentives, marketing Elk Grove to attract new business locations, and advocating on behalf of existing businesses and providing assistance to small businesses. The City has been working cooperatively with the Economic Development Corporation to identify a long-term vision and resources needed for sustainable economic development and jobs creation in Elk Grove.

FIGURE 4
ELK GROVE ECONOMIC DEVELOPMENT PROGRAM STRUCTURE



Economic and Demographic Profile

The information presented in this section establishes the context for the study by providing an overview of key economic and demographic characteristics in the City. Factors are organized into three sections—resident, business, and real estate—with the most current annual data at the time of analysis presented along with historical data and comparisons to other benchmark areas provided in some cases.

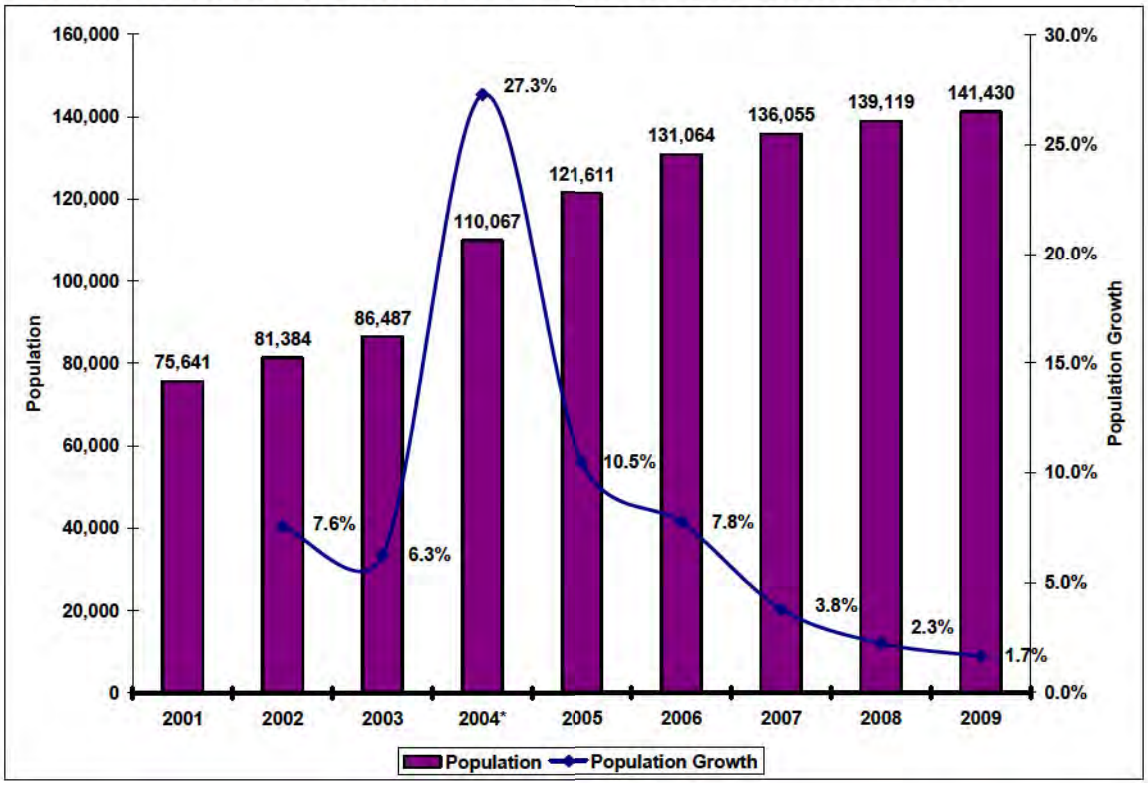
Resident Overview

This section covers information related to Elk Grove's residents including population, income, educational attainment, employment, and commuting patterns. Much of the data presented in this section provide a snapshot of 2009 conditions, while historical data are provided back to 2001, the first year following incorporation.

Figure 5 shows that, since 2001, Elk Grove's population increased by nearly 66,000 to around 141,000 residents in 2009, comprising about 6 percent of the six-county Sacramento Region's population. Elk Grove annexed the Laguna West-Lakeside CDP in 2003, adding about 15,000 people to the City's total population in addition to the internal annual population change of about 8,600 residents (as reflected in the high annual growth rate for 2004 in Figure 5). The substantial population gain since incorporation has made Elk Grove the Sacramento Region's second-largest incorporated city (behind Sacramento) and placed it among the state's top 40 largest cities. The City's nearly 29 percent growth rate in the 2004-2009 period far exceeded that of the Sacramento Region (around 8 percent), state (nearly 6 percent), and nation (close to 5 percent).[1] Elk Grove's annual population growth rates have been steadily decreasing showing approximately 2 percent growth from 2008 to 2009, down from a non-annexation period peak of about 11 percent in 2005. Elk Grove's large market size allows the City to offer a labor market and customer base at a scale that can attract the attention of businesses.

[1] Data Sources: CA Department of Finance and U.S. Census Bureau

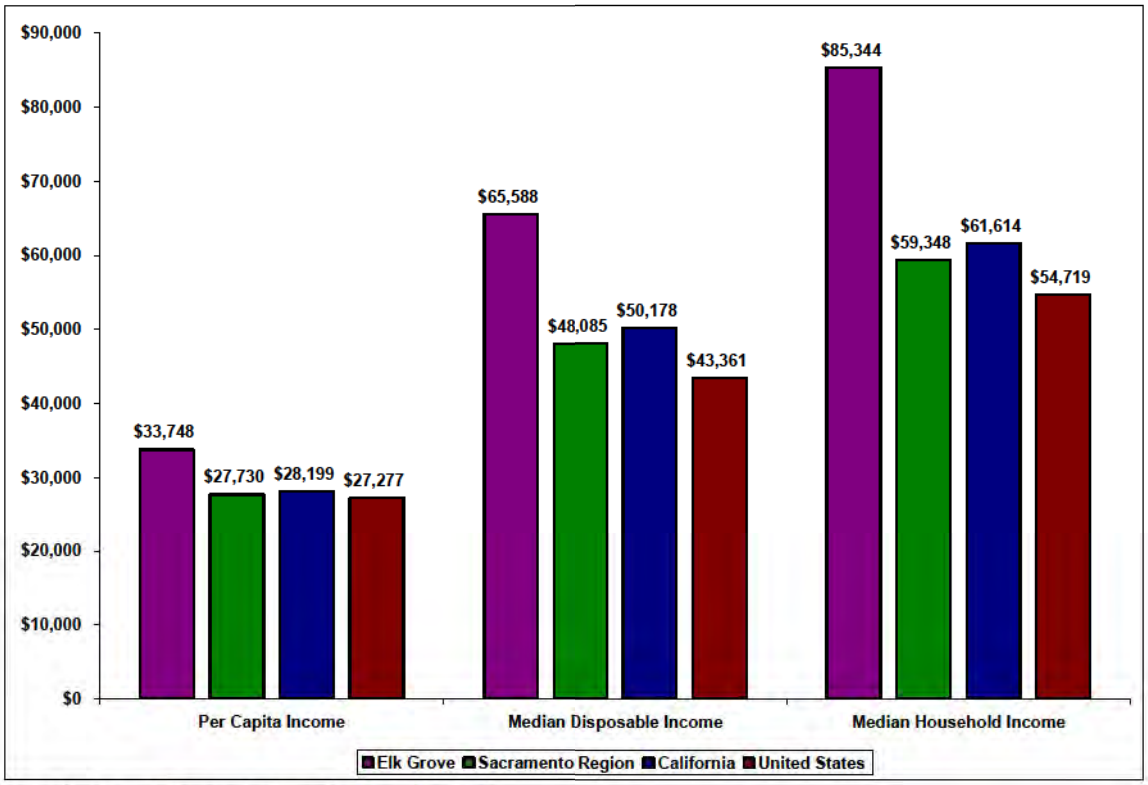
FIGURE 5
ELK GROVE POPULATION AND ANNUAL POPULATION GROWTH



Center for Strategic Economic Research, November 2010
Data Source: CA Department of Finance, Population Estimates for Cities, Counties, and State, 2001-2009
*Note: Laguna West annexation occurred in 2003, adding approximately 15,000 residents to Elk Grove's total population resulting in a spike in annual population growth in the 2003 to 2004 time period.

Figure 6 shows that Elk Grove's median disposable income, per capita income, and median household income are considerably higher than the Region, state, and nation. Retail and other local-serving businesses are typically attracted to areas with high disposable income. These high income levels show the economic-well being of Elk Grove's residents and the ability of the population to support the growth of local-serving businesses.

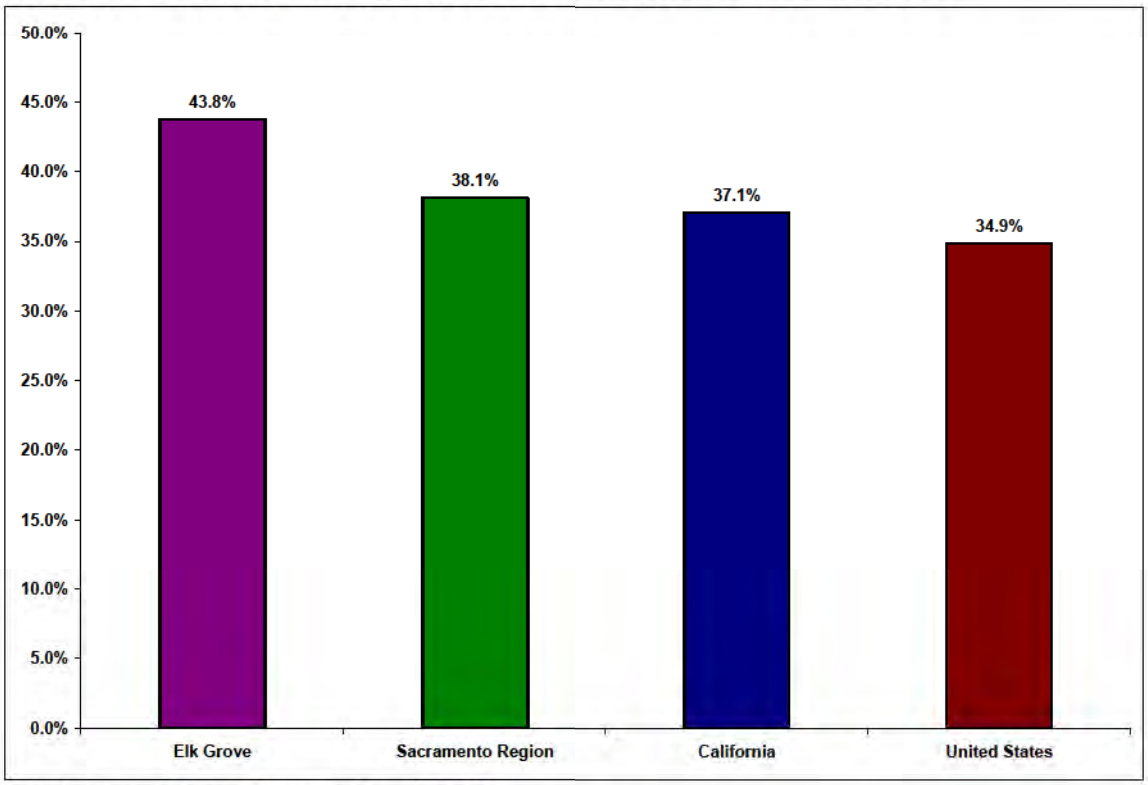
FIGURE 6
2009 INCOME LEVELS



Center for Strategic Economic Research, November 2010
Data Sources: ESRI Business Analyst Online, 2009 Market Profile and Retail MarketPlace Profile

The availability of a highly-educated workforce is a significant factor in an area's long-term economic growth as it attracts new businesses and contributes to the success of already established businesses. Figure 7 demonstrates that the proportion of Elk Grove's population that has earned some form of a postsecondary degree (associate and above), nearly 44 percent, is much higher than the regional, statewide, and national averages.

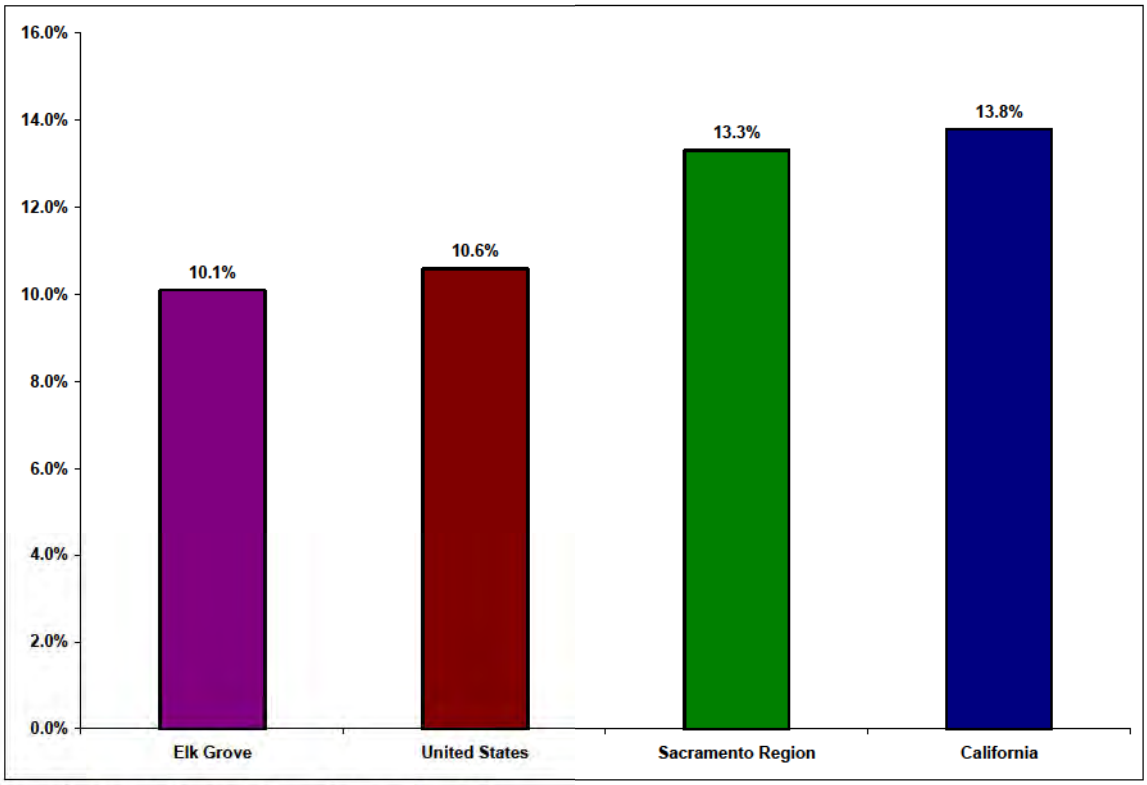
FIGURE 7
ASSOCIATE DEGREE AND ABOVE EDUCATIONAL ATTAINMENT



Center for Strategic Economic Research, November 2010
Data Source: U.S. Census Bureau, 2006-2008 American Community Survey

Figure 8 shows that, with an unemployment rate at slightly over 10 percent, Elk Grove fares better than the Sacramento Region and California (with rates at roughly 13 and 14 percent, respectively) and is close to the national average (at around 11 percent). The recession has had a significant impact on unemployment rates across the country, but Elk Grove's residents appear to be employed to a greater extent than the rest of the country and state.

FIGURE 8
2009 UNEMPLOYMENT RATES



Center for Strategic Economic Research, November 2010
Data Source: ESRI Business Analyst Online, 2009 Market Profile Report

Figure 9 depicts occupations held by working residents of Elk Grove, the Sacramento Region, and the state. The top occupations among Elk Grove residents are in the Office and Administrative Support; Sales & Related; Management; Business & Financial Operations; and Healthcare Practitioners & Technical categories which, combined, make up nearly 54 percent of employment and are held by 37,000 residents. The Sacramento Region and California share the same top three occupational categories. The Construction & Extraction occupational category is the fourth-largest in these comparative areas while Business & Financial Operations and Production rank fifth in the Sacramento Region and California, respectively.

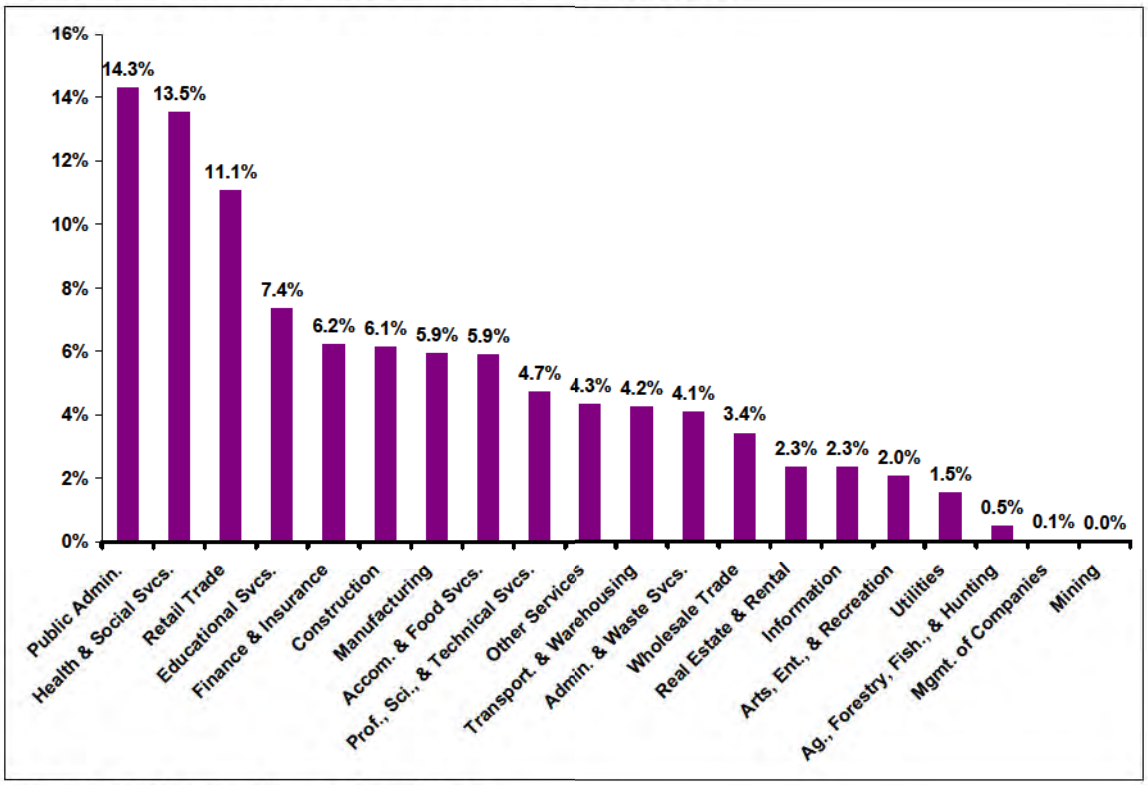
FIGURE 9
RESIDENT OCCUPATIONAL EMPLOYMENT

	Elk Grove		*Sacramento Region**		*California*	
Occupation Title	*Total*	*Composition*	*Total*	*Composition*	*Total*	*Composition*
All Occupations	*69,379*	-	*1,024,279*	-	*16,834,866*	-
Office and Administrative Support	11,011	15.9%	154,629	15.1%	2,348,868	14.0%
Sales and Related	8,759	12.6%	121,699	11.9%	1,965,711	11.7%
Management	8,182	11.8%	104,358	10.2%	1,669,259	9.9%
Business and Financial Operations	5,111	7.4%	56,798	5.5%	786,748	4.7%
Healthcare Practitioners and Technical	4,034	5.8%	45,535	4.4%	709,881	4.2%
Education, Training, and Library	3,600	5.2%	55,111	5.4%	908,412	5.4%
Transportation and Material Moving	3,084	4.4%	52,599	5.1%	948,155	5.6%
Construction and Extraction	3,029	4.4%	64,062	6.3%	1,013,673	6.0%
Computer and Mathematical	2,957	4.3%	34,267	3.3%	447,322	2.7%
Food Preparation and Serving Related	2,766	4.0%	55,197	5.4%	857,111	5.1%
Production	2,256	3.3%	36,943	3.6%	957,383	5.7%
Personal Care and Service	2,252	3.2%	39,358	3.8%	656,569	3.9%
Protective Services	2,121	3.1%	24,764	2.4%	352,887	2.1%
Installation, Maintenance, and Repair	2,076	3.0%	31,578	3.1%	521,707	3.1%
Building and Grounds Cleaning and Maintenance	1,581	2.3%	37,226	3.6%	720,527	4.3%
Community and Social Services	1,542	2.2%	17,316	1.7%	245,237	1.5%
Architecture and Engineering	1,428	2.1%	22,863	2.2%	377,898	2.2%
Healthcare Support	1,274	1.8%	20,116	2.0%	294,988	1.8%
Life, Physical, and Social Science	828	1.2%	13,172	1.3%	182,252	1.1%
Arts, Design, Entertainment, Sports, and Media	713	1.0%	17,409	1.7%	431,734	2.6%
Legal	579	0.8%	13,146	1.3%	208,754	1.2%
Farming, Fishing, and Forestry	196	0.3%	6,133	0.6%	229,790	1.4%

Center for Strategic Economic Research, November 2010
Data Source: U.S. Census Bureau, 2006-2008 American Community Survey
*Note: Does not include data for Yuba County as not disclosed.

Figure 10 shows the industry sectors in which Elk Grove's working residents are employed. Approximately 40 percent of working residents are employed in Public Administration; Health & Social Services; and Retail Trade establishments. The Educational Services; Finance & Insurance; and Construction sectors also employ a notable share of Elk Grove residents with over 6 percent each.

FIGURE 10
ELK GROVE RESIDENT INDUSTRY EMPLOYMENT



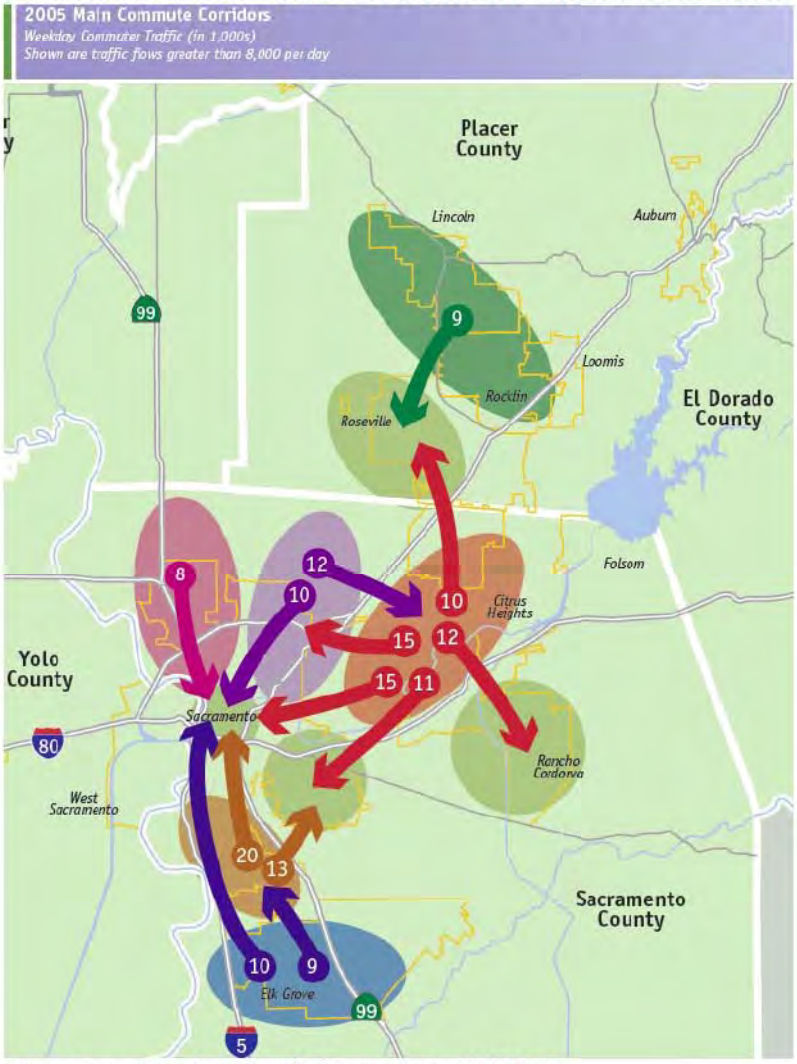
Center for Strategic Economic Research, November 2010
Data Source: U.S. Census Bureau, 2006-2008 American Community Survey

The majority of Elk Grove working residents are not employed within establishments in the City. Estimates of the proportion of employed residents that leave Elk Grove for work range from approximately 77 percent to 87 percent.[2] Most of the destinations of this out-commute are within other areas of Sacramento County with the City of Sacramento capturing the largest share (30 percent according to some estimates). A large proportion of these workers commute to downtown Sacramento and surrounding areas for state government jobs—a study on state workers in Elk Grove revealed that approximately 13,400 City residents work for the state government.[3] Figure 11 illustrates the main regional commute traffic flows based on Sacramento Area Council of Governments (SACOG) analysis—the Elk Grove out-commute qualifies as one of the largest in the Region. This considerable out-commute of workers creates significant

[2] Data Sources: US Census Bureau, 2006-2008 American Community Survey and 2008 Local Employment Dynamics
[3] Analysis conducted by the City of Elk Grove using zip code data dated February 12, 2010.

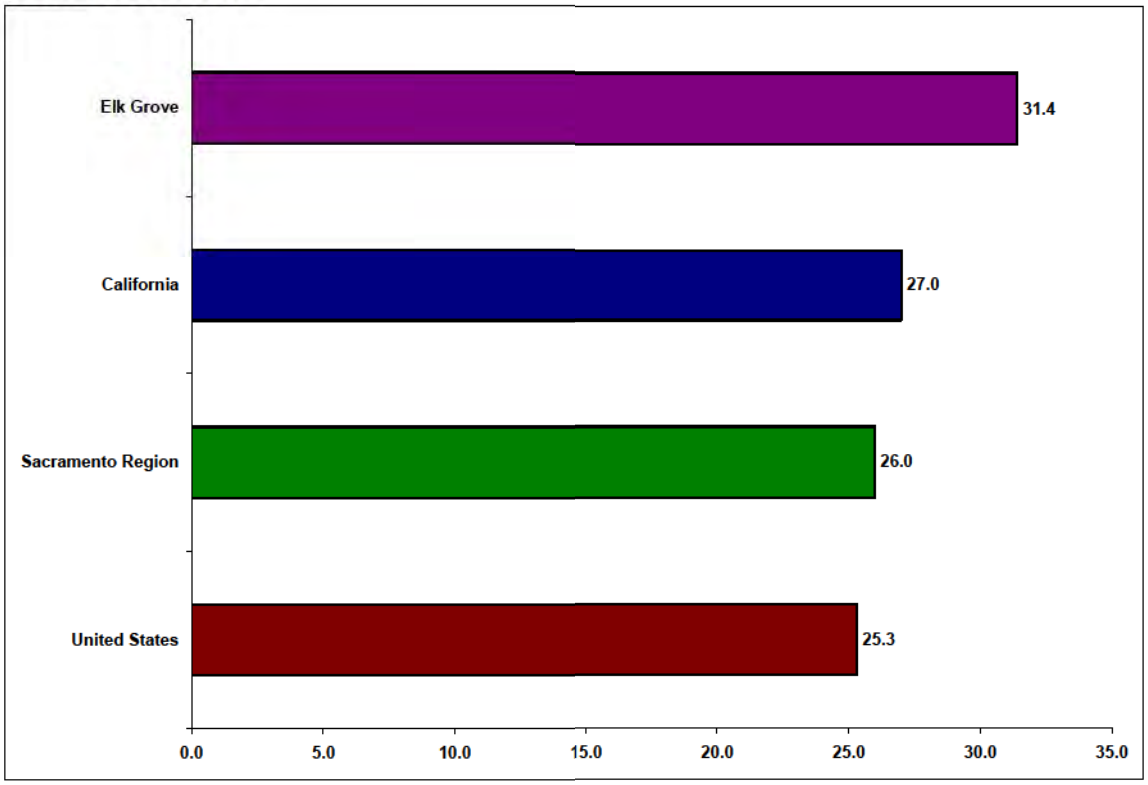
congestion along major transportation corridors—Interstate 5 and, particularly, State Route 99—especially considering the dependence on automobile travel with limited transit options. On average, as shown in Figure 12, Elk Grove commuters face drives of over 31 minutes, significantly higher than average commute times in the Region (26 minutes), California (27 minutes), and the United States (around 25 minutes).

FIGURE 11
2005 MAJOR REGIONAL COMMUTE TRAFFIC FLOWS



Source: Sacramento Area Council of Governments, 2035 MTP

FIGURE 12
COMMUTE TIMES



Center for Strategic Economic Research, November 2010
Data Source: U.S. Census Bureau, 2006-2008 American Community Survey

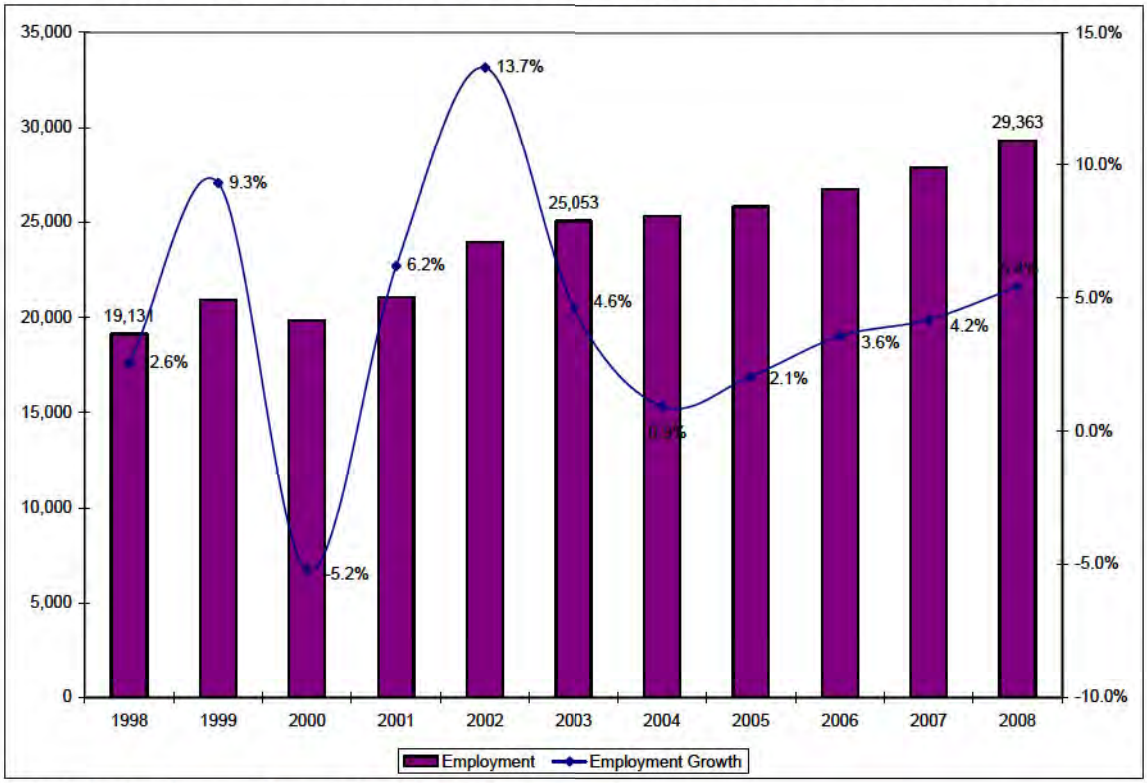
Business Overview

This section covers business-related factors in Elk Grove such as employment and establishments (total and by industry), base and local-serving industries, and taxable sales. Analysis in this section was primarily created through data which covers an area roughly conforming to the City boundaries with the most recent year being 2008, a point in the early stages of the regional recession.

In 2008, Elk Grove's nearly 5,300 private and public sector establishments employed about 3 percent of all payroll jobs in the Sacramento Region, or total employment around 29,000, as shown in Figure 13. The share of jobs is considerably lower than Elk Grove's proportion of regional population (6 percent). In the first full year following incorporation, establishments in the City supported about 21,000 jobs—more than 8,000 jobs have been added since that point. Over the 10-year period, the City gained approximately 10,000 wage and salary jobs with job growth nearly every year, and had an average annual job growth of nearly 5 percent from 1998 to 2008. Elk Grove's job growth of around 54 percent over the past decade outpaced the regional, statewide, and

national averages (between 9 and 19 percent).[4] Estimates show that employment in the City continued to grow in recent years even when the broader economy was contracting.

FIGURE 13
ELK GROVE TOTAL EMPLOYMENT AND ANNUAL EMPLOYMENT GROWTH

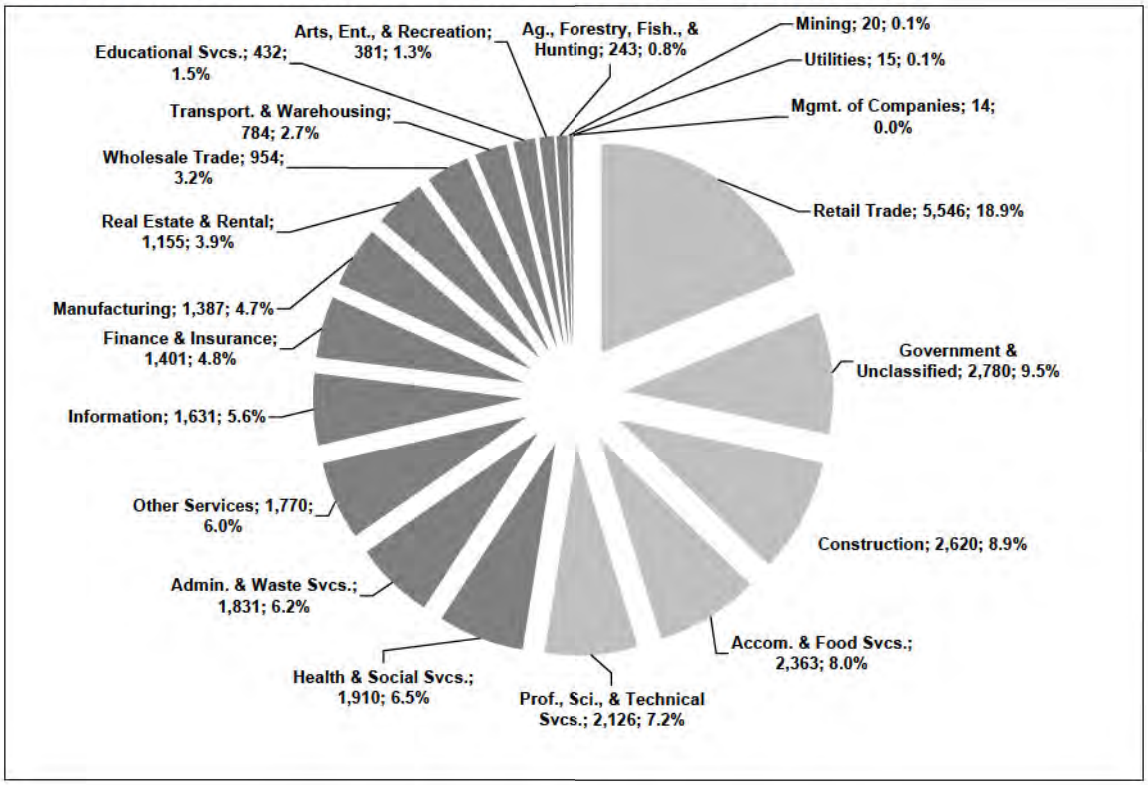


Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on National Employment Time Series database; CA Employment Development Department, Employment by Industry Data; and ReferenceUSA information

[4] Data Sources: CA Employment Development Department and U.S. Bureau of Labor Statistics

Elk Grove's economy is much less diversified than the larger Sacramento Region as well as the state.[5] The City's industry structure based on employment is shown in Figure 14. Five major sectors make up the majority of the total employment in Elk Grove (approximately 53 percent) including Retail Trade; Government & Unclassified; Construction; Accommodation & Food Services; and Professional, Scientific, & Technical Services. Retail Trade contains the bulk of this employment, alone comprising around 19 percent of the total. The sizes of the remaining sectors are split with half of containing over 1,000 jobs each and the other half with less than 1,000 jobs each.

FIGURE 14
2008 ELK GROVE INDUSTRY COMPOSITION BY EMPLOYMENT



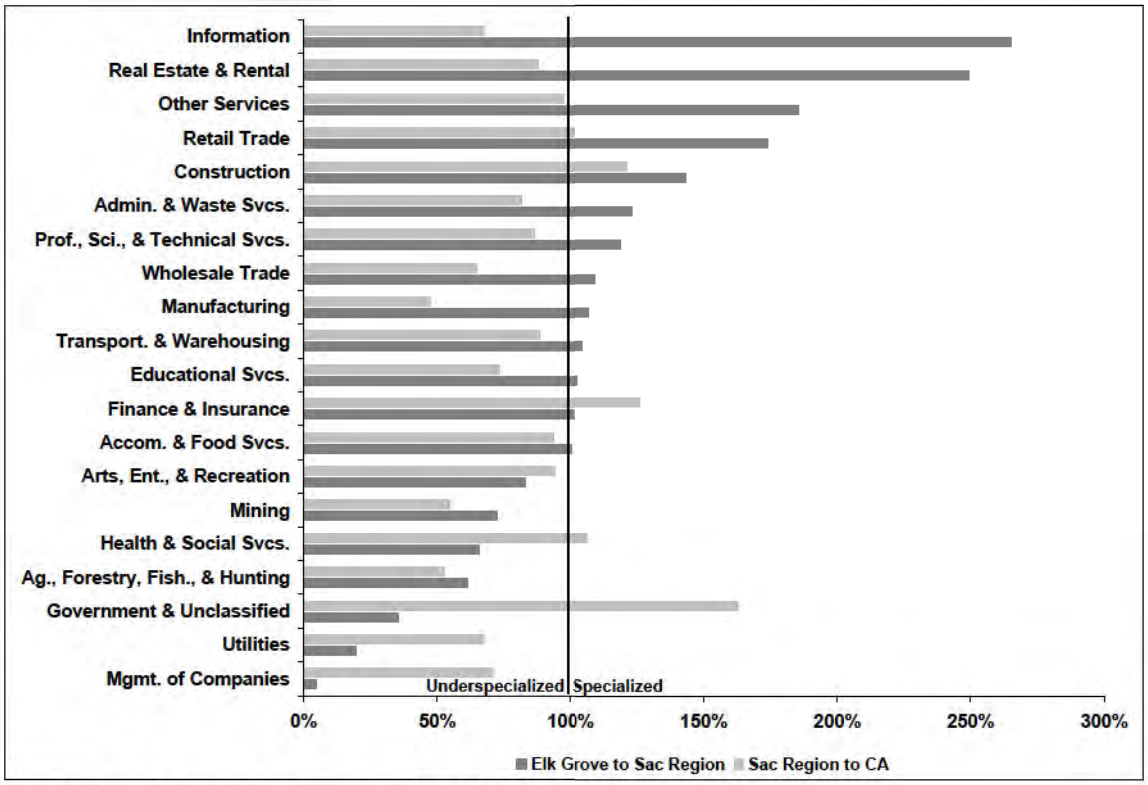
Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on National Employment Time Series database; CA Employment Development Department, Employment by Industry Data; and ReferenceUSA information

Specialization measures an industry's share of total employment in one economy relative to its share in the larger regional, statewide, or national economy. Specialized sectors typically indicate current or historical locational advantages, unique operating conditions in a particular area, or activities within that sector that are geared toward export. Figure 15 shows the level of specialization of major sectors within Elk Grove compared to the Sacramento Region and the Region's specialization relative to California. Elk Grove shows a high degree of specialization in several sectors relative to the Region. The City is around 2.5 times more specialized in Information and Real Estate & Rental than the

[5] Measured through the Shannon-Weaver Diversity Index as part of IMPLAN, 2008 Coefficients. The City scores 0.60, the Region 0.67, and the state 0.75 with 1.0 reflecting a "perfectly diversified" economy.

Sacramento Region, two sectors in which the Region is somewhat underspecialized. Other Services; Retail Trade; Construction; and Administrative & Waste Services are additional sectors that are rather highly specialized in Elk Grove compared to the Sacramento Region. Sectors that show the lowest level of specialization in Elk Grove are Management of Companies; Utilities; and Government & Unclassified—in the Region, the two former sectors are also underspecialized while Government is highly specialized.

FIGURE 15
2008 ELK GROVE AND SACRAMENTO REGION INDUSTRY SPECIALIZATION



Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on:

- National Employment Time Series database
- Moody's Economy.com
- CA Employment Development Department, Employment by Industry Data
- ReferenceUSA

Note: A measure of 100% means that the local area has the same share of total employment in the industry as the larger area.

Figure 16 shows that, between 1998 and 2008, total employment in the City grew almost 54 percent compared to 19 percent in the Sacramento Region. Fifteen of the 18 sectors with a presence in Elk Grove greatly outpaced the Sacramento Region's employment growth rates during this time period. The highest growth rates were seen in the City's smaller- to medium-sized sectors such as Finance & Insurance; Real Estate & Rental; and Educational Services which posted growth rates between around 160 and 205 percent (rates of growth for these sectors in the Sacramento Region ranged from about 9 percent to 86 percent). Elk Grove's largest sector, Retail Trade, grew almost 81 percent compared to 15 percent in the Region. The greatest job losses were seen in the City's second-largest sector, Government & Unclassified (a nearly 32 percent decline), which had 20 percent growth on a regional basis. Manufacturing also suffered losses both in Elk Grove (around -26 percent) and in the Sacramento Region (-17 percent).

FIGURE 16
INDUSTRY EMPLOYMENT GROWTH RATES
(SORTED BY ELK GROVE SECTOR EMPLOYMENT SIZE)

	98-08		*03-08*	
Sector	*Elk Grove*	*Sac Region*	*Elk Grove*	*Sac Region*
Retail Trade	80.9%	14.9%	17.6%	0.9%
Government & Unclassified	-31.7%	20.1%	30.1%	5.5%
Construction	63.0%	37.4%	23.9%	-15.3%
Accom. & Food Svcs.	75.9%	31.3%	16.5%	10.5%
Prof., Sci., & Technical Svcs.	149.5%	45.8%	71.9%	18.9%
Health & Social Svcs.	68.1%	50.6%	30.1%	23.8%
Admin. & Waste Svcs.	82.9%	9.7%	34.2%	5.7%
Other Services	92.0%	15.2%	12.7%	3.3%
Information	117.5%	8.0%	-0.4%	-11.8%
Finance & Insurance	205.2%	10.3%	65.8%	-3.0%
Manufacturing	-26.2%	-16.8%	-51.0%	-7.0%
Real Estate & Rental	162.5%	8.6%	79.1%	-3.6%
Wholesale Trade	88.9%	14.8%	16.8%	0.9%
Transport. & Warehousing	105.2%	17.4%	36.1%	14.4%
Educational Svcs.	157.1%	86.0%	45.5%	17.0%
Arts, Ent., & Recreation	23.3%	42.3%	-21.9%	12.4%
Ag., Forestry, Fish., & Hunting	5.7%	-34.3%	-0.8%	-23.4%
Mining	*	11.8%	-4.8%	17.5%
Utilities	66.7%	43.7%	7.1%	14.5%
Mgmt. of Companies	*	-37.9%	*	-17.2%
Total	*53.5%*	*19.2%*	*17.2%*	*3.8%*

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on:

- National Employment Time Series database
- Moody's Economy.com
- CA Employment Development Department, Employment by Industry Data
- ReferenceUSA

*Note: Growth rate cannot be calculated as start year's data was zero.

Nearly $6 billion in output is created by industries in Elk Grove, as shown in Figure 17. Despite its small size, the Manufacturing sector creates the most output, close to $1.7 billion or 28 percent of total output, due to the high value activities associated with this sector. In comparison, the City's top three sectors in terms of employment size, Retail Trade; Government & Unclassified; and Construction, together create around 33 percent of Elk Grove's total output. It is interesting to note that one of Elk Grove's smaller-sized and specialized sectors, Real Estate & Rental, creates the third-highest total output (around 9 percent of the total) in the City.

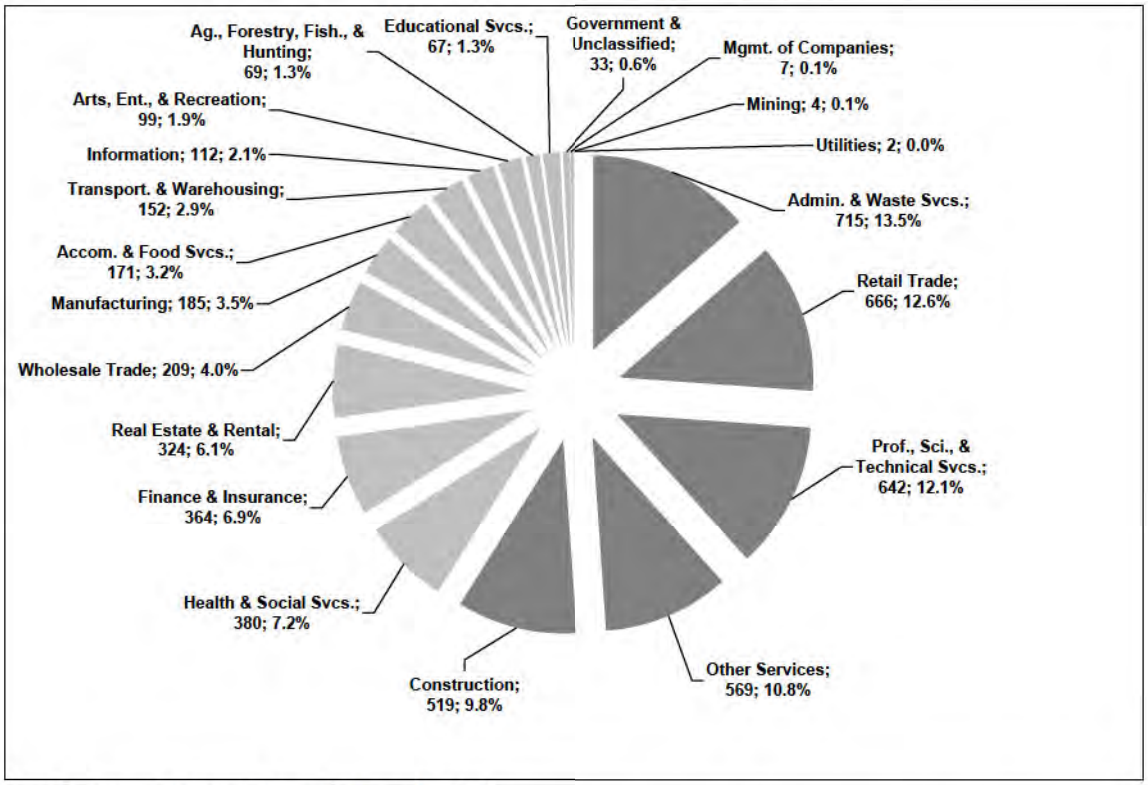
FIGURE 17
2008 ELK GROVE INDUSTRY OUTPUT

Sector	*Output*	*% of Total*
Manufacturing	$1,658,433,408	27.7%
Government	$990,836,736	16.5%
Real Estate & Rental	$557,215,104	9.3%
Retail Trade	$493,737,696	8.2%
Construction	$484,430,112	8.1%
Prof., Sci., & Technical Svcs.	$258,508,752	4.3%
Accom. & Food Svcs.	$234,901,792	3.9%
Finance & Insurance	$231,705,488	3.9%
Health & Social Svcs.	$210,456,608	3.5%
Admin. & Waste Svcs.	$143,958,448	2.4%
Information	$134,229,408	2.2%
Other Services	$132,902,344	2.2%
Mgmt. of Companies	$106,875,392	1.8%
Wholesale Trade	$95,249,016	1.6%
Transport. & Warehousing	$87,474,856	1.5%
Ag., Forestry, Fish., & Hunting	$77,772,240	1.3%
Educational Svcs.	$34,158,684	0.6%
Arts, Ent., & Recreation	$32,785,988	0.5%
Utilities	$27,646,106	0.5%
Mining	$0	0.0%
Total	*$5,993,278,178*	-

Center for Strategic Economic Research, November 2010
Data Source: IMPLAN 2008 coefficients, Elk Grove Study Area

Figure 18 shows the industry composition of establishments in Elk Grove. Almost 60 percent of all establishments are within five of the City's major sectors including Administrative & Waste Services; Retail Trade; Professional, Scientific, & Technical Services; Other Services; and Construction. The majority of these sectors also contain the most jobs in the City; however, one of the largest sectors in terms of employment, Government & Unclassified, contains the second-lowest number of establishments.

FIGURE 18
2008 ELK GROVE INDUSTRY COMPOSITION BY ESTABLISHMENTS



Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on National Employment Time Series database; CA Employment Development Department, Employment by Industry Data; and ReferenceUSA information

Analysis of establishment size shows that Elk Grove has a far greater share of businesses with between one and four employees than the state (around 82 percent versus 68 percent, respectively), reflecting a concentrated small business environment and strong level of entrepreneurship in the City.[6] Additionally, from 1998 to 2008, this business size group grew nearly 169 percent compared to the 141 percent growth of all establishments in Elk Grove. Elk Grove's level of entrepreneurship is further supported by the nearly 57 percent of all active business licenses within the City for home business owners (spanning a wide variety of activities)—in comparison, licenses for general retail account for only about 4 percent of total licenses.[7]

[6] Data Source: CSER estimates based on National Employment Time Series database, CA Employment Development Department, U.S. Bureau of Labor Statistics, and ReferenceUSA information
[7] Source: City of Elk Grove, as of April 2010.

In 2008, Elk Grove had a total of nearly 5,300 establishments, accounting for almost 7 percent of establishments within the Sacramento Region. Figure 19 shows the total number and growth of Elk Grove establishments by major industry sector. All sectors had notable increases in establishments from 1998 to 2008, but the highest growth rates were seen in Administrative & Waste Services; Finance & Insurance; and Real Estate & Rental ranging from about 245 percent to 326 percent. Management of Companies saw 600 percent growth, but its absolute growth was only six establishments.

FIGURE 19
ELK GROVE ESTABLISHMENT TOTALS AND GROWTH
(SORTED BY SECTOR ESABLISHMENT SIZE)

Sector	*1998*	*2003*	*2008*	*98-08 Growth*	*03-08 Growth*
Admin. & Waste Svcs.	168	383	715	325.6%	86.7%
Retail Trade	350	538	666	90.3%	23.8%
Prof., Sci., & Technical Svcs.	272	477	642	136.0%	34.6%
Other Services	252	453	569	125.8%	25.6%
Construction	259	366	519	100.4%	41.8%
Health & Social Svcs.	152	266	380	150.0%	42.9%
Finance & Insurance	96	179	364	279.2%	103.4%
Real Estate & Rental	94	179	324	244.7%	81.0%
Wholesale Trade	108	150	209	93.5%	39.3%
Manufacturing	85	155	185	117.6%	19.4%
Accom. & Food Svcs.	80	135	171	113.8%	26.7%
Transport. & Warehousing	63	102	152	141.3%	49.0%
Information	54	105	112	107.4%	6.7%
Arts, Ent., & Recreation	40	75	99	147.5%	32.0%
Ag., Forestry, Fish., & Hunting	64	72	69	7.8%	-4.2%
Educational Svcs.	38	57	67	76.3%	17.5%
Government & Unclassified	16	26	33	106.3%	26.9%
Mgmt. of Companies	1	0	7	600.0%	*
Mining	0	2	4	*	100.0%
Utilities	1	2	2	100.0%	0.0%
Total	*2,193*	*3,722*	*5,289*	*141.2%*	*42.1%*

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on National Employment Time Series database; CA Employment Development Department, Employment by Industry Data; and ReferenceUSA information
*Note: Growth rate cannot be calculated as start year's data was zero

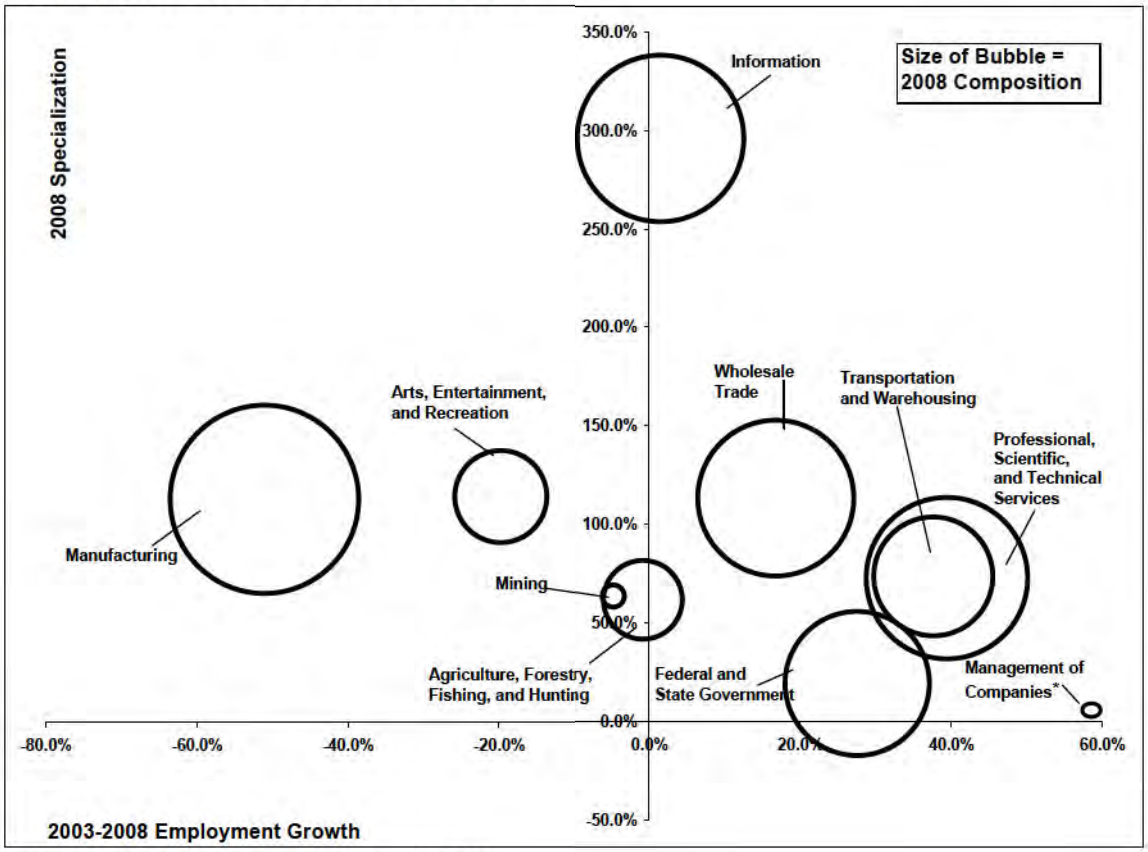
Industry sectors' specific components are generally placed in one of two roles—base activities, which cause changes in the local economic structure and drive development, or local-serving activities which are consequences of local development. Typical characteristics of base activities include the following: they face few geographical constraints, allowing them to operate anywhere deemed attractive; they produce a significant amount of goods and services for export; and they bring net new wealth into an economy. Local-serving components are located to serve a local market's residents or

base sectors and produce goods and services for local consumption which generally moves wealth around a local area. Therefore, base activities are active drivers of economic development and local-serving components are passive participants that respond to economic and demographic growth trends. Five of the 20 major sectors in Elk Grove support a mix of base and local-serving components, five sectors are comprised entirely of base activities, and 10 sectors solely include local-serving components. A detailed listing of specific base and local-serving components within each major sector is provided in the Research Methodology appendix.

Elk Grove's economic base industries and details on the mix of its base and local-serving activities are provided in Figures 20 and 21. Around 22 percent of Elk Grove employment is supported by base activities, a much lower share than in the Sacramento Region (34 percent).[8] Total base employment has grown at a slower rate than local-serving sector employment over the past 10 years, but in the shorter-term period of five years, it has lost around 10 percent of jobs relative to an increase of about 28 percent of local-serving sector jobs. The base component employment of the Manufacturing; Information; and Professional, Scientific, & Technical Services sectors account for over 54 percent of total 2008 base employment in Elk Grove. Base employment in the former two sectors is specialized relative to the Sacramento Region, while the latter is underspecialized. Manufacturing, though currently somewhat specialized, has been losing jobs and its level of specialization over the past five to 10 years while Information and Professional, Scientific, & Technical Services have been faring better with positive growth rates. From 1998 to 2008, two sectors in each of the base and local-serving components have lost jobs.

[8] Data Source: CSER estimates based on National Employment Time Series database; Moody's Economy.com; CA Employment Development Department, Employment by Industry Data; IMPLAN, 2008 Coefficients; and ReferenceUSA information

FIGURE 20
2008 ELK GROVE BASE INDUSTRIES



Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on

- National Employment Time Series database
- Moody's Economy.com
- CA Employment Development Department, Employment by Industry Data
- IMPLAN, 2008 Coefficients
- ReferenceUSA

*Note: Outside chart parameters for growth rate.

FIGURE 21
2008 ELK GROVE BASE AND LOCAL SECTORS

	2008 Employment		98-08 Growth		03-08 Growth	
Sector	Base	Local	Base	Local	Base	Local
Ag., Forestry, Fish., & Hunting	243	-	5.7%	-	-0.8%	-
Mining	20	-	*	-	-4.8%	-
Utilities	-	15	-	66.7%	-	7.1%
Construction	-	2,620	-	63.0%	-	23.9%
Manufacturing	1,387	-	-25.2%	-	-51.0%	-
Wholesale Trade	954	-	88.9%	-	16.8%	-
Retail Trade	-	5,546	-	80.9%	-	17.6%
Transport. & Warehousing	556	228	114.7%	91.5%	37.6%	33.7%
Information	1,089	542	194.3%	43.8%	1.5%	-4.2%
Finance & Insurance	-	1,401	-	205.2%	-	65.8%
Real Estate & Rental	-	1,155	-	162.5%	-	79.1%
Prof., Sci., & Technical Svcs.	1,022	1,104	94.3%	238.7%	39.4%	119.0%
Mgmt. of Companies	14	-	*	-	*	-
Admin. & Waste Svcs.	-	1,831	-	82.9%	-	34.2%
Educational Svcs.	-	432	-	157.1%	-	45.5%
Health & Social Svcs.	-	1,910	-	71.0%	-	30.1%
Arts, Ent., & Recreation	333	48	45.4%	-40.0%	-19.8%	-34.2%
Accom. & Food Svcs.	-	2,363	-	75.9%	-	16.5%
Other Services	-	1,770	-	92.0%	-	12.7%
Government & Unclassified	815	1,965	-36.7%	-29.4%	27.6%	31.3%
Total	6,433	22,930	22.2%	65.9%	-10.4%	28.3%
Percent Total	21.9%	78.1%	-	-	-	-

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on

- National Employment Time Series database
- Moody's Economy.com
- CA Employment Development Department, Employment by Industry Data
- IMPLAN, 2008 Coefficients
- ReferenceUSA

*Note: Growth rate not calculated because sector had no employment in start year.

Figure 22 demonstrates the amount of taxable sales collected in Elk Grove, select competitive areas, and the Sacramento Region. In 2008, Elk Grove saw over $1.5 billion in taxable sales, nearly 5 percent of the Region's total. On a per capita basis, Elk Grove's taxable sales rank notably lower than the Sacramento Region and the state as well as select competitive markets of Folsom, Rancho Cordova, and Roseville. From 2003 to 2008, however, the City saw significantly higher growth in taxable sales (around 32 percent) than the regional and statewide averages (around 9 and 16 percent, respectively), Folsom (around -4 percent), and Roseville (close to 4 percent). Rancho Cordova experienced dramatic growth during this period primarily due to changes in boundaries with incorporation in mid-2003.

FIGURE 22
TAXABLE SALES (IN THOUSANDS)

			2008 Per Capita	03-08 Growth	
Area	*2003*	*2008*	*Taxable Sales*	*Absolute*	*% Change*
Elk Grove	$1,158,745	$1,528,877	$10,990	$370,132	31.9%
Folsom	$1,424,212	$1,364,172	$19,340	-$60,040	-4.2%
Rancho Cordova	$205,235	$809,294	$13,334	$604,059	294.3%
Roseville	$3,288,459	$3,409,792	$31,158	$121,333	3.7%
Sacramento Region	$30,114,878	$32,903,845	$14,326	$2,788,967	9.3%
El Dorado County	$1,539,071	$1,787,804	$9,996	$248,733	16.2%
Placer County	$5,973,818	$6,634,810	$19,879	$660,992	11.1%
Sacramento County	$18,506,466	$19,331,847	$13,626	$825,381	4.5%
Sutter County	$1,119,886	$1,287,392	$13,508	$167,506	15.0%
Yolo County	$2,535,066	$3,347,287	$16,878	$812,221	32.0%
Yuba County	$440,571	$514,706	$7,168	$74,135	16.8%
California	$460,096,468	$531,653,540	$14,034	$71,557,072	15.6%

Center for Strategic Economic Research, November 2010
Data Source: CA Board of Equalization, Taxable Sales in California
Note: Rancho Cordova data reflects changes in boundaries with incorporation.

Elk Grove has relatively high income levels and a local economy highly concentrated in the Retail Trade sector; however, a retail gap still appears to exist. Not only are per capita taxable sales levels below other benchmark areas, but potential retail demand exceeds retail sales by between 13 and 22 percent with a spending leakage out of the local economy in many standard retail categories.[9]

[9] Data Sources: ESRI Business Analyst Online, 2009 Retail MarketPlace Profile and CBRE Elk Grove Municipal Visioning Study, May 6, 2010. Both sources state that Furniture & Home Furnishings Stores and Clothing and Clothing & Clothing Accessories Stores have the second and third-highest retail leakage. The retail category with the greatest retail leakage varies between the two data sources with Auto Dealers in the CBRE study and Electronics & Appliance Stores in the ESRI report taking the top spot.

Real Estate Overview

This section offers a profile of land use trends in the City of Elk Grove and an evaluation of the City's non-residential marketplace in the context of the Sacramento Region through the use of performance indicators. Performance indicators provide a quantitative comparison of various real estate metrics in the City compared to those for the Region and allow for an evaluation of relative performance and opportunity. Included in this evaluation are residential, industrial, office, and retail characteristics. Most factors include data points for a recent period in 2009 plus some historical comparisons.

Residential Market

As evidenced by robust growth over the last decade, Elk Grove has historically enjoyed a strong presence in the residential real estate marketplace. Well-reputed schools, desirable parks and recreational amenities, and relatively affordable home prices have proven attractive to first-time buyers and family households. With over 48,000 housing units in 2009, Elk Grove contains approximately 5 percent of the residential real estate in the Sacramento Region. Residential growth has primarily occurred in single-family units and early in the decade. Figure 23 shows that the City experienced nearly 9 percent annual average growth from 2001 to 2009. This annual average slowed to just around 6 percent growth in the 2004 to 2009 time period. In comparison, Sacramento County experienced just about 2 percent growth in housing units in both time periods. A portion of Elk Grove's significant growth in housing units early in the decade, however, can be attributed to the annexation of the Laguna West-Lakeside CDP in 2003.

This pattern of growth early in the decade is seen in many residential performance measures. For instance, Figure 24 shows that both average pricing and average home size also follow this pattern. New housing prices peaked at $519,000 in 2005 and have since fallen to $359,000 in 2009. Similarly, home sizes peaked at nearly 2,700 square feet in 2005, since falling to 2,400 square feet.

FIGURE 23
HOUSING UNIT PERCENTAGES BY RESIDENTIAL LAND USE CATEGORY

	Housing Units			% of Total Units in Jurisdiction			Average Annual Growth	
Area / Housing Type [1]	2001	2004	2009	2001	2004	2009	2004-2009	2001-2009
Elk Grove [2]								
Single-Family	22,196	33,903	43,358	88.6%	92.1%	90.3%	5.0%	8.7%
Multifamily [3]	2,588	2,636	4,409	10.3%	7.2%	9.2%	10.8%	6.9%
Other [4]	273	273	273	1.1%	0.7%	0.6%	0.0%	0.0%
Total	25,057	36,812	48,040	100.0%	100.0%	100.0%	5.5%	8.5%
Sacramento County								
Single-Family	301,136	327,441	356,336	62.7%	63.9%	64.3%	1.7%	2.1%
Multifamily [3]	163,829	169,029	181,793	34.1%	33.0%	32.8%	1.5%	1.3%
Other [4]	15,484	15,584	15,787	3.2%	3.0%	2.9%	0.3%	0.2%
Total	480,449	512,054	553,916	100.0%	100.0%	100.0%	1.6%	1.8%

Economic & Planning Systems, November 2010
Data Sources: CA Department of Finance, Demographic Research Unit and EPS.
[1] This table presents estimated housing units per DOF, which may differ from total households.
[2] Elk Grove was incorporated in 2000. As a result, this analysis includes 2001, the first year of City data.
[3] Multifamily includes all attached units plus units located in buildings consisting of 2 or more units (duplex, triplex, apartments, etc.).
[4] "Other" units include Mobile Homes, RVs, Vans, Boats, etc.

FIGURE 24
HISTORICAL HOME ABSORPTION, PRICES, AND SIZE

Category / Area	2003	2004	2005	2006	2007	2008	2009	% Change 2003-2009	Average Annual % Change
Average Base Price [1]									
Elk Grove	$357,990	$453,445	$519,240	$478,900	$425,990	$379,490	$358,990	0.3%	0.0%
Sacramento County	$345,900	$445,490	$444,990	$412,950	$364,950	$320,900	$329,990	-4.6%	-0.8%
Average Home Size (sq. ft.)									
Elk Grove	2,601	2,639	2,698	2,437	2,477	2,478	2,381	-8.5%	-1.5%
Sacramento County	2,386	2,394	2,121	2,009	2,035	2,090	2,229	-6.6%	-1.1%
Average Lot Size (sq. ft.)									
Elk Grove	9,822	9,159	9,038	11,056	14,699	13,463	5,500	-44.0%	-9.2%
Sacramento County	6,843	6,580	7,142	7,185	7,067	7,981	7,574	10.7%	1.7%
Average Base Price per Building Sq. Ft.									
Elk Grove	$138	$172	$192	$197	$172	$153	$151	9.5%	1.5%
Sacramento County	$145	$186	$210	$206	$179	$154	$148	2.1%	0.4%
Average Base Price per Land Sq. Ft.									
Elk Grove	$36	$50	$57	$43	$29	$28	$65	79.1%	10.2%
Sacramento County	$51	$68	$62	$57	$52	$40	$44	-13.8%	-2.4%

Economic & Planning Systems, November 2010
Data Sources: The Gregory Group and EPS.
[1] Average base prices have not been adjusted to current dollars and does not account for incentives.

One anomaly is the introduction of large lot housing in the marketplace for 2006 through 2008, followed by a significant drop in 2009. It appears that prices fell despite the introduction of larger lots, leading to a decline in the average cost per land square foot. In 2009, unit sales were dominated by sales of age-restricted product in the Del Webb project, which is likely contributing to the steep drop in average lot size. The proportionately lower decrease in home prices leads to a spike in the average cost per land square foot.

Commercial Market

In terms of non-residential development, the City has captured 2 to 9 percent of the Region's commercial square feet. Inventory, construction, vacancy, net absorption, and asking rent characteristics for the industrial, office, and retail markets are further analyzed in the following section.

Industrial Development

The Region has approximately 170.6 million square feet of leasable industrial space. Figure 25 lists industrial space by submarket ranked by total market size. CB Richard Ellis includes the City in the Elk Grove/Laguna/Galt submarket that contains 6.1 million square feet representing 4 percent of the Region. No submarket, except West Sacramento, has industrial space under construction in the quarter represented. The Elk Grove submarket has 36.9 square feet per capita of industrial development. This is on par with the Folsom/El Dorado Hills submarket (34.8 square feet per capita), but far less than half of the Roseville/Rocklin/Lincoln submarket (96.9) and the total Region (117.2).[10]

[10] Data sources for population estimates in the per capita calculations throughout commercial real estate sections: CA Department of Finance, Population Estimates for Cities, Counties and State, 2001-2009. Per capita comparisons are not provided for the Rancho Cordova/Highway 50 submarket since area boundaries do not conform closely enough with standard measured geographies for population estimates.

FIGURE 25
INDUSTRIAL MARKET CURRENT AND NEW LEASABLE SQ. FEET, FOURTH QUARTER 2009

	Leasable Square Feet		*Under Construction*	
Sacramento Regional Submarket [1]	*Total Leasable Sq. Ft.*	*% of Total*	*Under Construction*	*% of Total*
Power Inn Area	26,953,569	16%	0	0%
Roseville/Rocklin/Lincoln	20,189,531	12%	0	0%
West Sacramento	19,442,184	11%	54,000	100%
Rancho Cordova/Hwy 50	18,013,134	11%	0	0%
Woodland/Davis	16,449,403	10%	0	0%
Northgate/Natomas	15,334,607	9%	0	0%
I-80/Roseville Road	10,246,234	6%	0	0%
Northeast Sacramento	7,255,890	4%	0	0%
McClellan Park	6,270,705	4%	0	0%
Elk Grove/Laguna/Galt	**6,106,971**	**4%**	**0**	**0%**
Downtown/Midtown/E. Sac.	6,055,938	4%	0	0%
Richards Boulevard	5,925,294	3%	0	0%
South Sacramento	5,095,885	3%	0	0%
Folsom/El Dorado Hills	4,194,275	2%	0	0%
Auburn/Newcastle	3,023,268	2%	0	0%
Total All Submarkets	*170,556,888*	*100%*	*54,000*	*100%*

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Industrial Market View, 4th Quarter 2009.
[1] Includes all properties over 4,000 square feet, excluding government-owned and medical buildings.

Vacancy rates are cyclical in nature making direct annual or competitive comparisons difficult. A single large user leasing or vacating a space can have dramatic impact on a submarket's vacancy rates. However, as shown in Figure 26, the submarket including Elk Grove has generally experienced moderate vacancy rate levels. The submarket's vacancy rates fall within a range of 7.0 percent to 14.5 percent compared to the Region's average range of 4.0 percent to 12.0 percent. In 2009, vacancy rates in the Elk Grove submarket were approximately 13.6 percent compared to the regional average of 12.0 percent.

FIGURE 26
HISTORICAL INDUSTRIAL VACANCY RATES
(SORTED BY SUBMARKET SIZE)

	Vacancy %									
Sacramento Regional Submarket	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*2007*	*2008*	*2009 [1]*
Power Inn Area	16.7%	11.2%	11.3%	12.0%	15.0%	12.2%	9.1%	8.3%	10.2%	14.1%
Roseville/Rocklin/Lincoln	6.0%	8.7%	13.6%	11.8%	14.3%	12.4%	10.9%	9.7%	10.7%	15.2%
West Sacramento	4.8%	9.3%	11.8%	9.8%	9.5%	8.6%	6.2%	5.3%	4.7%	6.4%
Rancho Cordova/Hwy 50	3.1%	4.6%	6.4%	5.6%	7.1%	6.7%	5.6%	5.5%	5.9%	10.6%
Woodland/Davis	4.1%	5.9%	8.7%	11.3%	12.2%	13.6%	10.3%	11.5%	9.0%	17.5%
Northgate/Natomas	7.8%	5.9%	9.8%	9.1%	6.4%	11.6%	11.5%	11.7%	11.6%	13.7%
I-80/Roseville Rd. [2]	6.7%	33.9%	3.4%	2.6%	2.1%	5.4%	4.6%	3.6%	7.9%	11.1%
Northeast Sacramento	3.4%	2.3%	2.2%	4.4%	4.6%	4.3%	4.6%	4.0%	4.7%	7.7%
McClellan Park	n/a	n/a	74.2%	66.7%	63.7%	52.5%	45.7%	32.9%	13.4%	33.1%
Elk Grove/Laguna/Galt	**14.5%**	**8.8%**	**10.8%**	**13.7%**	**13.0%**	**11.2%**	**12.4%**	**7.0%**	**9.3%**	**13.6%**
Downtown/Midtown/E. Sac.	1.3%	2.2%	1.1%	1.6%	1.6%	0.8%	1.5%	1.3%	2.5%	3.1%
Richards Boulevard	3.5%	8.3%	9.1%	9.3%	3.3%	3.9%	3.7%	4.5%	6.0%	9.4%
South Sacramento	0.9%	0.9%	0.6%	0.2%	0.3%	0.7%	0.8%	2.3%	2.7%	5.1%
Folsom/El Dorado Hills	4.0%	2.1%	4.3%	7.1%	4.4%	4.5%	2.7%	4.8%	8.2%	8.9%
Auburn/Newcastle	1.7%	1.2%	2.0%	1.9%	3.2%	4.8%	8.3%	7.3%	8.6%	11.9%
Average All Submarkets	*4.8%*	*7.2%*	*11.3%*	*11.1%*	*10.4%*	*10.1%*	*9.2%*	*8.0%*	*7.5%*	*12.0%*

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Industrial Market View, 4th Quarter 2000 through 2009.
[1] In 2009, CBRE started including vacant sublease space in its total vacancy statistics.
[2] Referred to as McClellan/I-80 for 2000 and 2001, and referred to as I-80/Roseville Rd. for 2002 through 2008.

Net absorption is similar in performance to vacancy. As shown in Figure 27, absorption trends in the Elk Grove submarket tend to be less dramatic than those experienced regionally. For example, in 2004, the Region absorbed over 1 million square feet of industrial space. Despite comprising roughly 4 percent of the regional industrial market, the Elk Grove submarket comprised only 2 percent of this total positive absorption. Conversely, significant negative absorption occurred in the Region in 2009 (over 3.8 million square feet), but this negative absorption was less severe in the Elk Grove submarket than region-wide. Again, the submarket comprised only 2 percent of this total negative absorption. As a result, the submarket averaged higher net absorption than many other submarkets in the Region for the period 2002 to 2009, capturing 9 percent of the Region's net industrial absorption in this time period.

FIGURE 27
HISTORICAL INDUSTRIAL YEAR-TO-DATE NET ABSORPTION
(SORTED BY SUBMARKET SIZE)

Sacramento Regional Submarket	*Year-to-Date Net Absorption (Sq. Ft.)*									*2002-2009 Avg. Annual Net Absorption*
	2002	*2003*	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*	*Total*	
Power Inn Area	139,138	(47,818)	29,863	343,607	(1,367)	(5,397)	(266,003)	(357,678)	(165,655)	(20,707)
Roseville/Rocklin/Lincoln	(420,954)	(415,076)	139,157	361,750	68,719	270,975	133,802	(970,639)	(832,266)	(104,033)
West Sacramento	187,220	302,387	283,689	75,410	99,569	271,791	159,570	(163,336)	1,216,300	152,038
Rancho Cordova/Hwy 50	112,680	126,161	9,909	(5,137)	25,759	(50,733)	(402,189)	(684,671)	(868,221)	(108,528)
Woodland/Davis	104,320	(266,802)	122,887	313,139	65,204	(155,933)	(71,102)	(410,957)	(299,244)	(37,406)
Northgate/Natomas	(74,393)	311,912	53,858	(7,275)	263,317	433,879	153,808	(167,134)	967,972	120,997
I-80/Roseville Rd.	(26,106)	85,383	33,280	158,595	445	158,738	16,622	(365,054)	61,903	7,738
Northeast Sacramento	4,103	26,963	68,880	(1,291)	(32,406)	21,116	(52,507)	(83,421)	(48,563)	(6,070)
McClellan Park	97,600	245,200	298,879	55,668	150,787	589,000	928,957	(507,851)	1,858,240	232,280
Elk Grove/Laguna/Galt	**(6,430)**	**(19,172)**	**19,447**	**100,316**	**51,428**	**82,519**	**15,839**	**(80,189)**	**163,758**	**20,470**
Downtown/Midtown/E. Sac.	22,000	(20,190)	4,800	(13,722)	2,700	(19,836)	(89,700)	26,075	(87,873)	(10,984)
Richards Boulevard	(24,160)	80,400	(1,900)	(49,265)	(35,572)	(55,355)	(34,597)	(51,459)	(171,908)	(21,489)
South Sacramento	28,767	(16,150)	(11,570)	(29,992)	(7,800)	10,308	(41,779)	(102,610)	(170,826)	(21,353)
Folsom/El Dorado Hills	(48,686)	39,390	(20)	45,798	31,367	(46,019)	66,733	62,397	150,960	18,870
Auburn/Newcastle	8,929	(7,200)	(1,680)	3,870	(11,560)	95,535	20,610	(5,061)	103,443	12,930
Total All Submarkets	*104,028*	*425,388*	*1,049,479*	*1,351,471*	*670,590*	*1,600,588*	*538,064*	*(3,861,588)*	*1,878,020*	*234,753*
Elk Grove Share of Total									9%	9%

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Industrial Market View, 4th Quarter 2002 through 2009

CB Richard Ellis does not report average leasing rates for industrial properties. Therefore, Figure 28 presents asking lease rates as reported by Grubb & Ellis. Of note, Grubb & Ellis includes Elk Grove in the South Sacramento submarket. Industrial properties in the Region typically lease in a narrow range centered on $0.55 per square foot. The City's submarket was generally leased slightly lower than the Region. However, as newer product has entered the market in recent years, the City's submarket has experienced a significant growth in lease rates, reflective of the rates required to accommodate the cost structure associated with new construction.

FIGURE 28
INDUSTRIAL MARKET AVERAGE ASKING RENTS
(SORTED BY SUBMARKET SIZE)

	Average Asking Rents [1]										*Avg. Annual*
Sacramento Regional Submarket	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*2007*	*2008 [2]*	*2009 [2]*	*Growth Rate*
Power Inn/South Watt	$0.36	$0.44	$0.46	$0.47	$0.55	$0.53	$0.53	$0.59	$0.57	$0.51	4.1%
Roseville/Rocklin/Lincoln [3]	$0.72	$0.72	$0.72	$0.72	$0.68	$0.69	$0.69	$0.78	$0.69	$0.71	-0.1%
West Sacramento	$0.50	$0.53	$0.53	$0.53	$0.49	$0.49	$0.49	$0.51	$0.48	$0.49	-0.1%
Sunrise/Hwy 50/Mather [4]	$0.53	$0.53	$0.53	$0.53	$0.58	$0.57	$0.57	$0.63	$0.68	$0.59	1.4%
Woodland	$0.48	$0.47	$0.47	$0.47	$0.48	$0.45	$0.45	n/a	$0.30	$0.24	-7.3%
Northgate/Natomas	$0.53	$0.52	$0.52	$0.52	$0.53	$0.53	$0.53	$0.64	$0.61	$0.54	0.1%
I-80/McClellan [3]	$0.53	$0.44	$0.44	$0.46	$0.52	$0.52	$0.52	$0.58	$0.53	$0.59	1.1%
South Sacramento/Elk Grove [3]	**$0.45**	**$0.49**	**$0.49**	**$0.49**	**$0.50**	**$0.50**	**$0.50**	**$0.53**	**$0.78**	**$0.63**	**3.9%**
Downtown	$0.59	$0.45	$0.45	$0.45	$0.48	$0.43	$0.43	$0.48	$0.65	$0.46	-2.6%
Folsom/El Dorado Hills	$0.80	$0.80	$0.80	$0.80	$0.90	$0.85	$0.85	$0.83	$0.88	$0.72	-1.2%
Average All Submarkets	*$0.55*	*$0.54*	*$0.54*	*$0.54*	*$0.57*	*$0.55*	*$0.55*	*$0.62*	*$0.62*	*$0.55*	*0.0%*

Economic & Planning Systems, November 2010
Data Source: Grubb & Ellis, Industrial Market Snapshot Reports, 2000-2009
[1] Lease rates for 4th quarter except as noted. Asking average rates includes the average of industrial development subcategories: Warehouse Distribution and R&D/Flex.
[2] From the 3rd Quarter 2008-2009 reports.
[3] Submarket Changes by Grubb & Ellis in 2009 include:
- Roseville/Rocklin/Lincoln Now: Auburn, Lincoln, Roseville, Rocklin
- I-80/McClellan Now: McClellan
- South Sacramento/Elk Grove Now: South Sacramento

[4] The Sunrise/Hwy 50/Mather submarket was separated into two submarkets in 2009 - "Highway 50 Corridor" and "Mather". Rate shown is the average of the warehouse/distribution and R&D rates for the two submarkets.

The quantitative indicators discussed above are somewhat at odds with the perceptions of the industrial market encountered during the qualitative interview process. Elk Grove's industrial submarket is commonly perceived as somewhat challenged, a hypothesis that is not necessarily borne out by quantitative indicators suggesting moderate vacancy levels, positive absorption trends, and increasing lease rates.

Office Development

Currently, the City does not have a major office market when compared to other regional centers. Three submarkets, the Highway 50 Corridor, which includes Rancho Cordova, Downtown Sacramento, and Roseville/Rocklin, represent more than 50 percent of the market. Figure 29 shows the Region's 52.6 million square feet of office space as reported by CB Richard Ellis. Listed by total size, the City's current 878,000 square feet makes up only 2 percent of the Region's total office space and is the area's third-smallest office sub-market. The Elk Grove submarket offers 6.2 square feet of office space per capita, whereas the Folsom/El Dorado Hills and Roseville/Rocklin submarkets and the total Region indicate approximately 40.0 leasable square feet of office space per capita.[11]

FIGURE 29
OFFICE MARKET CURRENT AND NEW LEASABLE SQUARE FEET, FOURTH QUARTER 2009

	Leasable Square Feet		*Under Construction*	
Sacramento Regional Submarket	*Total Leasable Sq. Ft. [1]*	*% of Total*	*Under Construction*	*% of Total*
Highway 50 Corridor	11,921,108	23%		0%
Downtown	11,190,807	21%		0%
Roseville/Rocklin	6,806,782	13%	53,000	100%
South Natomas	3,115,040	6%		0%
Folsom	2,702,048	5%		0%
Point West	2,492,190	5%		0%
Northgate/Natomas	2,465,142	5%		0%
Midtown	1,953,226	4%		0%
Campus Commons	1,685,661	3%		0%
Howe/Fulton	1,660,015	3%		0%
South Sacramento	1,408,664	3%		0%
Watt Avenue	1,372,490	3%		0%
West Sacramento	1,279,272	2%		0%
Citrus Heights/Orangevale	1,015,088	2%		0%
Elk Grove	**877,979**	**2%**		**0%**
Carmichael/Fair Oaks	374,163	1%		0%
East Sacramento	280,100	1%		0%
Total All Submarkets	*52,599,775*	*100%*	*53,000*	*100%*

Economic & Planning Systems, November 2010
Data Source: CB Richards Ellis Sacramento Office MarketView, 4th Quarter 2009
[1] Includes all properties over 10,000 square feet, excluding government-owned and medical buildings.

[11] CB Richard Ellis includes only properties greater than 10,000 square feet. Therefore, markets that currently contain mostly smaller office buildings will be under-represented in these performance rankings.

The relevant range for annual Elk Grove office submarket performance indicators begins in 2004 as shown in Figures 30 and 31. Significant large office building development occurred in the City between 2004 and 2009. While the Elk Grove submarket has experienced a healthy share of the Region's net absorption (16 percent of the Region from 2004 through 2009 as shown in Figure 31), it has experienced high vacancy rates of up to 39 percent (Figure 30). These vacancy levels may be understated as shadow vacancies (underutilized office space that is expected to be vacated upon expiration of the lease) which are a major factor in the Elk Grove office market, as elsewhere in the Region.

FIGURE 30
HISTORICAL OFFICE MARKET VACANCY RATES
(SORTED BY SUBMARKET SIZE)

Sacramento Regional	*Vacancy %*									
Submarket	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*2007*	*2008*	*2009*
Highway 50 Corridor	6.2%	6.5%	12.5%	12.8%	13.4%	13.3%	14.0%	10.4%	10.4%	18.6%
Downtown	5.8%	4.6%	6.2%	9.4%	13.5%	13.4%	12.4%	11.5%	12.7%	15.9%
Roseville/Rocklin	8.8%	10.0%	11.9%	7.3%	8.6%	10.3%	15.6%	15.5%	27.3%	33.6%
South Natomas	5.8%	4.0%	7.0%	11.0%	15.2%	14.7%	16.5%	8.5%	8.9%	17.1%
Folsom	3.7%	7.5%	9.7%	17.1%	16.2%	14.1%	8.4%	8.6%	14.4%	22.6%
Point West	6.9%	6.4%	8.8%	10.1%	9.5%	8.7%	15.0%	15.8%	18.5%	27.4%
Northgate/Natomas	9.7%	17.3%	29.3%	29.5%	31.0%	27.4%	15.1%	15.8%	12.3%	23.6%
Midtown	8.2%	0.8%	12.5%	13.9%	16.3%	13.7%	11.5%	12.8%	16.1%	18.0%
Campus Commons	14.3%	3.9%	3.4%	3.8%	9.0%	9.0%	7.1%	11.8%	14.3%	17.4%
Howe/Fulton	9.2%	7.5%	6.8%	6.0%	12.9%	14.7%	12.1%	11.7%	16.7%	18.8%
South Sacramento	4.8%	5.7%	4.4%	1.9%	3.5%	9.3%	14.4%	7.9%	13.0%	14.3%
Watt Avenue	11.6%	3.8%	4.7%	5.7%	5.8%	8.4%	8.5%	9.5%	10.9%	16.3%
West Sacramento	14.6%	10.1%	9.2%	20.9%	24.3%	24.2%	16.1%	19.1%	22.6%	23.4%
Citrus Heights/Orangevale	5.7%	4.3%	3.0%	4.5%	7.1%	8.7%	7.2%	6.7%	15.1%	17.1%
Elk Grove	**n/a**	**n/a**	**n/a**	**n/a**	**29.6%**	**16.9%**	**24.2%**	**31.7%**	**34.2%**	**39.1%**
Carmichael/Fair Oaks	10.1%	8.7%	6.1%	2.3%	6.8%	3.8%	4.0%	12.9%	13.4%	17.2%
East Sacramento	*n/a*	7.0%	7.1%	6.9%	6.8%	6.8%	34.0%	31.9%	24.1%	18.3%
Average All Submarkets	*8.4%*	*6.7%*	*8.9%*	*10.2%*	*13.5%*	*12.8%*	*13.9%*	*14.2%*	*16.8%*	*21.1%*

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Office Market View, 2nd Quarter 2000 through 2009

FIGURE 31
HISTORICAL OFFICE YEAR-TO-DATE NET ABSORPTION (SORTED BY SUBMARKET SIZE)

Sacramento Regional Submarket	Net Absorption (Year-to-Date) [1]										2004-2009 [2]	
	2000 [3]	2001	2002	2003	2004	2005	2006 [4]	2007	2008	2009	Total	Avg. Annual Net Absorp.
Highway 50 Corridor	723,112	43,354	377,445	(42,443)	45,542	221,381	58,612	(73,303)	(183,004)	(426,586)	(357,358)	(59,560)
Downtown	273,838	74,252	(89,035)	28,118	(163,275)	87,123	(39,535)	290,013	129,628	282,071	586,025	97,671
Roseville/Rocklin	876,379	420,429	386,338	330,560	394,477	409,141	223,405	87,615	(95,766)	(123,818)	895,054	149,176
South Natomas	192,278	75,134	(19,981)	119,776	(32,157)	50,150	121,805	165,746	11,712	(118,737)	198,519	33,087
Folsom	194,935	128,446	93,614	3,671	88,088	78,205	128,139	(16,274)	(17,106)	190,724	451,776	75,296
Point West	33,572	(63,648)	(84,999)	38,747	64,433	29,411	(107,799)	(63,283)	(4,111)	(77,688)	(159,037)	(26,506)
Northgate/Natomas	(62,538)	12,825	(44,248)	35,186	(1,503)	119,916	37,889	37,927	69,279	(16,545)	246,963	41,161
Midtown	175,113	(45,168)	(140,543)	(34,916)	(13,511)	22,872	(104,232)	6,157	(33,831)	134,378	11,833	1,972
Campus Commons	22,963	129,823	22,741	(49,508)	(29,628)	(60)	(25,210)	(8,933)	(43,753)	(142,313)	(249,897)	(41,650)
Howe/Fulton	(6,521)	35,105	(10,817)	(14,401)	(48,246)	22,039	23,413	(56,641)	(88,231)	(11,838)	(159,504)	(26,584)
South Sacramento	129,595	(9,975)	29,643	(19,650)	(41,513)	4,043	(207)	74,080	13,933	(106,495)	(56,159)	(9,360)
Watt Avenue	(11,952)	15,131	16,276	(59,946)	(35,650)	34,304	(32,240)	13,743	(82,071)	(9,822)	(111,736)	(18,623)
West Sacramento	50,174	(3,862)	(49,751)	(28,646)	(25,178)	53,394	97,289	10,821	15,092	(20,793)	130,625	21,771
Citrus Heights/Orangevale	11,963	10,158	(15,173)	(15,558)	(9,532)	(13,498)	(1,558)	(23,120)	(70,776)	5,853	(112,631)	(18,772)
Elk Grove	**n/a**	**n/a**	**n/a**	**n/a**	**84,305**	**25,352**	**98,944**	**67,015**	**18,787**	**(26,963)**	**267,440**	**44,573**
Carmichael/Fair Oaks	25,166	43,577	3,416	(15,372)	14,338	(2,487)	(20,326)	(5,627)	(15,795)	13,095	(16,802)	(2,800)
East Sacramento	22,000	(20,400)	(789)	1,389	37	0	50,592	0	28,949	28,529	108,107	18,018
Total All Submarkets	*2,650,077*	*845,181*	*474,137*	*277,007*	*291,027*	*1,141,286*	*508,981*	*505,936*	*(347,064)*	*(426,948)*	*1,673,218*	*278,870*
Elk Grove Share of Total											16%	16%

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Office Market View Reports
[1] From CB Richard Ellis, Fourth Quarter Reports unless otherwise noted.
[2] Excludes 2000-2003 because Elk Grove data unavailable.
[3] From CB Richard Ellis, First Quarter Report.
[4] From CB Richard Ellis, Third Quarter Report.

Reflecting Elk Grove's recent office development at the peak of the last business cycle, the City commands asking lease rates higher than the Region. Figure 32 shows asking lease rates for the Region as reported by CB Richard Ellis and Grubb & Ellis (2008 and 2009). In all cases, the City's listed lease rates are greater than $2.00 per leasable square foot, significantly above regional averages. Of note, the Elk Grove submarket lease rates are significantly higher than the largest submarket (Highway 50 Corridor) and at or just below the asking rates for the next two largest markets.

FIGURE 32
HISTORICAL OFFICE MARKET AVERAGE ASKING RATES
(SORTED BY SUBMARKET SIZE)

Sacramento Regional	*Average Asking Rate [1]*										*Avg. Annual*
Submarket	*2000*	*2001*	*2002*	*2003*	*2004*	*2005*	*2006*	*2007 [2]*	*2008 [3]*	*2009 [3]*	*Growth Rate*
Hwy 50 Corridor	$1.60	$1.75	$1.70	$1.70	$1.60	$1.60	$1.65	$1.80	$1.74	$1.70	0.6%
Downtown	$2.10	$2.30	$2.30	$2.30	$2.25	$2.25	$2.25	$2.25	$2.42	$2.38	1.4%
Roseville/Rocklin	$1.85	$1.95	$1.90	$2.00	$2.00	$2.10	$2.10	$2.15	$2.11	$1.97	0.7%
South Natomas	$1.80	$1.95	$1.90	$1.95	$1.90	$1.90	$1.95	$2.05	n/a	n/a	1.9%
Folsom	$1.85	$1.90	$1.80	$1.80	$1.75	$1.80	$1.80	$2.00	$2.07	$1.95	0.6%
Point West	$1.70	$1.85	$1.80	$1.75	$1.75	$1.75	$1.85	$1.95	n/a	n/a	0.0%
Northgate/Natomas	$1.47	$1.55	$1.50	$1.50	$1.50	$1.65	$1.80	$1.85	$2.00	$2.19	4.5%
Midtown	$1.40	$1.50	$1.50	$1.50	$1.50	$1.60	$1.70	$1.75	$2.12	$2.25	5.4%
Campus Commons	$1.60	$1.80	$1.75	$1.75	$1.75	$1.75	$1.80	$1.95	n/a	n/a	0.0%
Howe/Fulton	$1.33	$1.55	$1.55	$1.55	$1.50	$1.50	$1.50	$1.55	n/a	n/a	0.0%
South Sacramento	$1.25	$1.40	$1.40	$1.45	$1.45	$1.40	$1.40	$1.50	$1.73	$1.74	3.7%
Watt Avenue	$1.37	$1.50	$1.50	$1.50	$1.50	$1.50	$1.50	$1.70	n/a	n/a	0.0%
West Sacramento	$1.36	$1.45	$1.45	$1.45	$1.45	$1.45	$1.50	$1.65	$1.49	$1.50	1.1%
Citrus Heights/Orangevale	$1.30	$1.45	$1.40	$1.40	$1.40	$1.40	$1.40	$1.60	$1.66	$1.49	1.5%
Elk Grove	**n/a**	**n/a**	**n/a**	**n/a**	**$2.00**	**$2.00**	**$2.10**	**$2.10**	**$2.16**	**$2.18**	**1.7%**
Carmichael/Fair Oaks	$1.22	$1.35	$1.35	$1.35	$1.35	$1.35	$1.45	$1.55	$1.66	$1.49	2.2%
East Sacramento	n/a	n/a	n/a	n/a	n/a	n/a	$1.56	$1.85	n/a	n/a	18.6%
Average All Submarkets	*$1.55*	*$1.68*	*$1.65*	*$1.66*	*$1.67*	*$1.69*	*$1.72*	*$1.84*	*$1.92*	*$1.89*	*2.3%*

Economic & Planning Systems, November 2010
Data Sources: CB Richard Ellis Sacramento Office MarketView 2000-2007 and Grubb & Ellis Office Market Snapshot 2008-2009
[1] From CB Richard Ellis, Fourth Quarter Reports unless otherwise noted.
[2] From CB Richard Ellis, Second Quarter Report.
[3] Class A/B office lease rates from Grubb & Ellis Fourth Quarter Reports.

Retail Development

Retail development is typically a function of population. The existing Laguna/Elk Grove submarket is the fourth-largest retail market in the Region with 4.5 million square feet, or 9 percent of the entire market. As shown in Figure 33, together the five largest markets represent more than 50 percent of the Region's retail market. In terms of square feet of retail development per capita, the Elk Grove submarket ranks much lower (32.1) in comparison to two competitive regional retail markets, Roseville/Rocklin (48.6) and Folsom/El Dorado Hills (43.6), and the Region (41.7). It is important to note that the retail market space identified in Figure 33 excludes the Elk Grove Promenade, for which construction activity was halted. Because the timing of new retail activity at the Elk Grove Promenade remains undetermined, this retail square footage is not accounted for in the City's existing or pipeline retail inventory.

FIGURE 33
CURRENT AND NEW RETAIL MARKET LEASABLE SQUARE FEET, FOURTH QUARTER 2009

	Leasable Square Feet		*Under Construction*	
Sacramento Regional Submarket	*Total Leasable Sq. Ft. [1]*	*% of Total*	*Under Construction*	*% of Total*
Roseville/Rocklin	8,148,275	16%		0%
South Sacramento	5,306,191	11%	49,400	7%
Folsom/El Dorado Hills	5,255,471	11%	670,000	93%
Laguna/Elk Grove	**4,540,877**	**9%**		**0%**
Citrus Heights/Fair Oaks	4,475,076	9%		0%
Arden/Watt/Howe	3,704,967	7%		0%
Downtown/Midtown/East Sac [2]	3,134,035	6%		0%
Hwy 50/Rancho Cordova/Rosemont	3,041,201	6%		0%
West Sacramento/Davis	2,521,826	5%		0%
North Natomas	2,445,323	5%		0%
North Highlands	2,343,536	5%		0%
Carmichael	1,307,952	3%		0%
Auburn/Loomis	1,208,402	2%		0%
Lincoln	1,192,747	2%		0%
South Natomas	617,027	1%		0%
Greenhaven/Pocket	384,888	1%		0%
Total All Submarkets	*49,627,794*	*100%*	*719,400*	*100%*

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Retail Market View, 4th Quarter 2009
[1] Includes all properties over 20,000 square feet, excluding malls (defined as enclosed shopping locations in excess of 1 million square feet).
[2] General retail from CoStar year end 2007 report.

After years of relatively low vacancy rates, the current economic climate has contributed to significant increases in vacancy region wide. The City had extremely low vacancy rates between 2003 and 2007, when compared to the Region as shown in Figure 34. The City's submarket experienced near-zero vacancy rates in 2003 through 2006. In 2008 and 2009, the Elk Grove submarket experienced dramatically increased vacancy rates—now greater than the regional average. These vacancy rates are very similar to the Roseville/Rocklin submarket and to a lesser degree to the Folsom/El Dorado Hills submarket. In contrast, the Highway 50/Rancho Cordova/Rosemont submarket has historically experienced significantly higher vacancy rates.

FIGURE 34
HISTORICAL RETAIL MARKET VACANCY RATES
(SORTED BY SUBMARKET SIZE)

Sacramento Regional	*Vacancy % [1]*						
Submarket	*2003*	*2004*	*2005*	*2006*	*2007*	*2008 [2]*	*2009 [2]*
Roseville/Rocklin	3.0%	2.7%	2.0%	3.4%	7.4%	8.3%	16.7%
South Sacramento	8.2%	4.3%	3.9%	3.9%	4.0%	5.3%	17.2%
Folsom/El Dorado Hills	1.8%	1.2%	1.1%	5.5%	7.8%	6.8%	9.6%
Laguna/Elk Grove	**0.5%**	**0.2%**	**1.2%**	**0.2%**	**3.6%**	**8.5%**	**16.3%**
Citrus Heights/Fair Oaks	9.3%	9.1%	7.8%	7.7%	6.1%	10.2%	17.4%
Arden/Watt/Howe	9.1%	4.0%	2.0%	3.6%	4.9%	6.0%	9.8%
Hwy 50/Rancho Cordova/Rosemont	13.5%	9.0%	13.8%	15.2%	15.5%	15.8%	25.7%
West Sacramento/Davis	7.9%	5.6%	5.9%	3.2%	2.0%	3.1%	9.4%
Northgate/Natomas [3]	0.0%	0.1%	1.7%	5.8%	5.6%	9.1%	12.7%
North Highlands	7.7%	3.5%	7.0%	10.0%	10.8%	9.2%	11.7%
Carmichael	8.8%	5.0%	4.1%	3.4%	3.3%	11.3%	11.5%
Auburn/Loomis	0.1%	0.8%	1.8%	0.7%	2.1%	2.3%	14.4%
South Natomas	20.1%	16.5%	1.9%	1.0%	11.4%	9.4%	3.2%
Greenhaven/Pocket	2.1%	4.3%	2.1%	2.4%	3.2%	12.2%	16.6%
Average All Submarkets	*7.0%*	*4.4%*	*3.8%*	*4.7%*	*6.3%*	*8.4%*	*13.7%*

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Retail Market View Reports
Note: The Downtown/Midtown/East Sac submarket was removed from this table as limited time series data was available.
[1] From CB Richard Ellis 2nd Quarter unless otherwise noted.
[2] From CB Richard Ellis 4th Quarter.
[3] Information for Northgate/Natomas does not include Northgate for 2006-2009.

Except for the large positive absorption levels in 2004 (almost 172,000 square feet, 23 percent of the Region), absorption trends are relatively flat for the City's submarket (shown in Figure 35). CB Richard Ellis is in the process of developing a new retail database; as such, no absorption data is available for 2009. Given the jump in retail vacancy region-wide for 2009, absorption is likely negative in 2009.

FIGURE 35
HISTORICAL RETAIL MARKET YEAR-TO-DATE NET ABSORPTION
(SORTED BY SUBMARKET SIZE)

	Net Absorption (Year-to-Date) [1]								*Avg. Annual*
Sacramento Regional Submarket	*2003*	*2004*	*2005*	*2006*	*2007*	*2008 [2]*	*2009 [2,3]*	*Total*	*Net Absorption*
Roseville/Rocklin	99,515	21,494	112,932	(8,461)	174,531	436,923	n/a	836,934	139,489
South Sacramento	132,912	106,347	8,262	10,758	(14,607)	(43,628)	n/a	200,044	33,341
Folsom/El Dorado Hills	(17,981)	68,039	(3,817)	210,752	826,857	146,411	n/a	1,230,261	205,044
Laguna/Elk Grove	**11,199**	**171,926**	**(3,183)**	**7,996**	**15,461**	**16,199**	**n/a**	**219,598**	**36,600**
Citrus Heights/Fair Oaks	(57,655)	21,661	49,376	26,388	26,255	74,377	n/a	140,402	23,400
Arden/Watt/Howe	210,408	135,424	35,254	(30,429)	(11,376)	(31,308)	n/a	307,973	51,329
Hwy 50/Rancho Cordova/Rosemont	(97,843)	72,438	49,731	(4,802)	29,743	(17,447)	n/a	31,820	5,303
West Sacramento/Davis	3,807	6,500	(3,095)	244,286	316,638	15,327	n/a	583,463	97,244
Northgate/Natomas [4]	2,297	(538)	(13)	92,012	20,405	43,776	n/a	157,939	26,323
North Highlands	12,723	67,024	3,061	15,315	50,197	(22,431)	n/a	125,889	20,982
Carmichael	(41,135)	55,669	(10,333)	30,481	48,558	(76,685)	n/a	6,555	1,093
Auburn/Loomis	8,373	(6,760)	104,393	13,261	0	(6,960)	n/a	112,307	18,718
South Natomas	(19,585)	25,010	21,202	1,527	(36,333)	8,400	n/a	221	37
Greenhaven/Pocket	7,456	(7,649)	5,549	2,711	(780)	(30,736)	n/a	(23,449)	(3,908)
Total All Submarkets	*256,293*	*757,593*	*439,578*	*611,795*	*1,445,549*	*512,218*	*n/a*	*4,023,026*	*670,504*
Elk Grove Share of Total								5%	5%

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Retail Market View Reports
Note: The Downtown/Midtown/East Sac submarket was removed from this table as limited time series data was available.
[1] From CB Richard Ellis 2nd Quarter unless otherwise noted.
[2] From CB Richard Ellis 4th Quarter.
[3] CBRE established a new database in 2009. Therefore, net absorption not available until 2010 data released.
[4] Information for Northgate/Natomas Submarket does not include Northgate for 2007-2009.

The Laguna/Elk Grove retail submarket demands lease rates among the highest in the Region. According to CB Richard Ellis, the City's submarket has consistently had near-highest lease rates. Figure 36 shows the steady regional increase in lease rates between 2003 and 2007, followed by a sharp decline in 2008 and 2009. The City's submarket followed a similar path. The submarket's lease rate peaked at $2.95 achieved in 2005 and remained stable for 2006 and 2007. Subsequently, the asking lease rates have fallen approximately 33 percent to $1.95 per square foot in 2009.

FIGURE 36
HISTORICAL RETAIL MARKET AVERAGE ASKING RATES
(SORTED BY SUBMARKET SIZE)

	Average Asking Rate [1]							*Avg. Annual*
Sacramento Regional Submarket	*2003*	*2004*	*2005*	*2006*	*2007*	*2008 [2]*	*2009 [2]*	*Growth Rate*
Roseville/Rocklin	$2.17	$2.45	$2.75	$3.00	$3.00	$1.75	$1.97	-1.6%
South Sacramento	$1.19	$1.19	$1.50	$1.50	$1.50	$1.50	$1.50	3.9%
Folsom/El Dorado Hills	$2.02	$2.31	$2.70	$2.85	$2.85	$2.43	$1.90	-1.0%
Laguna/Elk Grove	***$2.37***	***$2.42***	***$2.95***	***$2.95***	***$2.95***	***$2.69***	***$1.95***	***-3.2%***
Citrus Heights/Fair Oaks	$1.61	$1.61	$1.80	$1.81	$1.81	$1.67	$1.59	-0.2%
Arden/Watt/Howe	$1.93	$1.93	$1.93	$1.93	$1.93	$1.84	$1.75	-1.6%
Hwy 50/Rancho Cordova/Rosemont	$1.21	$1.21	$1.45	$1.45	$1.45	$1.99	$1.50	3.6%
West Sacramento/Davis	$1.96	$1.96	$1.96	$2.02	$2.02	$2.05	$1.64	-2.9%
Northgate/Natomas [3]	$2.13	$2.25	$2.75	$2.95	$2.95	$2.10	$2.00	-1.0%
North Highlands	$1.40	$1.40	$1.40	$1.40	$1.40	$1.46	$1.25	-1.9%
Carmichael	$1.30	$1.30	$1.30	$1.30	$1.30	$1.18	$1.14	-2.2%
Auburn/Loomis	$1.72	$1.72	$1.72	$1.72	$1.72	$1.52	$1.75	0.3%
South Natomas	$2.13	$2.14	$2.14	$2.14	$2.14	$2.04	$1.60	-4.7%
Greenhaven/Pocket	$1.51	$1.51	$1.85	$1.85	$1.85	$1.62	$1.52	0.1%
Total All Submarkets	*$1.71*	*$1.76*	*$1.98*	*$2.06*	*$2.06*	*$1.85*	*$1.65*	*-0.6%*

Economic & Planning Systems, November 2010
Data Source: CB Richard Ellis Sacramento Office Market View Reports
Note: The Downtown/Midtown/East Sac submarket was removed from this table as limited time series data was available.
[1] From CB Richard Ellis 2nd Quarter unless otherwise noted.
[2] From CB Richard Ellis 4th Quarter.
[3] Information for Northgate/Natomas does not include Northgate for 2006-2009.

As discussed previously, per capita taxable sales in the City are significantly lower than the Sacramento Region and other competitive areas such as Folsom, Rancho Cordova, and Roseville. Data also suggest that there is a retail gap in the City with spending potential exceeding actual sales in many retail categories. These facts, coupled with historically low vacancy rates and low retail square feet per capita, suggest that the City's retail market may be an underperforming sector, particularly with regard to high sales tax generating regional retail sites.

One of the largest variables in the City's retail real estate market is the completion of the Elk Grove Promenade, the largest proposed retail project in the City. Conceptualized as a lifestyle center providing 1.1 million square feet of regional retail, development of the Elk Grove Promenade halted in 2008 as the owner of the Project, General Growth

Properties, entered bankruptcy reorganization. Once the Elk Grove Promenade is complete, analysts project that the development will catalyze significant other commercial real estate opportunities along the Grant Line Road corridor. Preliminary indications from the property owner indicate that the Elk Grove Promenade will be developed as a retail property, likely phased in over time as market demand warrants.

It should be noted, however, that demand for additional retail in Elk Grove will be tempered by a fundamental shift in the retail market resulting from changes in consumer expenditure patterns. Prior to the most recent real estate market crash, ever increasing home equity and disposable income spurred retail spending and the associated demand for new retail space. Market analysts now project that reduced consumer expenditures and the increasing share of Internet-based shopping will result in a reduction of per capita retail space demand. Completion of the Elk Grove Promenade, therefore, may be contingent on the project's ability to offer innovative retail concepts and attract quality, niche retail tenants in order to succeed in a highly competitive environment.

Competitiveness

Elk Grove operates in a highly competitive environment with other regional, national, and international locations vying for growth and development opportunities and business location and expansion decisions being driven by a combination of factors such as market assets, business climate, and cost of doing business. This section explores Elk Grove's competitiveness based on comparisons to other areas in the state. Other comparisons to regional competitors were discussed in the taxable sales and real estate components of the Economic and Demographic Profile section. The comparative analysis presented in this section not only offers key information on Elk Grove's competitive position, but additional case study work was conducted on the comparison areas to provide context to the discussion and inform the Market Strategies section.

Comparative Analysis

Five other areas in the state were selected for comparative analysis based on findings from stakeholder interviews and document reviews as well as similarity analysis of various comparative economic and demographic data. Three of the selected areas are regional competitors and were identified as potential comparatives in the original request for proposal (RFP) document for the Market Study—Folsom, Rancho Cordova, and Roseville. The other two areas are comparatives in other regions in Northern and Southern California that regularly compete with the Sacramento Region for business location and expansion projects—Pleasanton in the SF Bay Area and Corona in the Inland Empire. The following information provides a high-level profile of the five selected regions.

Roseville, Folsom, and Rancho Cordova are fully-developed edge cities in the Sacramento Region that present the greatest competition to Elk Grove in terms of business attraction and expansion. Additionally, these areas have more self-sufficient economies, civic amenities, and desirable mix of land uses than other areas in the Region. Although only Roseville is comparable to both Elk Grove's population and income levels, all three regional competitors serve as relevant study areas based on their relatively high jobs-housing ratios and low out-commute patterns as well as distance to the Region's core. Selection of the other California comparatives began with an analysis of California cities' population, income, and distance to a major population center similar to Elk Grove's characteristics. This analysis resulted in a listing of around 20 comparative areas. CSER further analyzed geographic, amenity, and development characteristics of potential comparative areas and eliminated those that presented limited similarities to Elk Grove. Additionally, CSER analyzed the areas' jobs-housing ratios and commute patterns and considered those that presented stronger levels than Elk Grove based on the stated desire to build a broader employment base and improve the jobs-housing balance. Pleasanton was one area selected despite its relatively small population and high income levels—its history of development from a bedroom community (similar starting point as Elk Grove) to a city with a strong economic base as well as its location along a highway corridor deemed it an appropriate comparative area. Corona was chosen

as the second California comparative area due to its similar population and income levels and distance to a major population center in addition to its stronger jobs-housing ratio and employment level.

The presence of Intel has had a significant impact on Folsom's growth and development. Prior to the location of this major campus facility, Folsom was mainly known as a sleepy, prison town. While many of the quality of life amenities for which Folsom is now know likely would have been developed eventually, Intel and its employees' arrival spurred this progress. Intel has also produced spin-off endeavors and signaled to larger firms that Folsom is a good place to do business. Location within the Sacramento Region's Highway 50 Corridor economic node has also played a role in Folsom's success The City's current emphasis has been on attracting smaller firms since they are approaching build-out and connecting with existing businesses via a focused business retention and expansion program.

Rancho Cordova is unique in the group of comparative areas in that it only recently incorporated. The City's proximity to former Mather Air Force Base as well as its position within the Highway 50 Corridor has driven much of the growth and development in Rancho Cordova. The future Capital SouthEast Connector Corridor will also be a boon to businesses in Rancho Cordova, connecting them to other communities while bypassing the congestion that often plagues Highway 50. The area also boasts cheaper office rates and a variety of office space and is able to draw businesses from more expensive markets like Folsom and Sacramento. As a nascent city, Rancho Cordova is still defining its identity and determining how it wants to work with its strengths to grow a strong job market.

Like in Folsom, the location of a major technology employer was a catalytic event for Roseville's economy. The Hewlett-Packard campus created the impetus for further development of the technology sector in Roseville which now includes a variety of other large and small employers. Roseville attracts a critical mass of highly-educated workers because of its high quality of life and varied job opportunities. There is also a strong healthcare industry in the City which is the result of the area's demographics—the Del Webb retirement community plus young, growing families in a fast-growing region. These industries have created strong clusters in the area. As Roseville grows, though, the City is nearing build-out like other neighboring communities and has redirected its focus to infill projects which will add amenities to the community and efforts to engage young professionals.

The City of Corona benefits greatly from its central location; directly in the middle of Southern California at the junction of State Route 91 and Interstate Highway 15. This location gives businesses accessibility to their workforce and customer base. In addition to its location, Corona's proximity to major population centers drives business growth. Increased congestion along State Route 91 has prompted firms to move from Northern Orange County to be closer to employees in Corona and Riverside. In addition to these outside factors, Corona created Team Corona, a comprehensive economic development

program, which has proven very successful in guiding growth and development in the City.

The defining characteristic of the Pleasanton business community is the Hacienda Business Park. This 854-acre, mixed-use business park is located at the junction of Interstate 580 and Interstate 680. This business park development has helped with business attraction, but firms are also drawn to the area because of Pleasanton's proximity to the SF Bay Area and its large, highly-skilled workforce. In addition, Pleasanton offers a strong and viable downtown district that includes a robust retail hub and sense of community identity. While Pleasanton offers a strong local job base, it also relies heavily on the employment opportunities offered in the greater SF Bay Area. The City of Pleasanton is currently focusing its efforts on keeping costs down for businesses through phased permitting and assisting businesses with its loan fund. Economic development efforts have also focused on connecting with and supporting entrepreneurs.

Figure 37 provides a summary of key characteristics of the comparative areas. In terms of market size, only Corona surpasses Elk Grove's population with about 5 percent more residents. Folsom and Pleasanton have about half the population of Elk Grove and Rancho Cordova is significantly smaller. However, in terms of employment supported by local businesses, all areas except Folsom have a larger economy with Roseville, Corona, and Pleasanton containing roughly double the number of jobs as Elk Grove. This dynamic affects the jobs-household ratio where Elk Grove supports the lowest balance among the comparative areas with considerably fewer jobs than households. Only Folsom maintains a ratio of less than 1.0 with Rancho Cordova, Roseville, and Corona supporting a generally healthy balance and Pleasanton showing an employment-heavy ratio over 2.0.

The jobs-household imbalance is also reflected in worker commute patterns. As discussed in the Economic and Demographic Profile section, over 87 percent of Elk Grove working residents commute outside the City boundaries for work and face commute times significantly above the statewide and regional averages. None of the comparative areas show worker outflow rates as high as Elk Grove, but all are between approximately 76 and 85 percent. When worker inflow is accounted for, all the comparative areas see a greater number of in-commuters than out-commuters with inflow-outflow ratios ranging from about 109 percent in Corona to close to 206 percent in Rancho Cordova. In Elk Grove, only approximately 47 percent of the number of workers that leave the local area for work are replaced by workers coming into the City for jobs—according to one measure of labor and commute sheds, just over 19,000 workers commute into Elk Grove while almost 41,000 leave. This further illustrates the limited employment base in Elk Grove.

Industry structure varies among the comparative areas. Retail Trade in all areas ranks among the top five sectors based on employment. This is partially attributable to the relatively high median household income levels in the comparative areas with all surpassing the statewide average except Rancho Cordova. Professional, Scientific, & Technical Services is also well represented among the areas, ranking among the top five

in all expect Corona. Of the five comparative areas, Folsom and Roseville present the greatest similarity to Elk Grove's current economic structure. Unlike in Elk Grove, Health & Social Services; Information; Finance & Insurance; Manufacturing; and Wholesale Trade rank among the top five sectors within the competitive and comparative areas. However, as highlighted in the Economic and Demographic Profile section, in all of these sectors, Elk Grove is currently fairly similar or specialized relative to the Sacramento Region. The local-serving dominated economy in Elk Grove leads to lower payroll per employee levels compared to the other areas. The wage distribution among establishments shows that the Elk Grove economy generates a balance across all three wage levels. However, the comparative areas contain more high value activities and are more heavily weighted toward the middle and high levels with Rancho Cordova and Pleasanton supporting the majority of wages in the high level.

FIGURE 37
COMPARATIVE AREA SUMMARY

Indicator	***Elk Grove***	*Folsom*	*Rancho Cordova*	*Roseville*	*Corona*	*Pleasanton*
Population	**141,430**	71,018	61,817	112,343	148,597	70,097
Households	**47,411**	23,903	23,165	43,747	45,569	24,387
Median Household Income	**$85,344**	$92,111	$50,208	$79,139	$76,771	$118,419
Employment	**29,363**	19,061	34,009	59,070	62,932	59,684
Industry Structure						
Retail Trade	**18.9%**	21.9%	9.5%	20.3%	18.1%	15.0%
Government & Unclassified	**9.5%**	16.4%	17.3%	8.5%	10.2%	5.1%
Construction	**8.9%**	3.3%	5.9%	6.3%	8.8%	3.5%
Accom. & Food Svcs.	**8.0%**	12.3%	5.5%	11.5%	6.1%	5.4%
Prof., Sci., & Technical Svcs.	**7.2%**	8.8%	11.5%	12.3%	6.7%	7.4%
Health & Social Svcs.	**6.5%**	8.2%	5.8%	11.4%	5.0%	5.5%
Admin. & Waste Svcs.	**6.2%**	2.1%	2.7%	2.0%	5.2%	3.0%
Other Services	**6.0%**	5.5%	6.5%	4.4%	4.1%	3.2%
Information	**5.6%**	0.7%	6.2%	2.1%	0.6%	23.1%
Finance & Insurance	**4.8%**	5.5%	17.1%	8.7%	2.5%	5.9%
Manufacturing	**4.7%**	1.9%	2.1%	1.8%	16.0%	13.8%
Real Estate & Rental	**3.9%**	6.5%	2.3%	4.7%	3.0%	3.8%
Wholesale Trade	**3.2%**	2.6%	4.7%	3.0%	10.7%	3.2%
Transport. & Warehousing	**2.7%**	0.3%	1.0%	0.4%	0.6%	0.8%
Educational Svcs.	**1.5%**	1.3%	1.1%	0.8%	1.2%	0.6%
Arts, Ent., & Recreation	**1.3%**	2.1%	0.6%	1.6%	1.0%	0.8%
Ag., Forestry, Fish., & Hunting	**0.8%**	0.0%	0.0%	0.0%	0.2%	0.1%
Mining	**0.1%**	0.0%	0.0%	0.0%	0.0%	0.0%
Utilities	**0.1%**	0.6%	0.0%	0.2%	0.0%	0.1%
Mgmt. of Companies	**0.0%**	0.0%	0.1%	0.0%	0.1%	0.0%
Payroll per Employee	**$31,069**	$59,970	$51,415	$48,415	$38,045	$60,244
Wage Distribution						
$1,250 per month or less	**33.7%**	27.6%	16.4%	26.8%	24.3%	21.6%
$1,251 to $3,333 per month	**34.6%**	28.8%	33.2%	33.5%	42.6%	28.1%
More than $3,333 per month	**31.7%**	43.6%	50.4%	39.7%	33.1%	50.3%
Jobs-Household Ratio	**0.62**	0.80	1.47	1.35	1.38	2.45
Worker Outflow	**87.1%**	79.2%	84.5%	76.1%	83.2%	81.2%
Worker Inflow-Outflow Ratio	**47.2%**	135.4%	205.7%	158.6%	109.2%	192.5%

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on:

- CA Department of Finance, Population Estimates for Cities, Counties and State, 2001-2009
- U.S. Census Bureau, 2008 Local Employment Dynamics
- National Employment Time Series database
- ESRI Business Analyst Online, 2009 and 2010 Market Profile
- ESRI Business Analyst Online, 2009 Business Summary Report
- U.S. Bureau of Labor Statistics, Quarterly Census of Employment & Wages

Note: Rancho Cordova & Pleasanton household and income data reflect 2010 estimates—all others are based on 2009.

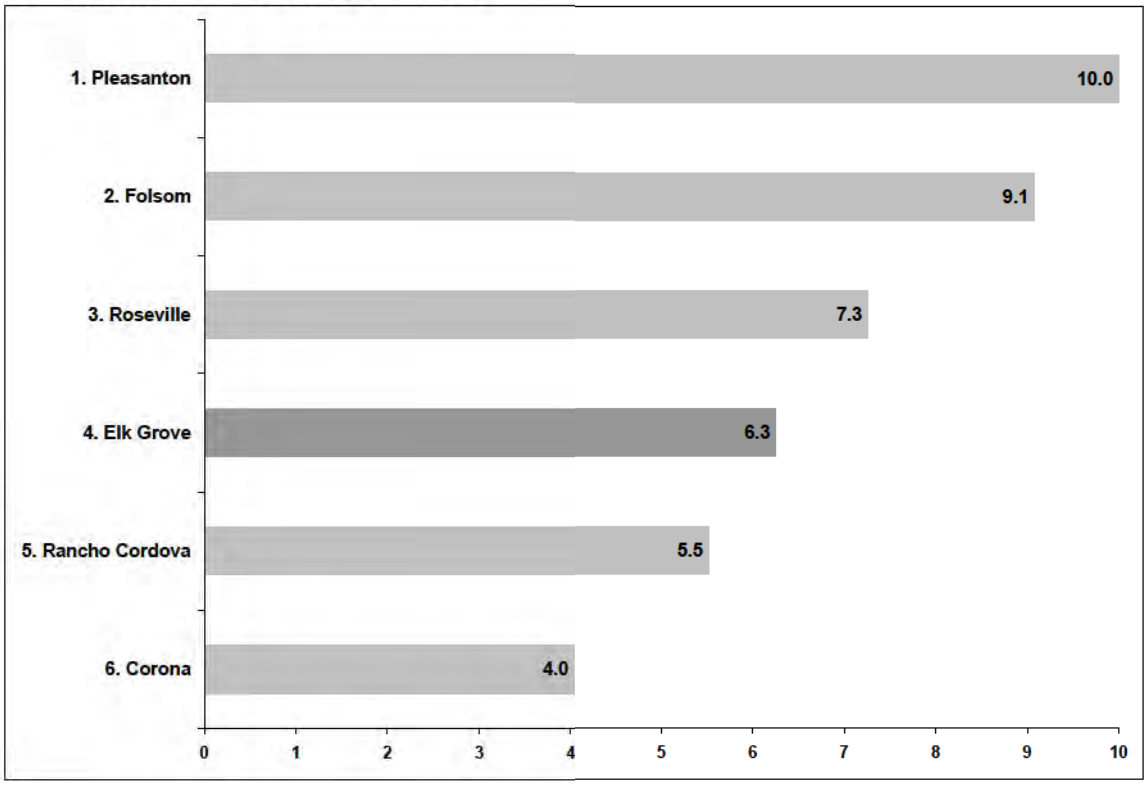
Business Vitality Index

The Business Vitality Index presented in Figures 38 and 39 measures Elk Grove's competitive position relative to the five selected comparative areas. The Index captures performance across 10 factors describing demographic, business, and quality of life characteristics. The measured areas received a score between 0 and 10 on each of the 10 indicators listed in Figure 39 based on relative performance—the best performing area received a score of 10, the lowest received a 0, and all other areas received scores between 0 and 10 based on where measures fell between the two boundaries. All 10 indicator scores were averaged to create the overall Business Vitality Index shown in Figure 38 with the highest average area garnering a score of 10 and all other areas receiving scores based on performance as a percentage of the top area. The indicators were carefully selected to span various elements that can be used to describe an area's business climate and to allow Elk Grove economic development representatives to view changes over time by updating the Index on an annual basis using publicly-available data sets with straightforward calculations. It is important to note that the publicly-available data sets vary to a certain extent from the more detailed proprietary analysis incorporated in other sections of this report.

Elk Grove ranked fourth among the six measured areas on the 2010 Business Vitality Index falling behind only Pleasanton and Folsom. Rancho Cordova and Corona placed below Elk Grove with the latter showing a notable gap in performance versus Elk Grove and the top-performing areas. Overall, the Index suggests that Elk Grove presents a somewhat weak competitive position relative to the five comparative areas—in certain cases, it should be able to compete well with the two areas it outranked and needs to improve its performance and competitive assets to compare favorably with the three areas it fell behind.

Elk Grove received strong scores on the Establishment Growth and Housing Affordability indicators, posting the best performance on the both based on the measured variables. These two factors demonstrate Elk Grove's comparative strengths in the time period captured in the 2010 Business Vitality Index. The Population Growth, Taxable Sales Growth, Unemployment Rate, and Crime Rate indicators in Elk Grove all received moderate scores. Elk Grove posted the lowest score on the Employment Growth and Office Vacancy rate variables while Educational Attainment and SAT Scores also garnered relatively weak scores. For the time period measured, these factors illustrate Elk Grove's comparative weaknesses.

FIGURE 38
2010 BUSINESS VITALITY INDEX



Center for Strategic Economic Research, November 2010

FIGURE 39
2010 BUSINESS VITALITY INDEX INDICATOR SCORES

Indicator	***Elk Grove***	*Folsom*	*Rancho Cordova*	*Roseville*	*Corona*	*Pleasanton*
Population Growth	**5.4**	0.0	6.3	10.0	2.6	1.2
Educational Attainment	**2.8**	5.4	0.4	3.2	0.0	10.0
Employment Growth	**0.0**	7.9	6.6	9.4	0.9	10.0
Establishment Growth	**10.0**	7.0	0.0	7.7	3.2	7.0
Office Vacancy	**0.0**	9.5	10.0	1.9	4.4	4.9
Taxable Sales Growth	**5.8**	0.0	10.0	4.7	2.4	7.7
Unemployment Rate	**4.9**	10.0	0.0	3.1	3.8	9.7
Crime Rate	**4.8**	8.2	0.0	0.5	6.2	10.0
Housing Affordability	**10.0**	7.4	1.7	5.3	4.9	0.0
SAT Scores	**0.5**	8.6	3.8	5.4	0.0	10.0

Center for Strategic Economic Research, November 2010
Data Source: CSER index calculations based on the following:

- CA Department of Finance, Population Estimates for Cities, Counties and State, 2001-2010
- U.S. Census Bureau, 2008 American Community Survey
- U.S. Census Bureau, County Business Patterns, 2007 and 2008
- Grubb & Ellis, Office Trends Report, Q2 2010
- CA Board of Equalization, Taxable Sales in California, 2007 and 2008
- CA Employment Development Department, Monthly Labor Force Data for Cities and Census Designated Places, 2009
- DQ News/California Association of Realtors, California Home Sale Activity by City 2008-2009
- Federal Bureau of Investigation, Offenses Known to Law Enforcement by State by City, 2009
- CA Department of Education, Dataquest 2008-2009 school year

Note: Presented scores reflect relative performance scored between 0 and 10.

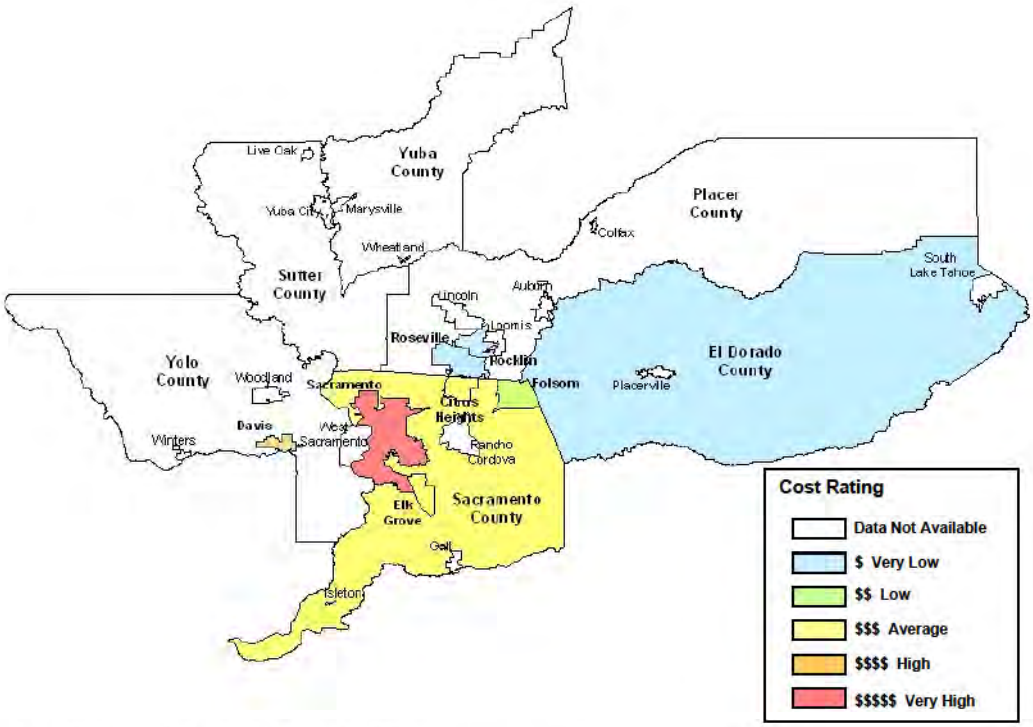
Elk Grove actual performance on the measured indicators is described below (based on the data sources noted in Figure 39). The variation between scores shown in Figure 39 for each indicator illustrates the magnitude of difference between Elk Grove's performance.

- From 2009 to 2010, Elk Grove's population grew 1.7 percent.
- Approximately 41 percent of Elk Grove's population aged 25 and over in 2008 held a postsecondary degree (associate degree and above).
- Employment in Elk Grove declined 9 percent between 2007 and 2008.
- Between 2007 and 2008, Elk Grove experienced a 2.3 percent increase in its number of establishments.
- The real estate submarket containing Elk Grove had 33.5 percent office vacancy in the second quarter of 2010.
- Taxable sales declined over 10 percent in Elk Grove from 2007 to 2008.
- Elk Grove's 2009 unemployment rate was 9.2 percent.
- In 2009, Elk Grove experienced around 2,882 crimes (including violent and property crimes) per 100,000 residents.
- With a $270,000 median home sale price value and $79,946 median household income, Elk Grove's price to income affordability ratio was 3.4 in 2008.
- Around 41 percent of students in Elk Grove's high schools that took the SAT test in the 2008-2009 school year received a score of 1500 or greater.

Cost of Doing Business

Elk Grove ranks as an "average" cost area for doing business compared to over 400 other jurisdictions in the country (with more than half in California) according to the *2009 Cost of Doing Business Survey,* which takes taxes, fees, and economic development programs into consideration. As depicted in Figure 40, of the measured areas in the Sacramento Region, Elk Grove is one of three that are classified as average cost areas (along with Citrus Heights and unincorporated Sacramento County). Four other areas in the Region rank as low or very low cost areas including Folsom, Rocklin, Roseville, and unincorporated El Dorado County with the latter two listed among the ten least expensive areas in California. Two others are classified as high or very high cost areas, Davis and Sacramento. Outside the Sacramento Region, Pleasanton is also considered an average cost area while Corona ranks as one of the state's low cost areas.

FIGURE 40
SACRAMENTO REGION COST OF DOING BUSINESS MAP



Center for Strategic Economic Research, November 2010
Data Source: Kosmont-Rose Institute, 2009 Cost of Doing Business Survey

Further analysis of taxes, fees, and incentives in Elk Grove and its regional competitors supports the conclusion that the City presents an average cost of doing business. Because real estate decisions for businesses primarily focus on determining a location within a specific region, this portion of the competitiveness analysis focuses on the regional comparatives that actually compete with the City of Elk Grove to attract businesses and does not include the statewide comparable jurisdictions. The impact of tax and fee policies on the cost of doing business in Elk Grove was evaluated on a comparative basis using several factors including sales tax rates, utility users tax rates, and business license fees.

The state sales tax applies to all retail sales of goods and merchandise except those sales that are specifically exempted by law. The sales and use tax rate varies by local jurisdiction in California, as counties, cities, or special taxing jurisdictions or districts may enact optional sales tax measures subject to voter approval. Local sales taxes proposed to fund general services require majority voter approval, while sales tax proposals designated to a specific purpose requires a two-thirds majority voter approval. The base sales tax rate in California is 8.25 percent. On a statewide basis, optional sales taxes enacted by local jurisdictions range from 0 to 1.5 percent, resulting in total sales tax rates ranging from 8.25 percent to 9.75 percent. Elk Grove, Folsom, and Rancho

Cordova all have adopted local sales tax measures totaling 0.5 percent for a total sales tax rate of 8.75 percent. Roseville currently charges the base sales tax rate of 8.25 percent.

The utility user tax may be imposed by a local jurisdiction on the consumption of utility services, including electricity, gas, water, sewer, telephone, sanitation, and cable television. Used by local governments to fund a wide variety of services, the tax rates vary by jurisdiction. Levying a new or increased utility user tax requires voter approval—a two-thirds majority is required for a special tax dedicated to a specific purpose while a majority vote is necessary to approve a general purpose tax. Figure 41 illustrates the utility user tax rates in effect in the City of Elk Grove and each of the regional comparatives. Both Elk Grove and Rancho Cordova levy a utility user tax on a broad array of utility services, while neither Folsom nor Roseville have enacted these taxes. Voters in Elk Grove and the City of Rancho Cordova recently approved ballot measures expanding the utility user tax to other communication technologies, including wireless communications and voice over Internet services. Elk Grove's tax rate is set at 2.25 percent, whereas the Rancho Cordova rate is slightly higher at 2.5 percent.

FIGURE 41
UTILITY USER TAX RATE COMPARISON—COMMERCIAL SERVICES

	Telephone			*Wireless &*			*Cable*	
Jurisdiction	*Intra State*	*Inter State*	*International*	*Other [1]*	*Electricity*	*Gas*	*Television*	*Sewer*
Elk Grove [2]	**2.25%**	**2.25%**	**2.25%**	**2.25%**	**2.25%**	**2.25%**	**2.25%**	**2.25%**
Folsom	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Rancho Cordova [2]	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%	2.50%
Roseville	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a

Economic & Planning Systems, November 2010
Data Source: California Local Government Finance Almanac, as of June 2010
[1] Other includes private communication service (T-1), paging and voice over Internet (VoIP) and other anticipated technologies.
[2] Reflects updated utility user tax rates and applications resulting from November 2010 election.

Local jurisdictions in California have varying policies regarding fees charged to businesses as part of the business license application process. In some jurisdictions, fees collected as part of the annual business license renewal process are used to fund general city services, while in other jurisdictions, associated fees represent cost recovery for administration of the business license program. Figure 42 summarizes the business license fee practices of Elk Grove and the three regional comparatives. Elk Grove business license fees are fairly competitive relative to the selected comparables in the Region.

FIGURE 42
BUSINESS LICENSE FEE COMPARISON

Jurisdiction	*Fee*	*Basis*	*Notes*
Elk Grove	**$55**	**per license annually**	**$110 fee payable every other year funds cost recovery for administration of business license program. City currently in process of updating business license fee ordinance - may result in changes to timing and amount of payment.**
Folsom	$125	annually for business with gross receipts between $100,000 and $899,000 (most common range within City)	Ranges from $40 to $1,000 based on gross receipts for businesses grossing up to $25,099,999 in revenue annually. For businesses earning more that $25,099,999, business license fee is calculated as $100 + $0.05/$1,000 gross receipts. Funds cost recovery for administration of the program as well as General Fund services.
Rancho Cordova	$99	per license annually	Funds cost recovery for administration of business license program.
Roseville	$72	per license annually (average)	Ranges from $15 to $250 annually, depending on size and type of business. Funds business license program administration and City services.

Economic & Planning Systems, November 2010
Data Source: Listed jurisdictions, as of October 2010

The relative competitiveness of local jurisdictions can also be evaluated by comparing backbone infrastructure and public facility costs. The following analysis compares the standard City, County, and Special Plan Area development impact fees, building permit fees, special district fees, and estimated bond debt of special taxes and assessments for the following land use categories:

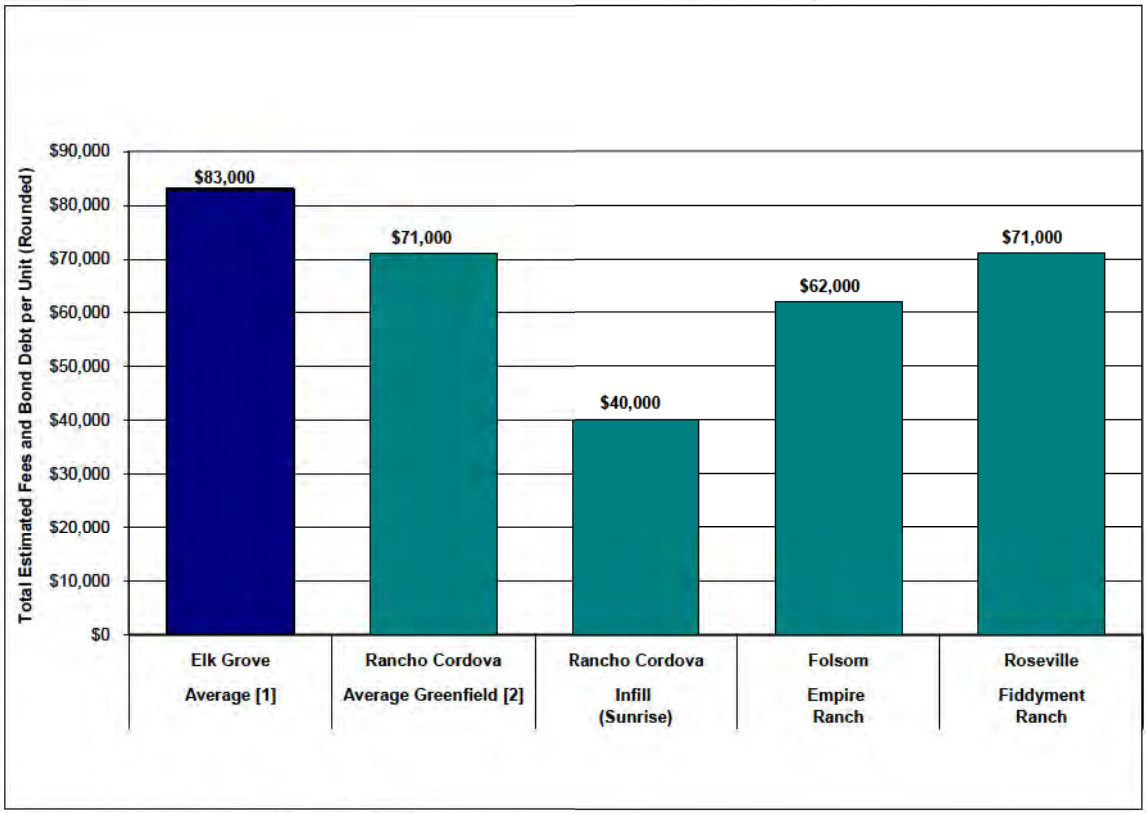
- Single-family
- Multi-family
- Retail
- Office
- Industrial

The overall infrastructure burden is evaluated for Elk Grove and each of the competitive areas. Within each competitive area, for purposes of the infrastructure cost burden comparison, specific plan areas representing the major growth areas in that jurisdiction were selected. The plan areas are representative of where development opportunities are available or where the development is likely to occur. In certain cases, where multiple plan areas are active within a jurisdiction, the infrastructure burdens were averaged across the plan areas to provide a general evaluation of the overall fee levels for new development in that jurisdiction. Only the land use categories associated with each plan area are shown.

Caution should be exercised in using these comparisons because the infrastructure items paid for by these fees and special taxes may be different for the various projects. Moreover, these costs represent estimates only meant to be used for general planning and comparison purposes. Actual fees and assessments are likely to be different for specific parcels. In some projects, a portion of the infrastructure costs are privately funded, rather than being funded through fees and assessments. The amount of privately funded infrastructure is not included in any of these comparisons. Land prices will be affected not only by the amount of fees and assessments on a parcel but also the amount of privately funded infrastructure required. These cost comparisons are current as of October 2010. Fees are constantly being changed that will affect the comparison results over time.

A comparison of infrastructure burden costs for single-family development is shown in Figure 43. Elk Grove is the least competitive, with the highest fee cost per unit. Elk Grove is significantly higher than Rancho Cordova infill development and Folsom in general. Greenfield Rancho Cordova development and Roseville overall are about $10,000 per unit lower than Elk Grove.

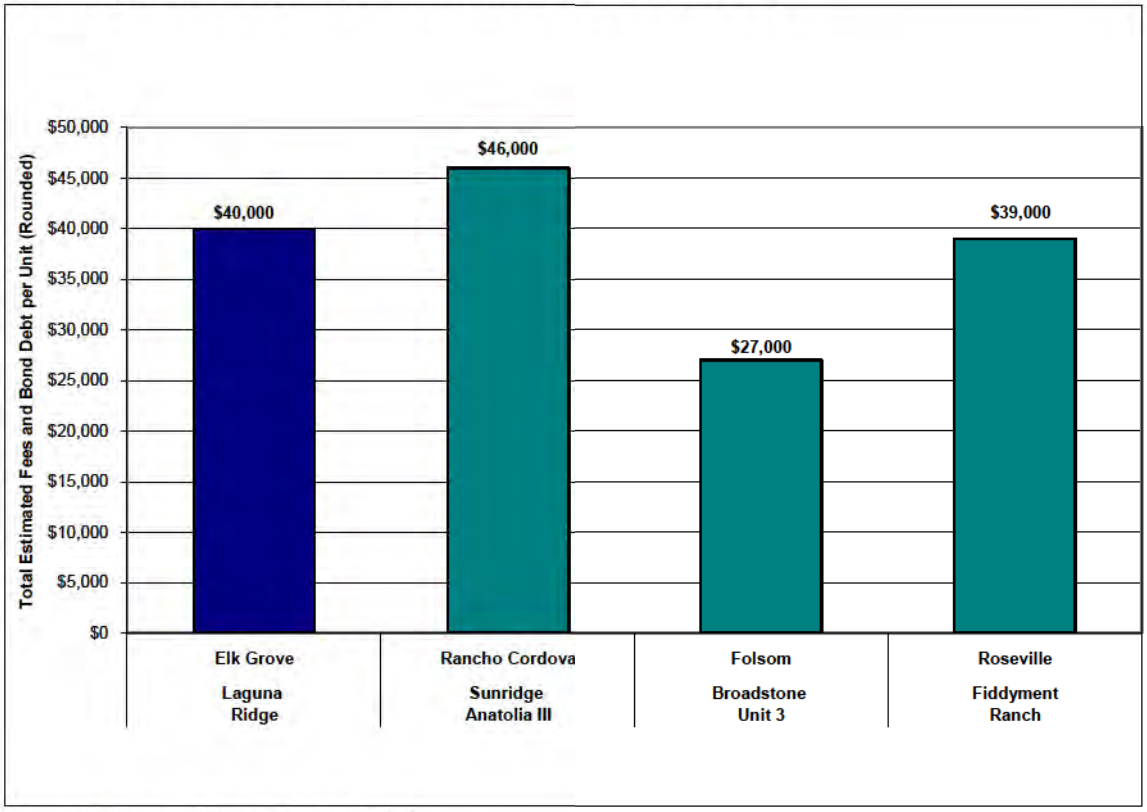
FIGURE 43
SINGLE-FAMILY PER UNIT INFRASTRUCTURE BURDEN COMPARISON
(2,200 SQUARE FOOT UNIT AND FIVE UNITS PER ACRE)



Economic & Planning Systems, November 2010
Data Source: Listed jurisdictions, as of October 2010
[1] Average fees and bond debt for Laguna Ridge and Franklin Crossing.
[2] Average fees and bond debt for Sunridge Anatolia II, Sunridge Park (Phase 2), and Capital Village.

Figure 44 shows the comparison of infrastructure burden costs for multi-family development. Elk Grove is more competitive than Rancho Cordova, which has the highest fee cost per unit. Elk Grove and Roseville have similar fee cost per unit while Folsom is significantly more competitive than the other measured jurisdictions.

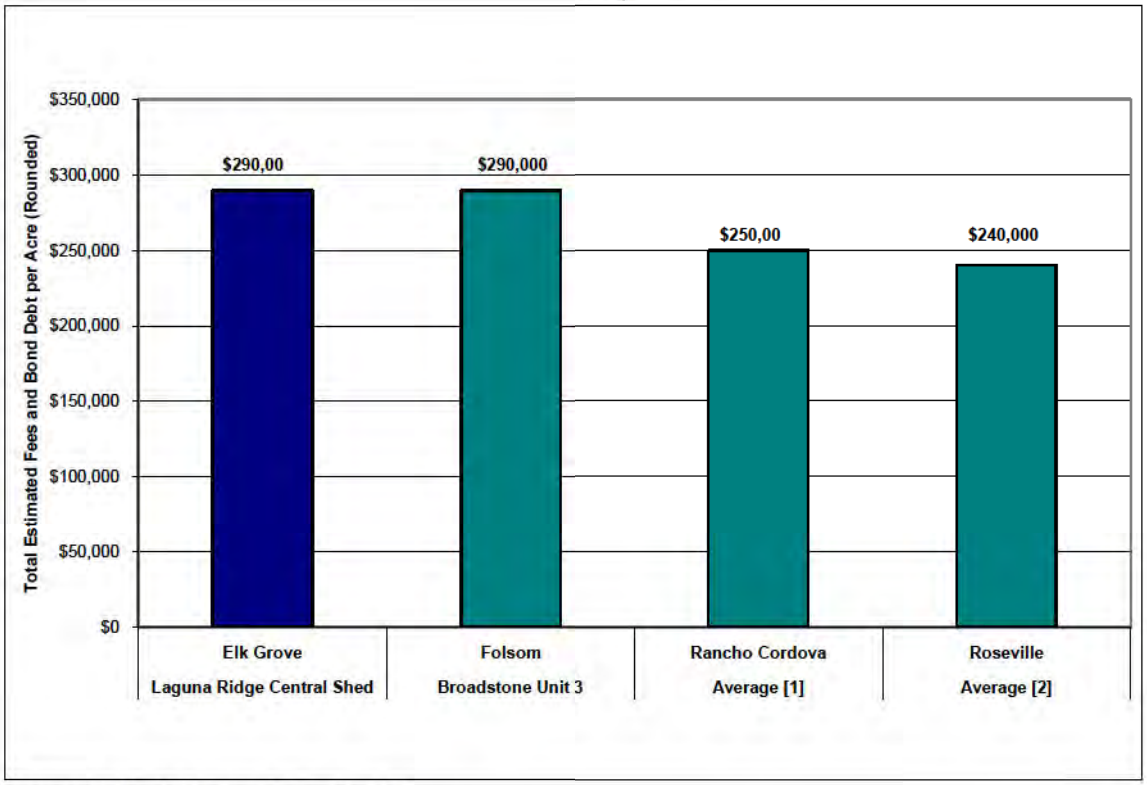
FIGURE 44
MULTI-FAMILY PER UNIT INFRASTRUCTURE BURDEN COMPARISON
(1,000 SQUARE FOOT UNIT AND 20 UNITS PER ACRE)



Economic & Planning Systems, November 2010
Data Source: Listed jurisdictions, as of October 2010

Infrastructure burden costs for retail development are compared in Figure 45. The retail development impact fees for Elk Grove are similar to the other jurisdictions on a per acre basis. Elk Grove and Folsom have the highest fee cost per acre with Rancho Cordova and Roseville showing somewhat lower costs making them more competitive for larger projects.

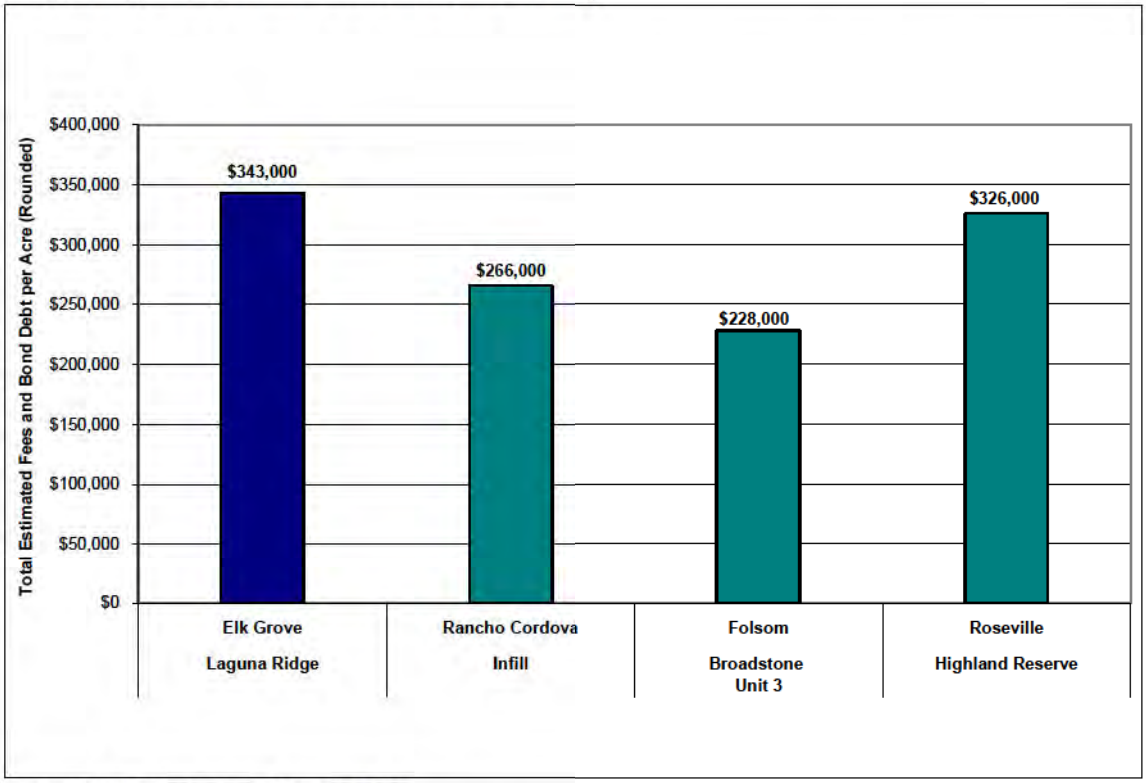
FIGURE 45
RETAIL PER ACRE INFRASTRUCTURE BURDEN COMPARISON
(109,125 SQUARE FEET AND 10-ACRE SITE)



Economic & Planning Systems, November 2010
Data Source: Listed jurisdictions, as of October 2010
[1] Average city/county fees, plan area fees, and bond debt for Sunridge Anatolia II and Capital Village.
[2] Average city/county fees, plan area fees, and bond debt for WRSP South and Highland Reserve SP Phase 1.

Figure 46 compares Elk Grove's infrastructure burden costs for office development to the other selected jurisdictions. Elk Grove and Roseville have the highest fee cost per acre. Rancho Cordova is in the mid-range of fee cost per acre while Folsom has the lowest fee cost per acre.

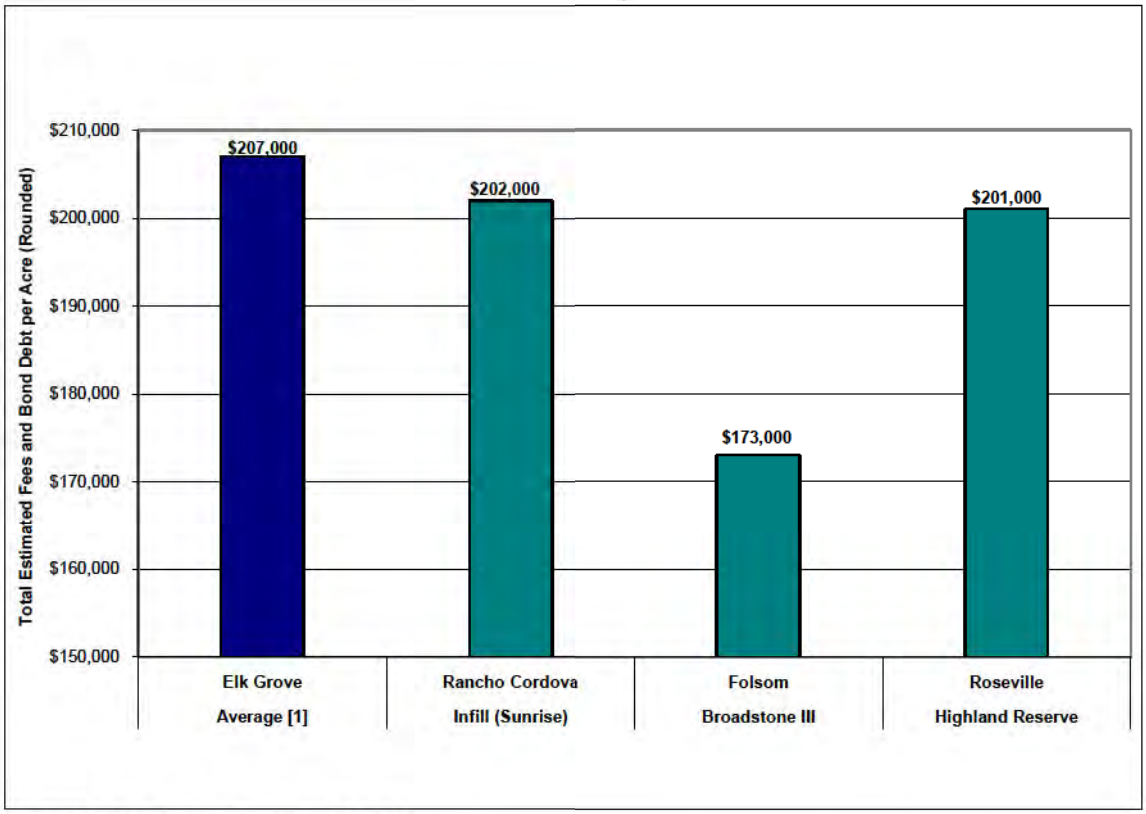
FIGURE 46
OFFICE PER ACRE INFRASTRUCTURE BURDEN COMPARISON
(75,000 SQUARE FEET AND 5-ACRE SITE)



Economic & Planning Systems, November 2010
Data Source: Listed jurisdictions, as of October 2010

Figure 47 shows Elk Grove's infrastructure burden costs for industrial development compared to the other regional competitors. Elk Grove, Roseville, and Rancho Cordova, while demonstrating higher fee costs per acre than Folsom, are very similar. Folsom is significantly more competitive with the lowest cost among the selected comparative areas in the Region.

FIGURE 47
INDUSTRIAL PER ACRE INFRASTRUCTURE BURDEN COMPARISON
(348,500 SQUARE FEET AND 20-ACRE SITE)



Economic & Planning Systems, November 2010
Data Source: Listed jurisdictions, as of October 2010
[1] Average fees and bond debt for Laguna West and Grant Line Road.

Each of the competitive areas has taken actions to implement fee deferral programs in an effort to incentivize new development activity by reducing the up front costs associated with new development. Specifics of each jurisdiction's policies vary, but the fee deferral programs generally delay the development impact fee payments, effectively spreading the costs of development over time. Generally, the regional impact of fee deferral programs has been minimal in terms of incentivizing new development that otherwise would not have proceeded. Unlike the other competitive jurisdictions, however, the City of Elk Grove has initiated a number of other actions to seek to reduce the overall impact fee burden for new development. City actions include updating several development impact fee programs and creating a deferral program for capital facilities, affordable housing, very low income housing trust fund, and citywide roadway fees. As a part of the fee

program updates, the City reviewed design standards and facility requirements and ultimately implemented fee levels less than the maximum justifiable fees. In addition, the City's economic development program offers an incentive for development impact fee reductions based upon the unique qualifications of the project and its overall contribution to the community. The City also initiated a multi-agency effort to review infrastructure cost burden levels and explore options to reduce the impact fee levels on new development. While the fee levels in Elk Grove remain somewhat high as compared to the competitive jurisdictions, the City's initiatives to reduce fee burdens provide a sound basis for future efforts to reduce the perceived high cost of doing business in Elk Grove.

Economic Development Potential

The potential for growth and development in Elk Grove is driven by a combination of internal assets and characteristics, external factors, economic performance, and perceptions of the community. This section summarizes many of the key aspects defining economic development potential and offers various perspectives to inform economic development efforts. Specifically, the City's strengths, weaknesses, opportunities, and threats will be discussed, potential viable sectors and clusters will be presented, and business factor perceptions will be summarized.

SWOT Analysis

Figure 48 summarizes the strengths, weaknesses, opportunities, and threats related to economic development in Elk Grove based on a combination of technical analysis, professional experience, and input from local and regional businesses and leaders. Each of the four internally- and externally-focused elements of the analysis includes 10 key factors. Elk Grove presents a number of internal strengths that enhance its economic development potential and point to its key local assets. Rapid population growth in Elk Grove over the past decade has generated a large consumer base with income levels notably higher than the regional, statewide, and national averages. The community is generally viewed as offering a high quality of life with well-reputed schools, desirable parks and recreational amenities, relative housing affordability, and a mix of suburban, agricultural, and rural characteristics. Elk Grove has a highly-educated workforce demonstrated by the percentage of residents with a postsecondary degree that is well above the regional, statewide, and national levels. Cost of doing business surveys rate Elk Grove as an average cost area compared to hundreds of other communities in the country. The location between two major north-south transportation corridors provides options for people and goods movement and practical access to other markets. Entrepreneurial activity is evident in the size of the small and home-based business segment in Elk Grove that benefits from access to various small business programs and technical assistance. As part of the SMUD territory, Elk Grove has access to some of the most affordable electricity rates in the state and a number of beneficial programs for residents and businesses. With much of the internal development occurring in the past decade, infill opportunities in the community benefit from available infrastructure that is likely in adequate condition as well as the City's commitment to developing cultural and civic uses in key interior areas.

Elk Grove also suffers from several inherent weaknesses that diminish its economic development potential. With a recognized jobs-housing imbalance, a considerably large portion of Elk Grove's labor force commutes outside the City for work and the minimal in-commute reduces daytime market size. Workers and residents have relatively limited access to public transit options (e.g. no direct light rail access and recent bus service adjustments) to connect to other parts of the Region, creating a reliance on automobile transportation. The community does not offer high-end executive housing as seen in other major economic nodes within the Region. Elk Grove is also on the low end of per

capita levels for office and industrial space and available commercial real estate generally maintains relatively high asking rents. With economic development programs focused primarily on business attraction, existing businesses receive limited attention. Resident ratings of the City's business-related services and community economic stability fall below similar communities.[1] Relative to the Region and state, Elk Grove shows limited economic diversity with a dominance of local-serving sectors. There is minimal land use cohesion within existing development in the City and no true community core. The City also demands relatively high up-front development costs for entitlement and infrastructure.

In terms of external factors that create opportunities for Elk Grove, simply the momentum created by growth and development in proximate established and emerging regions (including Sacramento, Stockton, and the SF Bay Area) buoys economic development potential. A large share of future growth is anticipated within the state's inland regions like Sacramento and Stockton, which offer lower cost alternatives to the established coastal regions in the state. The Sacramento Region's successful collaborative initiatives (Blueprint and Partnership for Prosperity) and visibility as a Clean Energy Technology industry leader brings attention to the broader region and opportunities for communities within it. The regional smart growth focus also targets future development on core population centers like Elk Grove and supports initiatives that create a stronger balance of jobs and housing catering to a diverse cross-section of employees. Elk Grove's educational system has a strong reputation across the Region and the nearby Cosumnes River College adds to the educational system and creates opportunities for economic and workforce development partnerships. The presence of large healthcare facilities adjacent to Elk Grove enhances its quality of life and links to the growing medical cluster in the area. Elk Grove also benefits from its visibility from the high levels of motorist activity on the two bordering freeways. Additional major transportation infrastructure is expected in the future with the Capital SouthEast Connector Corridor that will create more convenient regional access (especially to the Highway 50 Corridor economic node) and potential development viability in adjacent areas.

External threats to economic development in Elk Grove are in large part generated by broad macro issues, regional competition, and perceptions of the City. The negative effects resulting from the ongoing recession and government budget deficits as well as perceptions of California as an unfriendly place to do business dampen economic development potential for all communities in the state. Competition from other more recognized areas in the Region is one of the most prominent threats to Elk Grove—many of the other large jurisdictions have distinguishing regional amenities, are part of an established economic node, have adopted aggressive economic development efforts and competitive incentives, offer available sites and existing space for all types of commercial real estate, and are also viewed as having strong high-tech and entrepreneurial climates. Elk Grove also has an image problem generated by a lack of external awareness of City amenities and advantages as well as the existing perception of Elk Grove as a bedroom community with an unfriendly business climate. Congestion at

[1] Source: National Research Center, The National Citizen Survey, City of Elk Grove, CA, 2009.

peak travel times on the major transportation corridors creates relatively long commutes and access issues. Future development potential in the large Sphere of Influence area is complicated by typical issues related to annexation, habitat conservation plan processes, and extending infrastructure facilities to greenfield development that confront all of the major annexations actively considered in the Region.

FIGURE 48
ELK GROVE ECONOMIC DEVELOPMENT SWOT ANALYSIS

STRENGTHS (internal)	OPPORTUNITIES (external)
• High educational attainment • Ranked as average business cost area • Local quality of life • Strong population growth in past decade creating large market size • High income levels • Freeway access • Housing affordability • Entrepreneurial activity • SMUD territory • Infill infrastructure	• Proximity to large established and emerging Sacramento, SF Bay Area, and Central Valley regions • Strong reputation of local K-12 educational system • Cosumnes River College programs and partnerships • Successful regional collaboration • Coastal-inland cost gap • Presence of surrounding medical facilities • Regional clean tech development • Alignment of Capital SouthEast Connector Corridor • Regional smart growth focus • Potential visibility from high levels of motorist activity on adjacent highways
WEAKNESSES (internal)	**THREATS (external)**
• Large labor force and daytime population leakages • Limited office and industrial space and relatively high commercial real estate costs • Greater share of residents than jobs • Limited transit access • Lack of executive housing • Restricted scope of local economic development programs • Limited economic diversity • Relatively high up-front costs of entitlement and infrastructure • No existing City core and limited land use cohesion • Low opinions of City's business-related services	• Transportation congestion and commutes • Effects of recession and government budgets • Negative perceptions of California business climate • Lack of external understanding of City amenities and advantages • Attraction efforts and incentives from other locations in Region • External perception of bedroom community and unfriendly business climate • Available sites in other competitive areas of the Region • Limited distinguishing regional amenities and not part of established economic node in the Region • Other areas of the Region viewed as having strong high-tech and entrepreneurial potential • Sphere of Influence HCP and infrastructure issues

Center for Strategic Economic Research and Economic & Planning Systems, November 2010

Viable Industries and Clusters

Evaluating the trends and characteristics of specific economic activities in Elk Grove helps reveal opportunities for focused business creation, retention, expansion, and attraction efforts. Economic activities can be analyzed both in terms of major groupings of establishments according to similarity in the processes used to produce goods or services (industries or sectors) or concentration of establishments within related and supporting industries (clusters). Figure 49 provides a summary of key economic factors for Elk Grove's major sectors. A few sectors in particular (bolded in the figure) should pique the interest of economic development efforts based on unique characteristics:

- **Construction** is the City's third-largest sector and presents a high degree of specialization and above average share of regional employment. Growth in the sector was moderate over the past decade primarily as a result of the economic downturn in the latter part of the period. The multiplier effect associated with this sector is one of the strongest among all sectors in Elk Grove.
- **Wholesale Trade** is made up exclusively of economic base activities and has experienced above average growth in the past decade. This sector also generates a robust multiplier effect relative to other sectors in the local economy.
- **Retail Trade** is the largest sector in the Elk Grove economy and also shows a high degree of specialization and above average share of regional employment. Despite its dominance in the local economy, its rate of growth over the past 10 years was below average. Consumer spending analysis demonstrates a retail leakage in Elk Grove where demand exceeds local sales.
- **Information** is in the middle of the pack of sectors based on size, but has the largest share of regional employment and is the most specialized. This sector experienced the fourth-highest rate of growth in the past decade out of all major sectors.
- **Real Estate and Rental** grew the fastest among all major sectors between 1998 and 2008 and is currently one of the most specialized sectors with a relatively large share of regional employment.
- **Professional, Scientific, & Technical Services** is one of the City's largest sectors with an above average share of regional employment. It was the third-fastest growing sector in Elk Grove over the last decade.

FIGURE 49
ELK GROVE MAJOR SECTOR SUMMARY

Sector	98-08 Growth	2008 Composition	2008 Specialization	Percent Base	Share Region
Ag., Forestry, Fish., & Hunting	5.7%	0.8%	61.4%	100.0%	1.9%
Mining	-	0.1%	72.5%	100.0%	2.3%
Utilities	66.7%	0.1%	19.8%	0.0%	0.6%
Construction	63.0%	8.9%	143.3%	0.0%	4.5%
Manufacturing	-26.2%	4.7%	106.8%	100.0%	3.4%
Wholesale Trade	88.9%	3.2%	109.5%	100.0%	3.4%
Retail Trade	80.9%	18.9%	174.3%	0.0%	5.5%
Transport. & Warehousing	105.2%	2.7%	104.4%	71.1%	3.3%
Information	117.5%	5.6%	265.4%	67.3%	8.3%
Finance & Insurance	205.2%	4.8%	101.2%	0.0%	3.2%
Real Estate & Rental	162.5%	3.9%	249.4%	0.0%	7.8%
Prof., Sci., & Technical Svcs.	149.5%	7.2%	119.2%	48.1%	3.7%
Mgmt. of Companies	-	0.0%	5.0%	100.0%	0.2%
Admin. & Waste Svcs.	82.9%	6.2%	123.5%	0.0%	3.9%
Educational Svcs.	157.1%	1.5%	102.7%	0.0%	3.2%
Health & Social Svcs.	68.1%	6.5%	65.9%	0.0%	2.1%
Arts, Ent., & Recreation	23.3%	1.3%	82.9%	87.4%	2.6%
Accom. & Food Svcs.	75.9%	8.0%	100.5%	0.0%	3.2%
Other Services	92.0%	6.0%	185.7%	0.0%	5.8%
Government & Unclassified	-31.7%	9.5%	35.4%	54.6%	1.1%

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on

- National Employment Time Series database
- Moody's Economy.com
- CA Employment Development Department, Employment by Industry Data
- IMPLAN, 2008 Coefficients
- ReferenceUSA

For those sectors that have seen healthy conditions in the past decade, economic development efforts can help build upon this growth by mitigating barriers and looking for unique opportunities to take advantage of emerging business trends in the Sacramento Region such as green building, clean energy technology, sustainability, and healthcare information management. In the case of slow or negative growth in the past decade, economic development efforts must be sensitive to addressing these challenges with focused retention and layoff aversion as well as identifying specific high value opportunities in Agriculture and Manufacturing that will likely present themselves despite the overall decline in these sectors.

Another perspective on economic development can be gained by taking a more in-depth look at the dynamics within the local economy. By breaking apart major sectors into their more narrowly-defined components, specific business activities can be arranged into industry clusters or groupings of interrelated firms. While, like many cities, Elk Grove does not necessarily possess fully-integrated industry clusters, there are certainly core activities within the local economy that already play a role in or can be networked into larger clusters that have a regional presence or are more broadly geographically dispersed. Figure 50 summarizes nine clusters that present economic development potential in Elk Grove based principally on economic performance within the core activities grouped into the clusters as well as input from local leaders. All of the core activities associated with the nine clusters, listed in Figure 51, fall within (or just under in some cases) the top quartile of approximately 225 detailed activities ranked on indexed economic performance across six key factors including historical employment growth,

current composition, historical shift in composition, current specialization, and historical change in specialization. In addition, there were several distinct groupings of home-based businesses that fit within the identified clusters (listed as miscellaneous home businesses in Figure 51). Overall, the clusters range in current size from around 260 jobs (Food) to nearly 4,600 jobs (Real Estate).

While economic development potential for all of the clusters appears viable based on healthy economic performance, many of the core activities also present characteristics that further establish opportunities and generate unique benefits in the City. Many of the core activities typically act as main suppliers to the largest sectors in the Sacramento Region and Elk Grove or heavily use the products and services of the large sectors as inputs (shown as regional linkages, RL, in Figure 51). Additionally, some of the core activities generally create a relatively large multiplier effect in the economy accounting for the combination of direct employment, jobs generated by demand created on suppliers of goods and services, and employee spending (identified as employment multiplier, EM, in Figure 51). A number of the core activities also create commodities that are largely imported into the City and have a presence in the regional economy (noted as commodity imports, CI, in Figure 51). The typical employment structure supported by several of the core activities makes use of occupations with a strong presence amongst the local resident workforce (listed as occupation match, OM, in Figure 51). Finally, quite a few of the core cluster components are base activities and generate net new wealth in the City (identified as base activity, BA, in Figure 51). Additionally, many of the core activities were cited in interviews with local and regional businesses and leaders as having strong growth potential in the local economy either directly or as part of a broader sector. Further cluster details are provided in the Research Methodology appendix. Certain core activities present a number of these benefits like Grocery and Related Product Merchant Wholesalers within the Food cluster while others have none or just one like Civic and Social Organizations under the Local Services cluster. Moreover, the core activities within many of these clusters play to the City's internal strengths and external opportunities.

FIGURE 50
ELK GROVE POTENTIAL VIABLE CLUSTER SUMMARY

		Percent of Core Competencies					
Cluster	2008 Employment	Regional Linkages	Employment Multiplier	Commodity Imports	Occupation Match	Base	Cited in Interviews
Business Services	2,036	13%	38%	0%	50%	20%	13%
Creative	1,323	10%	40%	10%	10%	50%	50%
Finance & Insurance	1,376	29%	86%	57%	14%	0%	0%
Food	259	20%	40%	20%	20%	67%	80%
Government	2,777	0%	0%	0%	100%	0%	100%
Medical	928	0%	60%	20%	0%	17%	67%
Real Estate	4,570	0%	42%	58%	0%	29%	37%
Local Services	835	0%	0%	20%	40%	0%	0%
Transportation	2,307	0%	15%	0%	15%	20%	23%

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on:
- National Employment Time Series database
- IMPLAN, 2008 Coefficients
- U.S. Census Bureau, 2006-2008 American Community Survey
- Moody's Economy.com information

FIGURE 51
ELK GROVE POTENTIAL VIABLE CLUSTER CORE COMPETENCIES

Real Estate (4,570 jobs)

- ✓ Nonmetallic Mineral Mining & Quarrying—BA
- ✓ Residential Building Construction—EM, CI
- ✓ Utility System Construction—EM, CI
- ✓ Land Subdivision—EM, CI
- ✓ Building Equipment Contractors—EM, CI
- ✓ Building Finishing Contractors—EM, CI
- ✓ Ventilation, Heating, Air-Conditioning, & Commercial Refrigeration Equip. Manufacturing—BA
- ✓ Office Furniture (including Fixtures) Manufacturing—BA
- ✓ Furniture & Home Furnishing Merchant Wholesalers—EM, CI, BA
- ✓ Lumber & Other Construction Materials Merchant Wholesalers—EM, CA, BA
- ✓ Furniture Stores
- ✓ Building Material & Supplies Dealers
- ✓ Lawn & Garden Equipment & Supplies Stores
- ✓ Lessors of Real Estate—CI
- ✓ Offices of Real Estate Agents & Brokers—CI
- ✓ Architectural, Engineering, & Related Services—CI
- ✓ Foundation, Structure, & Building Exterior Contractors—EM, CI
- ✓ Veneer, Plywood, & Engineered Wood Product Manufacturing
- ✓ Other Wood Product Manufacturing—BA
- ✓ *Miscellaneous Home Business*

Transportation (2,307 jobs)

- ✓ Other Transportation Equipment Manufacturing—BA
- ✓ Automobile Dealers
- ✓ Other Motor Vehicle Dealers
- ✓ General Freight Trucking—EM, OM, BA
- ✓ Specialized Freight Trucking—EM, OM, BA
- ✓ Urban Transit Systems
- ✓ Taxi & Limousine Service
- ✓ Support Activities for Rail Transportation
- ✓ Freight Transportation Arrangement
- ✓ Other Support Activities for Transportation
- ✓ Automotive Repair & Maintenance
- ✓ Other Transit & Ground Passenger Transportation
- ✓ Automotive Equipment Rental & Leasing
- ✓ *Miscellaneous Home Business*

Finance & Insurance (1,376 jobs)

- ✓ Nondepository Credit Intermediation—EM, CI
- ✓ Other Financial Investment Activities—EM
- ✓ Insurance Carriers—RL, EM, CI
- ✓ Activities Related to Credit Intermediation—EM, CI
- ✓ Agencies, Brokerages, & Other Insurance Related Activities—EM
- ✓ Other Investment Pools & Funds—RL
- ✓ Depository Credit Intermediation—EM, CI, OM

Medical (928 jobs)

- ✓ Other Chemical Product & Preparation Manufacturing
- ✓ Drugs & Druggists' Sundries Merchant Wholesalers—EM, CI
- ✓ Offices of Dentists—EM
- ✓ Offices of Other Health Practitioners—EM
- ✓ Death Care Services

Business Services (2,036 jobs)

- ✓ Office Supplies, Stationery, & Gift Stores
- ✓ Legal Services—EM, OM
- ✓ Accounting, Tax Preparation, Bookkeeping, & Payroll Services—EM, OM
- ✓ Management, Scientific, & Technical Consulting Services—OM, BA
- ✓ Other Professional, Scientific, & Technical Services—RL, EM, BA
- ✓ Travel Arrangement & Reservation Services
- ✓ Services to Buildings & Dwellings—OM
- ✓ Local Messengers & Local Delivery
- ✓ *Miscellaneous Home Business*

Creative (1,323 jobs)

- ✓ Fabric Mills—BA
- ✓ Textile & Fabric Finishing & Fabric Coating Mills—BA
- ✓ Printing & Related Support Activities—EM, BA
- ✓ Paper & Paper Product Merchant Wholesalers—EM, CI, BA
- ✓ Specialized Design Services
- ✓ Other Support Services
- ✓ Other Textile Product Mills—BA
- ✓ Software Publishers—RL, EM, OM
- ✓ Motion Picture & Video Industries—EM
- ✓ Performing Arts Companies—BA
- ✓ *Miscellaneous Home Business*

Food (259 jobs)

- ✓ Bakeries & Tortilla Manufacturing—BA
- ✓ Beverage Manufacturing—RL, BA
- ✓ Specialty Food Stores
- ✓ Fruit & Vegetable Preserving & Specialty Food Manufacturing—EM, BA
- ✓ Grocery & Related Product Merchant Wholesalers—EM, CI, OM, BA

Local Services (835 jobs)

- ✓ Elementary & Secondary Schools
- ✓ Individual & Family Services—OM
- ✓ Child Day Care Services—OM
- ✓ Civic & Social Organizations
- ✓ Technical & Trade Schools—CI

Government (2,777 jobs)—OM

LEGEND: RL = regional linkages • EM = employment multiplier • CI = commodity imports • OM = occupation match • BA = base activity

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on National Employment Time Series database, IMPLAN, 2008 Coefficients, U.S. Census Bureau, 2006-2008 American Community Survey, and Moody's Economy.com information

The Business Services cluster includes a mix of professional and administrative services as well as linked suppliers and various related home-based businesses. This cluster supports over 2,000 jobs and offers four of the five additional assessed benefits including regional linkages, employment multiplier, occupation match, and base activities. The core activities in this cluster typically require office or retail space.

With more than 1,300 jobs, the Creative cluster includes a combination of specialized services and suppliers as well as high value production and entertainment activities and a wide range of home-based businesses. This cluster offers all five of the analyzed benefits and many of the core competencies are associated with high-tech and manufacturing, which were frequently cited in interviews with local and regional businesses and leaders as presenting strong economic development potential. Most of the core activities in this cluster generally require industrial space with a few utilizing office space.

The Finance & Insurance cluster contains close to 1,400 jobs spread across a variety of financial activities. With the exception of base activities, this cluster offers all of the measured additional benefits. The core activities in this sector mostly require office space with some demand for retail space. While the broader sectors represented in this cluster have been affected by the fallout from the housing downturn, it has been recovering recently.

The Food cluster is small with roughly 260 jobs, but it contains a core grouping of primarily manufacturing- and wholesale-related activities, which offer all five of the measured supplemental benefits and support the desire for manufacturing activities in the City cited in interviews with local and regional businesses and leaders. This cluster has the potential to tie into local agricultural activities in an effort to integrate sustainability trends.

Government as a broad activity ranked among the top quartile of economic performance based on analysis of detailed clusters. While public sector activities are normally not a focus for economic development efforts, state government activities were frequently cited as a target in interviews with local and regional businesses and leaders and there is a considerably large portion of the Elk Grove population that works in the public sector. The concept of economic development potential calls for office space to attract a large state government operation.

Approximately 930 jobs are supported by the core competencies in the Medical cluster, which contains a mix of healthcare, manufacturing, and wholesale activities that generally demand industrial and office space. Medical was frequently identified as a desirable activity for the Elk Grove economy in interviews with local and regional businesses and leaders and it offers opportunities to realize strong multiplier effects and import substitution benefits as well as build the base component of the local economy.

Real Estate is the largest of all the identified clusters with nearly 4,600 jobs. This cluster contains a wide range of activities that include building construction, suppliers to the building industry, and real estate transactions. There are also a multitude of home-based

businesses that can be integrated into this cluster. All types of commercial real estate are utilized by this cluster. While elements of this cluster have been suffering in the ongoing recession, it presents a unique niche for Elk Grove considering the economic structure, local characteristics, opportunity to integrate with local trends in green building, and plans for the new Institute of Architecture and Construction Technology at the nearby Cosumnes River College campus. Moreover, the core competencies present employment multiplier, commodity import, and base activities benefits.

A blend of private educational, social, and civic services is integrated into the Local Services cluster, which supports close to 840 jobs. Core activities in this cluster present opportunities for commodity import substitution and greater use of the local workforce. In addition, these activities add to the local quality of life and can be integrated into workforce development efforts. Most of these activities require retail or office space.

The Transportation cluster is large with more than 2,300 jobs and shows the potential to generate employment multiplier, occupation match, and base activity benefits. This cluster contains core competencies focused on various transportation activities as well as related retail and support services. In general, the core activities primarily make use of industrial space with some office and retail space requirements. Similar to other clusters, the manufacturing component of this cluster aligns with comments made in interviews with local and regional businesses and leaders related to economic development potential. Elk Grove's major freeway access and proximity to large markets lends to the growth potential in this cluster.

Business Factor Perceptions

There are a handful of commonly-recognized factors that point to a specific area's economic development potential related to business creation, retention, expansion, and attraction across nearly all major sectors and clusters. Figure 52 lists and summarizes the general perceptions of these factors within Elk Grove based on technical analysis, discussion with local and regional businesses and leaders, and professional experience. Among the nine factors, only three elicit perceptions that tip the scale into positive territory including workforce size and quality, consumer base size and quality, and access to markets. There are four factors that sit in neutral territory. Development infrastructure is generally suitable, but transportation congestion is a factor limiting further development of households oriented to outside employment centers. In addition, capacity for future development is likely to become a limiting issue within the next decade, assuming a return to modest growth rates. Cost of doing business in the City is fairly competitive on standard ratings but high up-front costs of entitlement and infrastructure are burdens. Local quality of life is generally viewed as positive; however, residents have limited access to local employment opportunities and must commute on typically congested corridors. There appears to be a strong presence of entrepreneurship in the City and support programs are now available, but the clustering in various segments is fairly disjointed and the community is not viewed externally as supporting strong entrepreneurial potential relative to other locations. Factors on the negative side relate to

the relatively modest availability of modern office and R&D space with connectivity to housing and retail amenities. There are also widespread regional perceptions of a poor business climate with burdensome regulations and limited economic diversity. With six of the nine key factors in neutral or negative territory, there are clearly some real issues affecting economic development potential in the City.

FIGURE 52
PERCEPTIONS OF KEY ECONOMIC DEVLEOPMENT FACTORS

Factor	Positive	Neutral	Negative
Suitability of commercial real estate			X
Suitability of infrastructure		X	
Workforce size and quality	X		
Consumer base size and quality	X		
Cost of doing business		X	
Business climate			X
Access to markets	X		
Quality of life		X	
Entrepreneurial environment		X	

Center for Strategic Economic Research, November 2010

Development Scenarios

Elk Grove will continue to benefit from population and employment growth over the next 20 years and beyond. In planning for the future, it will be important for the City to consider the potential magnitude of growth and how it relates to demand for existing facilities and undeveloped land within the City. More importantly, the City must take into account the gap between land supply and future demand to determine how and if growth can be accommodated in the current plans and boundaries. This section provides a discussion of potential real estate prototypes that could be viable in the community moving forward, highlights the results of two local growth scenarios through 2029, offers estimates of existing land supply and possible demand based on the growth scenarios, and presents an overview of the jobs-housing balance concept.

Current Conditions

Growth prospects for all areas of the Sacramento Region will be dampened by the effects of the ongoing recession where regional recovery has been lagging the state and nation. In fact, Sacramento is currently one of the weakest regions in the state and forecasts show continued weakness through at least the next year with limited growth following. As a result, long-term economic trends will be influenced by a period of slow recovery at the front end and a lengthy process of building back up from losses across all major sectors. Those areas of the Region with strong competitive assets and a healthy business climate will likely recover much more rapidly than fringe markets with a vulnerable economic base.

Current economic circumstances have also contributed to a major decline in residential and commercial building activity, transaction volumes, and related prices throughout the Sacramento Region. Commercial real estate, in particular, is currently undergoing a severe correction that is unlikely to stabilize for two to four years. Significant levels of bank-owned properties are on the market, resulting in acquisition costs that are lower than the replacement value of the buildings. Commercial real estate market conditions will exacerbate current vacancy levels, driving lease rates and net absorption down. Given these market conditions, speculative commercial real estate development activity is likely to be extremely low until the market experiences a significant recovery.

The residential real estate market in the Region has also seen a severe decline over the last several years. Specifically, median home prices in Elk Grove have fallen dramatically since the peak of the market in 2005—estimates for median home price reductions range from 30 to 50 percent declines from the market peak in 2005. Market analysts generally posit that the residential real estate market has reached the bottom, but submit that recovery will remain slow and contingent on employment gains and income growth, with near-term prospects including apartments and less expensive attached for-sale product.

Real Estate Prototypes

The following section defines and describes the predominant real estate prototypes that are expected to represent future growth patterns within Elk Grove based both on historical patterns and broad trends in residential and commercial real estate development that are expected to influence future development within the Sacramento Region generally and the City specifically.

Single-Family Residential (SFR)

Since incorporation, residential development in the City has been dominated by greenfield development with a primary focus on single-family residential development. Single-family residential development has comprised 90 percent of all units developed within the City over the last decade. Historical lot sizes for single-family development have been very large, averaging approximately 10,000 square feet per lot from 2003 through 2008. More recent data indicate a trend towards smaller lot sizes and a smaller (though still dominant) share of single-family residential development among all residential prototypes. In 2009, the average single-family lot size was approximately 5,000 square feet; however, these data likely reflect that age-restricted single-family housing has dominated home sales and construction within the City over the last several years.

Recent market influences suggest that in the short-term (i.e. the next 2 to 5 years), developers may prefer to return to more traditional single-family development prototypes as falling home prices drive consumers to demand more traditional real estate products, as opposed to high-density products. Significant levels of development of single-family products with densities greater than 7 units per acre are not currently planned. This trend is somewhat offset by the market's return to smaller-sized units in order to offer products that are affordable to the typical homebuyer income profile given more restrictive lending standards and less available income for ongoing energy and maintenance.

Because Elk Grove currently does not offer a sufficient stock of executive level housing to attract major business users, however, there may be some limited demand for this type of product. Executive housing may take the form of traditional, large lot single-family development with amenities such as open space/habitat or water amenities. Current market demand for this type of executive housing necessitates close linkages to open space and recreational amenities, provided in the form of bike and hiking trails or other similar outdoor activities. Alternatively, in key infill or transit-oriented nodes, higher density, more urbane executive housing products could be provided as part of the mixed use/MFR and infill prototypes discussed below. As part of a highly amenitized, walkable urban community, these types of executive housing products appeal to certain market demographics seeking close linkages to a variety of urban entertainment options.

Broader trends and policies in land use planning and development, however, suggest that over the longer-term, residential development will trend towards more compact, higher-

density development. Planning initiatives such as the SACOG Blueprint Transportation & Land Use Plan encourage communities to adopt and implement more sustainable land use plans and growth patterns reflecting diversified real estate products, higher density development, and a greater focus on mass transit modes of travel. Enforcement of state legislation to reduce greenhouse gases (SB 375 and AB 32) will similarly influence land use planning as local jurisdictions seek to develop greener communities. Finally, as trends in land use planning promote quality community design and livability for a range of demographics, planners are seeking to design communities that promote "aging in place," offering services, amenities and housing products that permit residents to remain in the community as they age and their needs change. To the extent possible, these prototypes should be integrated with other neighborhoods promoting a diverse and vital cross section of ages and incomes. These land use and policy trends will likely lead to not only more compact single-family development, but a greater reliance on multi-family residential development as a share of the overall housing stock.

Multi-Family Residential (MFR)

Over the last decade, very little multi-family development has transpired in Elk Grove, particularly when compared to the share of residential development comprised by multi-family products throughout the Sacramento Region. As discussed above, however, long-term trends in development patterns suggest that these products will play an increasing role in future residential development patterns. As the City seeks to expand its economic development potential, it will need to offer a diversified housing stock offering the full range of housing types and levels of affordability.

Townhome products with lot sizes as small as 1,400 square feet, and the potential for alley vehicular access to single-car garages, can achieve densities of 24 units per acre or more, depending on the amount of private or collective open space. This product type has been developed successfully with 3-bedroom, 2-bath, 1,450-square-foot configurations in transitional communities throughout California, such as Hercules, North Natomas, and West Sacramento.

Mixed Use MFR

Mixed use products positioned near urban amenities such as the Civic Center with quality retail development will appeal to certain demographics including the emerging "new millenial" generation and baby boomers interested in trading down. Offering excellent opportunities to accommodate below-market-rate affordable housing, these products can be offered in a horizontal or vertical mixed use setting and can be suitable in both greenfield and infill locations, depending on the amenities offered.

Unit sizes and configurations for these product types can vary widely, but typically average about 1,000 to 1,200 gross square feet, and are characterized by densities between 20 and 60 residential units per acre. The provision of necessary, small-scale

neighborhood retail and services will activate the streetscape contributing to a more vibrant community required of successful mixed use development. Retail development in these settings must be fundamentally sound, as the lending community will discount or ignore projected revenue without a proven market and pre-leased space.

Retail/Commercial Space

Elk Grove will clearly require additional retail centers to support its growing population and employment base as the City develops and matures in the coming decades. Future retail development will include regional retail "Power Centers" as well as smaller neighborhood-serving shopping centers. Retail development trends are currently dominated by the development of open-air lifestyle centers that incorporate a broad range of shopping options, small format grocers serving niche, local markets, and development in a vertical or horizontal mixed use context. As retailers trend towards smaller, more efficient formats and consumer spending adjusts to more sustainable levels, overall retail inventory per capita is expected to decline.

Typical retail development is characterized by floor to area (FAR) ratios of 20 percent to 25 percent. The provision of structured parking permits higher FARs, but significantly increases vertical development costs. For this reason, it is not expected that retail development in the City will utilize structured parking opportunities unless the site is severely space constrained and positioned well enough to achieve lease premiums sufficient to overcome increased development costs.

Office Space

Future office development within the City will likely cater to users focused on business services, finance and insurance, real estate, and general administrative activities and will be typified by low-density office development in accordance with past development patterns, but may also include some medium- or high-density office development.

Low-density office development is broadly characterized by one- to two-story structures with ample parking. Typical FARs for these types of development range from 25 percent to 35 percent with employment densities expected to approximate 300 square feet per employee. Because it offers flexibility, is relatively inexpensive to construct and accommodates a wide variety of office users, this type of office development is expected to comprise the vast majority of future office development in Elk Grove.

A modest amount of medium- or high-density office development (FARs of 35 percent to 50 percent), however, may be suitable in Elk Grove in certain locations (e.g. infill or mixed use contexts). The high costs of construction presents challenges for development feasibility, but development of this prototype can be facilitated by the extension of mass transit opportunities (particularly light rail). This type of office development generally favors proximity to regional Central Business Districts, such as the Point West and

Natomas developments near Downtown Sacramento. This prototype, however, is recently becoming more frequent in second ring suburbs or "edge cities," including near the BART stations in Pleasanton and Walnut Creek and parts of Folsom and Roseville.

Industrial Space

Future industrial development in Elk Grove will likely be characterized by a combination of light industrial/flex and warehouse/distribution uses.

"Flex uses" refer to land use designations that permit a mixture of certain complementary industrial and commercial/office uses. Flex land use designations permit accommodation of modern industry shifts in industrial uses and related sectors, allowing development of light industrial or research and development uses in combination with related commercial activities. Permitting maximum flexibility can attract a broad range of users, promoting job generation, spinoff entrepreneurial activities, and economic development activities.

The typical light industrial/flex development has an FAR approximating 30 percent and employment densities ranging from 500 to 800 square feet per employee. Because these uses tend to serve specialized users, are not highly amenitized and therefore command lower lease rates, and may require linkage to heavier warehouse/distribution uses, the most successful developments tend to be in outlying locations with inexpensive land.

At the upper end, this prototype can be very similar to office space, requiring dining and other amenities, with linkages to transit and other large "anchor" uses (e.g. medical centers, higher education, etc.).

The warehouse/distribution category of industrial development is associated with large storage facilities which generally feature open floor plans, high ceilings, and roll-up doors for loading and unloading freight. Warehouse/distribution space is typically used for storage and is characterized by docks or grade doors, minimal tenant improvements, and adequate access to rail or roadway transportation networks. These uses typically have an FAR of up to 40 percent and employment density as low as 10,000 square feet per employee.

Given its proximity to Interstate-5 and Highway 99 and historical sector growth trends, Elk Grove is well-positioned to capture some warehouse/distribution uses. However, the low assessed value and limited job prospects (i.e. low employment densities) cause it to be less desirable than other uses. To mitigate such drawbacks, the City should seek value added functions, assembly, and other components of this sector having higher than average employment densities and secured and unsecured assessed values.

Growth Scenarios

For purposes of comparing the supply of vacant land within Elk Grove to the demand generated by population and employment growth over the next 20 years, two separate growth scenarios were created through 2029. These two population and employment growth projections inform the analysis of anticipated land use demand in Elk Grove and represent the potential range of low and high demand based on the incorporated growth levels.

Population projections were derived based on the application of annualized SACOG population growth projections used for the 2035 MTP to the estimated 2009 population levels. Figure 53 summarizes the population and household change anticipated to occur between 2009 and 2029. Both growth scenarios utilize the same population projections, but incorporate varying densities of land use for the demand analysis. These projections show an increase of over 52,000 residents and 19,000 households between 2009 and 2029.

FIGURE 53
ELK GROVE POPULATION AND
HOUSEHOLD PROJECTIONS

Factor	*2009*	*2029*	*Change*	*Ann. Avg. Growth*
Population	141,430	193,783	52,353	1.6%
Households	48,259	67,316	19,057	1.7%
Single-Family	44,961	59,885	14,924	1.4%
Standard Single-Family	43,634	55,850	12,216	1.2%
Small Lot/Townhome	1,327	4,035	2,708	5.7%
Multi-Family	3,298	7,431	4,133	4.1%

Economic & Planning Systems, November 2010
Data Source: EPS estimates based on CA Department of Finance, Population Estimates for Cities, Counties, and State and SACOG 2035 MTP information

Two employment growth scenarios are contemplated: a low land use consumption scenario and a high land use consumption scenario, which are discussed further below and summarized in Figure 54 by major sector.

- **Scenario 1: Low Land Use Consumption.** The employment projections incorporated in the low land use consumption scenario assume similar industry employment trends, internal competitive dynamics, and relationships between the local and regional economies will continue through 2029. These projections are based on analysis of annual economic performance through 2008, which captures the early effects on the economic downturn in the Region. This scenario projects that employment growth in Elk Grove will generate approximately 13,600 new jobs from 2009 to 2029.

- **Scenario 2: High Land Use Consumption.** The high land use consumption scenario utilizes projections from SACOG's 2035 MTP. Employment estimates for this scenario are based on longer-term trends and were developed prior to the onset of the economic downturn. However, based on discussions with SACOG staff working on the update to the MTP, the 2009 and 2029 estimates utilized for the high land use consumption scenario are still reasonable for Elk Grove. The MTP demonstrates what SACOG considers a desirable growth and development pattern for Elk Grove focused on job-centered growth. Under this scenario, new job growth is anticipated to create approximately 20,900 jobs through 2029.

FIGURE 54
ELK GROVE EMPLOYMENT PROJECTIONS

Sector	*2009*	*2029*	*Change [1]*	*Ann. Avg. Growth*
	Scenario 1: Low Land Use Consumption			
Agriculture/Mining	247	247	0	0.0%
Construction	1,740	2,454	714	1.7%
Manufacturing	305	396	91	1.3%
TPU	687	784	97	0.7%
Wholesale Trade	649	845	197	1.3%
Retail Trade	3,850	6,282	2,431	2.5%
FIRE	1,523	3,736	2,213	4.6%
Services	12,207	20,071	7,864	2.5%
Government	2,154	1,745	0	0.0%
Total Employment	*23,363*	*36,560*	*13,607*	*2.3%*
	Scenario 2: High Land Use Consumption			
Agriculture/Mining	0	0	0	0.0%
Construction	3,131	4,181	1,050	1.5%
Manufacturing	505	674	169	1.5%
TPU	655	811	156	1.1%
Wholesale Trade	1,078	1,440	361	1.5%
Retail Trade	7,086	11,488	4,401	2.4%
FIRE	1,462	3,895	2,433	5.0%
Services	13,476	24,684	11,208	3.1%
Government	683	1,819	1,136	5.0%
Total Employment	*28,078*	*48,992*	*20,915*	*2.8%*

Economic & Planning Systems and Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on:
- National Employment Time Series database
- Moody's Economy.com
- Woods & Poole Economics
- CA Employment Development Department, Employment by Industry Data
- ReferenceUSA
- SACOG 2035 MTP

[1] Employment losses zeroed out for analytical purposes.

Elk Grove currently contains about 6 percent of the Sacramento Region's population and 3.1 percent of all payroll jobs. The development scenarios show Elk Grove reaching

between 6.2 percent and 6.5 percent of the Region's population by 2029 based on California Department of Transportation and SACOG projections for the six counties within the Region. Under the low land use consumption scenario, Elk Grove could support approximately 2.7 percent of all employment in the Region in 2029 according to the regional growth scenarios driving the employment projections. The high land use consumption scenario shows the regional employment share at 3.4 percent in 2029 based on SACOG regional projections in the MTP.

Land Supply and Demand

A comparison of the existing land supply within the City of Elk Grove to the demand for new development generated by employment and population growth provides an estimate of the gap between existing land supply and anticipated levels of future demand. The purpose of the land supply and demand analysis is to provide a bracketed range of the City's growth requirements and is therefore based on two alternative land use consumption scenarios.

Figure 55 summarizes the results of the land supply and demand comparison. Total estimated supply under each scenario is approximately 3,100 acres. Under Scenario 1, the projected demand for developable land totals approximately 3,300 acres, when including a 20 percent land use demand contingency. Land demand contingency is included to ensure avoidance of supply depletion, which would contribute to a dysfunctional local market with rapid price escalation. Scenario 2 projects greater levels of demand for developable land uses based on lower residential density assumptions and a higher employment projection scenario. Under this scenario, demand for developable land is estimated to total approximately 4,500 acres by 2029. Overall, the results of the land supply and demand analysis support the need for an additional 200 to 1,400 acres of additional land to accommodate projected 2029 levels of demand. This suggests that the SOI area will be needed for the City to capture this excess demand. The discussion below offers additional detail regarding the approach used to derive total supply and demand levels. Further details are provided in the Research Methodology appendix.

FIGURE 55
ELK GROVE VACANT LAND USE SUPPLY AND PROJECTED FUTURE DEMAND COMPARISON

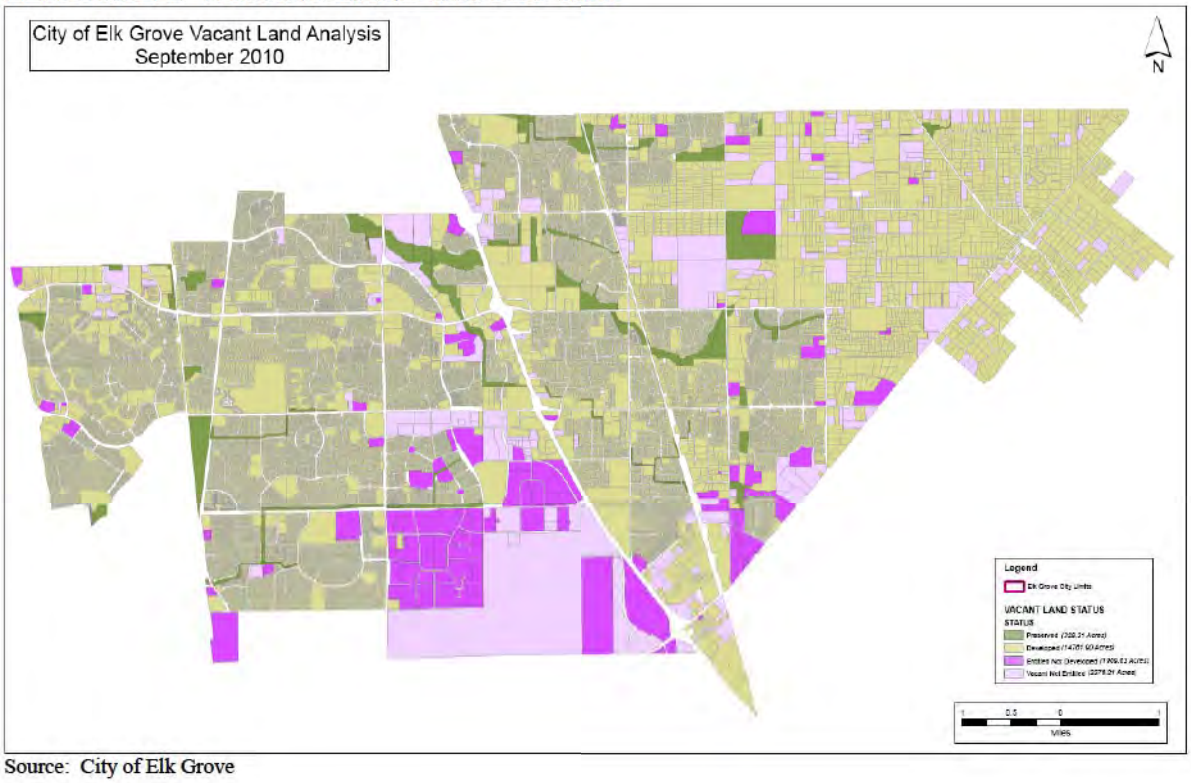
		Scenario 1: Low Land Use Consump.		*Scenario 2: High Land Use Consump.*	
Land Use Category	*Vacant Acres [1]*	*Projected Demand 2009-2029*	*Supply-Demand Difference*	*Projected Demand 2009-2029*	*Supply-Demand Difference*
Residential [2,3]	2,065.9	2,108.5	-42.6	2,920.6	-854.7
Retail [2]	554.5	96.1	458.4	168.3	386.3
Office [2]	201.8	45.8	156.1	71.3	130.5
Industrial/Flex	214.9	183.5	31.4	283.0	-68.1
Other [4]	39.8	296.5	-256.7	306.0	-266.2
Subtotal	*3,076.9*	*2,730.4*	*346.5*	*3,749.0*	*-672.2*
20% Demand Contingency	n/a	546.1	-546.1	749.8	-749.8
Total	*3,076.9*	*3,276.5*	*-199.6*	*4,498.8*	*-1,422.0*

Economic & Planning Systems, November 2010
Data Source: EPS estimates based on City of Elk Grove; CB Richard Ellis information; and scenario outcomes
[1] Accounts for undeveloped land as well as constructed vacant space.
[2] Assumes Commercial/Office/Multifamily is distributed evenly between the three categories.
Similarly, Office/Multifamily is distributed evenly across the two categories.
[3] Assumes EGTPA area is entirely estate residential.
[4] Includes institutions and schools.

Land Use Supply Analysis

City of Elk Grove staff provided estimates of the vacant land use supply within the City. Vacant land uses were provided by land use category and acreage and were divided into two categories—parcels that are entitled, but not developed and parcels that are vacant with no existing entitlements. Figure 56 identifies the distribution of entitled and unentitled vacant uses.

FIGURE 56
ELK GROVE VACANT LAND SUPPLY MAP



Source: City of Elk Grove

The vacant land supply data provided by the City is based on an evaluation of vacant parcels that could accommodate additional development given General Plan land use designations and allowable development densities. Development potential, however, and the likelihood that a parcel will actually develop to the maximum densities allowed under the General Plan, relies on a number of additional factors. For vacant parcels to develop, the subject property must be of sufficient size and scale to accommodate a reasonably-sized development project. Environmental issues, access, circulation and other infrastructure constraints, and undesirable land use adjacencies can further limit the development potential of vacant parcels that would otherwise be permitted to develop under the General Plan.

In order to account for the variance between the total supply of vacant parcels within Elk Grove and the total supply of land that is likely to develop, several adjustment factors

were applied to the land use supply data provided by the City. These adjustments are detailed in Figures 57 and 58 and discussed in further detail below.

FIGURE 57
SUMMARY OF VACANT LAND USES BY LAND USE CATEGORY

Developable Land Use Category	*Residential [2,3]*	*Retail [2]*	*Office [2]*	*Industrial/Flex*	*Total*
Vacant Net Developable Acres	2,065.9	492.0	181.1	164.8	2,903.7
Average FAR Assumption	n/a	0.25	0.35	0.35	n/a
Undeveloped Square Feet	n/a	5,357,701.8	2,761,253.1	2,511,812.2	n/a
Plus Estimated Vacant Built Space [1]	n/a	680,949.9	315,826.6	764,104.2	n/a
Total Vacant Building Square Feet	n/a	6,038,651.7	3,077,079.7	3,275,916.4	n/a
Total Vacant Acres	2,065.9	554.5	201.8	214.9	3,037.1

Economic & Planning Systems, November 2010
Data Source: EPS estimates based on City of Elk Grove and CB Richard Ellis information
[1] Reflects current vacancy levels. Vacant square footage estimated based on 2009 data from CB Richard Ellis regarding total leasable square feet and vacancy rates. Vacant square footage adjusted to reflect an 8 percent frictional vacancy rate.
[2] Assumes Commercial/Office/Multi-Family is distributed evenly between the three categories. Similarly, Office/Multifamily is distributed evenly across the two categories.
[3] Assumes EGTPA area is entirely estate residential.

FIGURE 58
UNDEVELOPED LAND USES BY ZONING DESIGNATION

Zoning Category	*Description*	*Vacant Entitled Parcels*	*Vacant Unentitled Parcels In SPA*	*Vacant Acres No SPA*	*Adjustment Factor [1]*	*Subtotal Vacant Unentitled Parcels No SPA*	*Total Vacant Acres*	*Net Developable Acres [2]*	*Southeast Policy Area [3]*	*Total Net Developable Acres*
Formula		A	B	C	D	E = C * D	F = A + B + E	G = F * 85%	H	I = F + G
Residential		*1,257.4*	*315.0*	*1,239.9*		*97.1*	*1,669.6*	*1,419.1*	*539.9*	*1,959.0*
RR	Rural Res.	53.3	159.1	959.9	0.0	0.0	212.4	180.5	0.0	180.5
ER	Estate Res.	138.1	0.0	85.8	0.0	0.0	138.1	117.4	0.0	117.4
EGTPA	Triangle Policy Area	44.8	1.0	0.0	n/a	0.0	45.8	39.0	0.0	39.0
TRI	Triangle	0.0	110.6	0.0	n/a	0.0	110.6	94.0	0.0	94.0
LDR	Low Density Res.	871.7	10.8	112.7	0.5	56.4	938.9	798.1	242.6	1,040.7
MDR	Med. Density Res.	59.9	17.4	18.7	0.5	9.3	86.7	73.7	245.5	319.2
HDR	High Density Res.	89.6	16.1	62.9	0.5	31.4	137.1	116.5	51.8	168.3
Residential/Commercial Mixed Use		*76.4*	*68.3*	*57.4*		*28.7*	*173.5*	*147.4*	*146.2*	*285.4*
C/O/MF	Comm./Office/Multi-fam.	43.8	41.0	31.1	0.5	15.5	100.4	85.3	146.2	231.5
OF/MF	Office/Multi-fam.	32.7	27.3	6.9	0.5	3.4	63.4	53.9	0.0	53.9
C/O/MF TOD	Transit Oriented Dev.	0.0	0.0	19.5	0.5	9.7	9.7	8.3	0.0	8.3
Commercial		*338.9*	*123.3*	*352.9*		*176.5*	*638.7*	*542.9*	*108.2*	*651.1*
C/O	Comm./Office	26.1	0.0	23.4	0.5	11.7	37.8	32.2	108.2	140.4
C	Comm.	204.6	123.3	148.6	0.5	74.3	402.2	341.9	0.0	341.9
OF	Office	0.0	0.0	9.6	0.5	4.8	4.8	4.1	0.0	4.1
LI	Light Ind.	81.5	0.0	90.1	0.5	45.1	126.6	107.6	0.0	107.6
HI	Heavy Ind.	26.7	0.0	81.2	0.5	40.6	67.3	57.2	0.0	57.2
Other		*296.9*	*0.0*	*41.9*		*20.9*	*317.8*	*n/a*	*242.9*	*n/a*
P/QP	Public/Quasi-Public	5.5	0.0	19.3	0.5	9.7	15.1	n/a	3.5	n/a
PRIOS/REC	Private Open Space/ Rec.	0.0	0.0	1.6	0.5	0.8	0.8	n/a	25.6	n/a
PS	Public Schools	19.6	0.0	10.0	0.5	5.0	24.6	n/a	40.0	n/a
PP	Public Parks	225.1	0.0	1.8	0.5	0.9	226.0	n/a	87.6	n/a
PUBOS/	Public Open Space/ Rec.	46.7	0.0	9.2	0.5	4.6	51.3	n/a	66.2	n/a
Total		*1,969.6*	*506.6*	*1,692.2*	*n/a*	*323.2*	*2,799.5*	*2,109.4*	*1,037.2*	*2,903.7*

Economic & Planning Systems, November 2010
Data Source: EPS estimates based on City of Elk Grove information
[1] Adjustment factor used to account for vacant space that is not expected to fully develop over the analysis timeframe. Adjustment factors determined by EPS in consultation with City planning staff based on an evaluation of vacant parcels within the City and the likelihood of further development as supported by City Council policy determinations or other planning policy documents.
[2] Adjusted to reflect portion of gross acreage that would be dedicated to public uses such as roadways, landscape corridors, parks and parkways.
[3] SEPA land uses based on preliminary concept plan. Preliminary concept plan reports net developable acres.

Vacant, Entitled Parcels

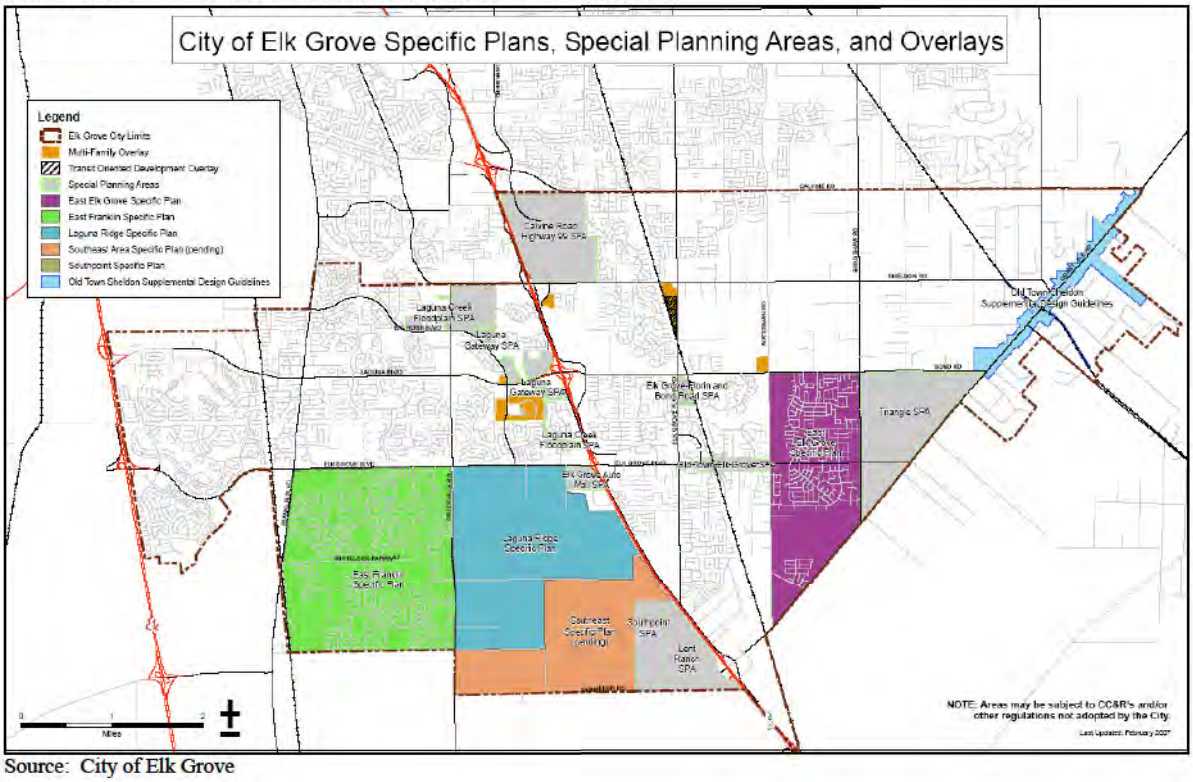
Vacant entitled parcels reflect those land uses within an existing Specific Plan or holding other land use approvals such as a tentative map or final map. Because these parcels have existing entitlements, the land supply analysis assumes that they will fully develop.

Vacant, Unentitled Parcels

Since these parcels do not have specific entitlements which increase the likelihood of development, this category of vacant land supply was further divided into two categories—parcels within an existing Special Planning Area (SPA) and parcels outside an SPA.

SPA's are those areas (identified in Figure 59) for which the City has identified specific development and design standards intended to preserve and protect certain City resources. Because the SPA designation is designed to facilitate development by providing relief from General Plan development standards and permitting zoning flexibility, the land use supply analysis assumes that vacant, unentitled parcels located within an SPA will develop to their full potential.

FIGURE 59
ELK GROVE SPECIAL PLANNING AREAS MAP



Source: City of Elk Grove

Adjustment factors were applied for those vacant, unentitled parcels outside of an SPA, assuming that only a portion of these vacant land uses would actually develop. The adjustment factors relate to the specific land use categories listed in Figure 58. Because the more rural Sheldon Area located in the eastern portion of the City is unlikely to densify further, the land supply analysis assumes that all vacant rural and estate residential parcels in this category will not develop. A 50 percent reduction factor is applied to all other land use categories to reflect the assumption that not all vacant parcels will develop to their full potential given the potential site constraints outlined previously.

An additional adjustment was applied to account for the difference between gross developable and net developable acres. In consultation with City planning staff, the land supply analysis assumes that only 85 percent of the vacant acres included will be net developable acres, in order to account for the provision of public uses such as roadways, landscape corridors, parks, and parkways.

The City's land supply data did not account for the Southeast Policy Area (SEPA), located in the southern portion of Elk Grove, southeast of the existing Laguna Ridge Specific Plan. Encompassing over 1,000 acres, the SEPA represents the only remaining large expanse of unplanned land within the City boundaries. Because a previous application for Specific Plan entitlements was withdrawn by the applicant, no current or proposed land use plan for the SEPA exists. Since this is such a large area of vacant supply within the City limits, however, the vacant land use supply analysis must consider the development potential associated with this site. Therefore, conceptual land use plan totals were applied that were developed as part of the previously submitted Specific Plan application.

As previously discussed, the condition of the commercial real estate market has contributed to significant vacancy levels for commercial real estate products. The land supply analysis takes the existing inventory of vacant built space into consideration. Total vacant square footage for retail, office, and industrial/flex space is estimated based on 2009 data from CB Richard Ellis reporting overall vacancy levels and total leasable square feet, as identified in Figure 57. It should be noted, however, that much of the vacant built space (particularly industrial/flex uses) may be unsuitable for future development given shifting trends in land use and technology. Much of this space may require repositioning in order to be usable. In order to account for existing space that may remain vacant, the total supply of vacant built space was reduced by 8 percent, which is reflective of the anticipated ongoing vacancy levels for existing vacant built space.

Land Use Demand Analysis

The supply of vacant land is compared to the demand for residential and commercial land uses based on the population and employment growth projections discussed above. Two scenarios for land use demand were evaluated—a low land use consumption scenario and a high land use consumption scenario. Figure 60 summarizes the total estimated space

demand by land use category and scenario. As discussed further below, household and population projections provide the basis for estimated residential, retail, and schools space demand, while demand for office, industrial/ flex, and institutional uses are based on projected employment levels.

FIGURE 60
SUMMARY OF SPACE
DEMAND BY SCENARIO

Land Use Category	*Units/ Square Feet*	*Net Developable Acres*
Scenario 1: Low Land Use Consumption		
Residential Units [1]	*16,349*	*2,108.5*
Single-Family	12,216	1,970.7
Multi-Family	4,133	137.8
Nonresidential SF	*4,357,978*	*621.9*
Retail [2]	1,047,054	96.1
Office	697,818	45.8
Industrial/ Flex	2,397,430	183.5
Institutions	215,676	16.5
Schools [3]	n/a	280.0
Total	*n/a*	*2,730.4*
Scenario 2: High Land Use Consumption		
Residential Units [1]	*16,349*	*2,920.6*
Single-Family	12,216	2,713.9
Multi-Family	4,133	206.7
Nonresidential SF	*6,956,070*	*828.5*
Retail [2]	1,832,345	168.3
Office	1,086,905	71.3
Industrial/ Flex	3,697,675	283.0
Institutions	339,144	26.0
Schools [3]	n/a	280.0
Total	*n/a*	*3,749.0*

Economic & Planning Systems, November 2010
Data Source: EPS estimates
[1] Residential land demand derived from population projections based on CA Department of Finance and SACTO 2035 MTP information.
[2] Scenario 1 assumes 20 square feet of retail per capita, estimated based on existing retail space per capita and nationwide trends related to the provision of retail space. Scenario 2 assumes 35 square feet of retail per capita, based on CBRE retail sales leakage analysis.
Both scenarios assume an FAR of 0.25.
[3] School acreage requirement estimated based on relationship between school facility requirements and total units in a sample new growth area.

Residential Demand

The demand for residential land uses is estimated based on the projected growth in population and households through 2029. Household growth was apportioned to detached single-family, townhome/small lot development and multi-family development based on historical patterns of tenancy and residential real estate market trends. The analysis assumes a slight increase in the overall share of new households residing in townhome/small lot and multi-family products in accordance with the trends in residential real estate previously discussed.

The population and household growth assumptions are held constant across both land use consumption scenarios. Development densities, however, do vary between the two scenarios. Scenario 1, the low land use consumption scenario, assumes residential densities ranging from 7 dwelling units an acre for detached single-family units to 30 units per acre for multi-family products. Scenario 2, the high land use consumption scenario, assumes lower development densities, ranging from 5 units per acre for detached single-family products to 20 units per acre for multi-family products. Figure 61 details the total demand for residential land uses under each land use consumption scenario.

FIGURE 61
ESTIMATED DEMAND FOR RESIDENTIAL LAND

Factor	Formula	Single-Family Detached	Single-Family Townhome/ Small Lot	Single-Family Subtotal	Multi-Family	Total
	Scenario 1: Low Land Use Consumption					
2009 Households	A	43,634	1,327	44,961	3,298	48,259
2029 Households	B	55,850	4,035	59,885	7,431	67,316
Change in Households	C = A - B	12,216	2,708	14,924	4,133	19,057
Percent of Total Growth		64.1%	14.2%	78.3%	21.7%	100.0%
Estimated Lot Size	D	5,000	n/a	n/a	n/a	n/a
Assumed Units per Net Developable Acre [1]	E	7.0	12.0	7.6	30.0	9.0
Estimated Net Developable Acreage Required	F = C / E	1,745.1	225.7	1,970.7	137.8	2,108.5
	Scenario 2: High Land Use Consumption					
2009 Households	A	43,634	1,327	44,961	3,298	48,259
2029 Households	B	55,850	4,035	59,885	7,431	67,316
Change in Households	C = A - B	12,216	2,708	14,924	4,133	19,057
Percent of Total Growth		64.1%	14.2%	78.3%	21.7%	100.0%
Estimated Lot Size	D	7,500	n/a	n/a	n/a	n/a
Assumed Units per Net Developable Acre [1]	E	5.0	10.0	5.5	20.0	6.5
Estimated Net Developable Acreage Required	F = C / E	2,443.1	270.8	2,713.9	206.7	2,920.6

Economic & Planning Systems, November 2010
Data Source: EPS estimates based on CA Department of Finance, Population Estimates for Cities, Counties, and State and SACOG 2035 MTP information
[1] Assumes 85 percent of a gross acreage is developable.

Retail Demand

Demand for retail space is estimated based on a retail sales leakage analysis commissioned by the City and completed by CB Richard Ellis dated May 2010. Figure 62 details the estimated citywide demand for retail square feet on a per capita basis, taking into account retail sales leakage levels, average retail sales per square foot, and existing vacant retail square feet. Based on these calculations, the total demand for retail is estimated at 38 square feet per capita. This calculation informs assumptions for retail space demand included for each land use consumption scenario in Figure 8. Scenario 1, the low land use consumption scenario, assumes a significant decline in the demand for retail space per capita—20 square feet per capita, which comports with national trends. Scenario 2 assumes that current demand for retail space will remain relatively stable at 35 square feet per capita.

FIGURE 62
ESTIMATED 2009 RETAIL SPACE DEMAND

Item	*Formula*	*Amount*
2009 Retail Sales Leakage [1]		
Auto Dealers		$270,305,665
Furniture and Home Furnishings Stores		$37,658,072
Electronic and Appliance Stores		$18,531,299
Building Material, Garden Equip Stores		$66,546,760
Food and Beverage Stores [2]		$0
Health and Personal Care Stores		$42,595,299
Gasoline Stations [2]		$0
Clothing and Clothing Accessories Stores		$65,972,546
Sporting Goods, Hobby, Book, Music Stores		$11,129,569
General Merchandise Stores		$149,372,353
Miscellaneous Store Retailers		$15,994,985
Foodservice and Drinking Places [2]		$0
Total 2009 Retail Sales Leakage	***A***	**$678,106,548**
Assumed Average Sales per Square Foot	*B*	$350
Estimated 2009 Demand for Additional Retail Square Feet	***C = A / B***	**1,937,447**
Assumed Capture	***D = C * 80%***	**1,549,958**
Existing City of Elk Grove Retail Square Feet [3]	*E*	4,540,877
Less Vacant Retail Square Feet [3]	*F*	(740,163)
Occupied City of Elk Grove Retail Square Feet	***G = E + F***	**3,800,714**
Total 2009 City of Elk Grove Demand for Retail Square Feet	***H = D + G***	**5,350,672**
Estimated 2009 Population [4]	*I*	141,430
Total 2009 Retail Square Feet Demand Per Capita	***J = H / I***	**38**

Economic & Planning Systems, November 2010
Data Source: EPS estimates based on CB Richard Ellis information and Urban Land Institute, Dollars and Cents of Shopping Centers, 2008
[1] Based on CBRE market analysis dated May 6, 2010 which evaluated current retail conditions and retail sales opportunities within the City of Elk Grove.
[2] Retail surpluses in these categories (indicated by an excess of supply over consumer demand) zeroed out for purposes of this analysis. Assumes that the City will continue to be a net exporter of certain retail goods and services.
[3] Estimated based on 2009 data from CB Richard Ellis regarding total leasable square feet and vacancy rates.
[4] 2009 population projections from CA Department of Finance

Office, Industrial/Flex, and Institutions Demand

The demand for future office, industrial/flex, and institution space was estimated based on the employment projections for each land use consumption scenario. As discussed previously, two employment projection scenarios are used to estimate demand generated by the low and high land use consumption scenarios. Space demand for these land use categories is calculated based on empirical research which assigns employment growth among various sectors to specific land use categories (described in further detail in the Research Methodology appendix). The estimated space demand for each category is summarized for Scenarios 1 and 2 in Figure 63.

FIGURE 63
SUMMARY OF ESTIMATED EMPLOYMENT DRIVEN SUPPORTABLE SPACE

Land Use Category	*New Jobs Using Space*	*Estimated Building Square Footage*	*Estimated Net Developable Acres*
Scenario 1: Low Land Use Consumption			
Office	2,326	697,818	45.8
Industrial/Flex	1,598	2,397,430	183.5
Institutions	719	215,676	16.5
Total	*2,317*	*2,613,106*	*245.7*
Scenario 2: High Land Use Consumption			
Office	3,623	1,086,905	71.3
Industrial/ Flex	2,465	3,697,675	283.0
Institutions	1,130	339,144	26.0
Total	*3,596*	*4,036,820*	*380.2*

Economic & Planning Systems, November 2010
Data Source: EPS estimates using CSER estimates based on:

- National Employment Time Series database
- Moody's Economy.com
- Woods & Poole Economics
- CA Employment Development Department, Employment by Industry Data
- ReferenceUSA
- SACOG 2035 MTP

The estimated demand for school space is based on the relationship between school facility requirements and the number of households in a sample new growth area in Elk Grove. Not expected to vary based on density, the estimated school space demand remains constant across both land use consumption scenarios.

Jobs-Housing Balance

The concept of a jobs-housing balance is, at its simplest, the ratio of jobs to occupied housing units or households in a given region. For a number of years, researchers and planning officials have been using the concept of a jobs-housing balance as a means to address a number of issues from affordable housing to air pollution to traffic congestion. While there is no consensus on what exact ratio constitutes the "ideal" jobs-housing balance, many research studies and communities advocate ratios of around 1.5:1 as widely applicable "ideal" ratio. While the calculated ratio serves as an important indicator of community balance, the goal of this type of analysis is to gain an understanding of the reason for imbalance and develop specific actions and policies targeting those reasons. Significant differences in the standard ratio between specific jurisdictions typically exist even in regions that maintain an ideal balance due to variations in employment and housing patterns, location in a larger complex urban area, access to transportation, wide demographic ranges, and competitive assets.

Deviations from the ideal ratio point to a dearth or overstock of either jobs or households. Unbalanced areas face a number of internal issues such as overcrowding or undesirably large household sizes, over-appreciation of real estate, and residents making long commutes to jobs outside of their community or economic region. In California, several trends have generated ratios far outside the boundaries of the ideal balance. The creation of affordable housing has not considered the need for accessibility between housing options and job centers. Mixed-use development has not fully taken advantage of infill and contiguous development arranged for pedestrian, and bicycle traffic and served by transit to reduce vehicles trips for work and non-work purposes. Correspondingly, the use of transportation systems has not been effectively optimized with appropriate densities to support transit for commuting purposes. In addition land use policies and public finance dynamics have not supported housing and employment facilities that are integrated in favor of taxable sales-generating uses where the integration is less likely.

It is important to note that areas with a close to ideal balance do not necessarily realize the full benefits encompassed in the concept. Frequently these areas still see heavy in- and out-commuting and surrounding congestion for several reasons (Pleasanton, for example, as shown in the Competitiveness section). On the worker side, there might be a mismatch between resident skills and local employment opportunities, earning potential might be higher in other areas, and residents could have employer preference or preexisting employment relationships outside the local area. From the business perspective, the area might not support the assets needed for a diverse economy, skill requirements might not match local residents, and wage structures might not fit the local workforce. In addition, the housing stock might not be suitable or affordable to attract the types of workers needed to fit local employment opportunities. It is often quite difficult for local jurisdictions to match jobs, housing, and workers because land use and transportation planning efforts vary at the local and regional levels. Therefore, analysts regularly push the discussion of jobs-housing balance to the regional or commute-shed level and focus on other planning principles at the local jurisdiction level.

As discussed in the Competitiveness section, Elk Grove currently has a jobs-household ratio of 0.62. The average ratio across the five comparative areas is 1.5 (coincidentally close to the ideal balance) with a low of 0.8 (Folsom). Both growth scenarios assume roughly 67,000 households in 2029 with a jobs-household ratio of 0.54 in the low land use consumption scenario and 0.72 in the high land use consumption scenario. In order to reach the low ratio of 0.8 from the comparative areas, Elk Grove would need nearly 54,000 jobs in 2029, about 10 percent higher than the more aggressive jobs level incorporated in the high land use consumption scenario. To realize the average ratio across the comparative areas of 1.5, Elk Grove would need close to 101,000 jobs in 2029, which is about 106 percent higher than the high land use consumption scenario jobs projection. Considering that the high land use consumption scenario reflects the potential upper end of growth through 2029, it is highly unlikely that Elk Grove will reach these jobs-household ratio benchmarks in this period. Building up to the ideal balance will be a long-term proposition for Elk Grove that will require aggressive job creation over the coming decades. In moving toward the balance, it will be important to understand that worker flows could still be significant and that the concept calls for addressing specific issues creating the imbalance at the local level.

Market Strategy

Elk Grove has the potential to experience a future with more desirable outcomes and a stronger business climate than what it has historically experienced. However, fundamental building blocks need to be put in place in order to do so. First and foremost, there is a recognized need for additional physical assets in the community in order to create a stronger competitive position and build economic vitality (e.g. competitive industrial space, business park campus, and Civic Center). The planning and development horizon associated with building long-term physical assets can be lengthy. Therefore, while the planning and development processes are underway, Elk Grove should take the opportunity to expand the narrowly-focused economic development program and implement more strategic approaches to maximize the economic growth potential based on its current competitive position.

The Market Strategy presented below is intended to cover a roughly five-year period with core action items compacted toward the front end of the period and ongoing execution expected toward the back end. A broad vision and two guiding principles overlay a set of six strategies split equally between real estate and land use and economic development topics. The strategies presented represent critically necessary steps to moving beyond the narrow structure that is in place for economic development within Elk Grove and ultimately realizing an alternative future with enhanced competitive assets and a stronger economy.

Vision

The following vision for the Market Strategy was developed based on interviews with local and regional businesses and leaders, discussions with the Market Study Steering Committee, and a review of City reports. The vision reflects the broad community values and desired outcomes that direct the set of guiding principles and strategies.

Vision: Enhance economic well-being and quality of life, improve the job-housing balance, create employment opportunities for residents, and build economic stability by facilitating **job creation and economic diversification**

Guiding Principles

Guiding Principle 1: Attract investment by **simplifying and reducing up-front costs** of entitlement and infrastructure while delivering prioritized, high-quality facilities

Attraction of business investment and new development in the City of Elk Grove will rely on creating a development climate that minimizes development uncertainty and risk. Developing simplified and streamlined entitlement procedures that provide clear channels of access to the requisite City departments, clearly outline design standards, and involves

City staff early in the technical planning process (i.e. during the preparation of submittal documents) would offer developers a greater degree of confidence.

The City has implemented several measures to reduce up-front infrastructure costs, including reviewing and updating development impact fee programs, updating design standards, convening an interagency forum to review approaches to reducing infrastructure burdens, and implementing reduced development impact fee levels. The City should continue these efforts to reduce the up-front costs of development through a review of policies regarding infrastructure construction and phasing and should seek to develop policies to provide reimbursement mechanisms for developer-constructed infrastructure benefitting other parties that would provide more certainty for early phases of project development. Additionally, the City should establish clear and transparent guidelines and timelines for the review of planning submittals, which would provide developers with clear expectations regarding the expected duration of the permit and entitlement process.

Success in developing a streamlined entitlement process with clearly defined entitlement procedures and expectations can be evaluated based on continued close coordination with the development community through a continuation of City and development community working group activities or other approaches. In order to ensure that the City is continuing to provide high quality infrastructure facilities coordinated with development activity, a feedback process for residents and community advocates should be established. The City should also establish internal monitoring procedures to identify whether targeted timelines for the processing of permits and other planning documents are being met, and to identify any limitations on the City's ability to meet those timeframes.

Guiding Principle 2: Structure economic development investments around a **performance-based system** to encourage strong leadership and effective use of funds

Economic development performance success is built on three factors: 1) economic outcomes/benefits; 2) organizational efficiency/effectiveness; and 3) customer/stakeholder satisfaction. Investments in Elk Grove's current economic development program appear to be evaluated primarily based on economic outcomes/benefits while restrained by the assumption that the outcomes of economic development take a long time to materialize. This limited system of measuring performance can lead to unnecessarily low and confined standards for performance and does not permit the type of comprehensive program evaluation that is called for when public and private funds are invested in an effort of this nature.

The City should implement a system to regularly monitor and evaluate all investments, programs, processes, and response times that are related to economic development. This system should utilize realistic and agreed-upon metrics and goals that address all three performance success factors. In addition, related to organizational efficiency/effectiveness, the system should include mechanisms to ensure that feasible

recommendations from commissioned consultant studies are implemented and include appropriate performance measurement elements.

In order to provide oversight of a performance-based system and offer ongoing strategic direction, the City should consider creating a new appointed standing commission focused on economic development. The Market Study Steering Commission could serve as a pool of potential commission members that have been educated and engaged throughout the study process. The commission and other stakeholders should receive monthly summaries of economic development activities and outcomes in order to inform the monitoring and evaluation process and build accountability.

Strategies

Strategy 1: Create a **process for long-term planning** including the Sphere of Influence, area surrounding the mall, and other major assets to proactively shape the future around economic vitality
Responsible Party: **City of Elk Grove**

Development outcomes meeting the City's expectations and economic development objectives will require a rigorous, long-term planning process that ensures a programmatic, strategic approach to growth in the City.

As identified in the Development Scenarios section, utilization of lands currently included in the SOI will be necessary to meet future land use demands based on employment and population growth. In addition, the catalytic economic development potential of sites within the City are somewhat constrained in terms of access, circulation and visibility (i.e. limited by lack of proximate access to a major freeway). The SOI is the only location that can accommodate a major large scale project offering immediate freeway access and the potential for surrounding development of complementary uses.

Given these conclusions, it is recommended that the City move forward assertively with the master planning process for a portion of the SOI. The SOI provides an opportunity for expansion and offers the City the ability to respond quickly to market forces, but the City's ability to respond to market opportunities will be limited by the duration of annexation and entitlement proceedings. The action items identified below are designed to initiate the long-term planning process in preparation for and in concert with the annexation application process. Because the annexation and subsequent entitlement process can be extremely lengthy (five years or more) commencing this process at this time is advised in order to facilitate the annexation process and position the City to successfully compete for regional demand.

In addition to the SOI, the planning process should also focus on other core elements of the City's growth strategy including the Elk Grove Promenade site and other major assets such as the proposed Civic Center site. Sites such as these offer the most potential for catalytic economic development initiatives, attraction of new business investment, and

creation of new employment generators due to their location, size and the unique development opportunities they present.

Initiating a long-term planning process for these areas in the immediate term will ensure that the land use program is informed and driven by the appropriate City objectives for economic development and the balanced provision of employment opportunities and housing appealing to a diverse set of consumers and income levels.

Action 1.1: Conduct a strategic planning retreat to identify prioritized City objectives for long term development outcomes
Timeline: Immediate

The first step to implement a long-term planning process for the City's major assets will be to establish an internal working group process through which the City will identify their primary objectives for development in these areas and the targeted areas most likely to fulfill those objectives. The working group should, at a minimum, include the City Planning, Economic Development (and the external Economic Development Corporation), Finance, Public Works, City Attorney and other critical departments, as well as outside legal (redevelopment) and economic expertise as appropriate.

The initial task for the working group would be to establish the agreed-upon criteria that will provide the basis for prioritization of development initiatives and their inclusion in the long term-planning process. Criteria could include the potential for development initiatives to facilitate a greater concept of community identity, achieve greater economic diversity, and establish a more balanced community. Potential major development initiatives (such as the Elk Grove Promenade, SOI, and Civic Center site) would then be identified and evaluated according to their ability to fulfill the identified and prioritized criteria established.

The outcomes of the initial planning summit would be to: 1) identify the major City assets on which the long-term planning process will focus; 2) identify the primary objectives that new growth in these areas would be designed to fulfill and the criteria by which growth opportunities should be evaluated, leading to; 3) a narrowed range of development prospects and alternatives for the identified areas.

Action 1.2: Conduct technical opportunities and constraints analysis identifying the costs and benefits of specific development priorities
Timeline: Year 1

Based on the initial outcomes of the strategy session, the City should conduct follow-up opportunities and constraints evaluations to help finalize the priority ranking of the conceptual development alternatives. The development alternatives would be evaluated based on a weighted set of criteria determined by the City, which could include such items as the fiscal outcome associated with each scenario, the potential economic development contribution of development alternatives, and the degree to which each alternative would help Elk Grove achieve a greater sense of community balance. Another

critical step would include verification of the legal, environmental, and infrastructure viability of each alternative, as well as the likelihood of market success. This analysis will serve as a preliminary screening of the viability of each development alternative. Upon review of the opportunities and constraints analysis, the City working group would further refine the list of development prospects to provide baseline alternatives and analysis for purposes of a public visioning process.

Action 1.3: Conduct public visioning process through a series of workshops to further identify, refine, and solidify priority development actions undertaken by the City
Timeline: Year 2

The third step of the long term planning process will be to engage the public in a series of workshops to refine the development concepts developed through the City working group process. The public visioning process would take into consideration community priorities and should rely on resident survey and focus group data to solicit input regarding the community's planning objectives. The outcome of this step will be a conceptual development strategy for each selected area that is informed both by City objectives for new growth and the priorities identified by the community.

Action 1.4: Utilize case by case technical analysis to implement the conceptual development strategy resulting from the public visioning process
Timeline: Year 2

Implementation of the conceptual development strategy created through the City working group and community outreach process will require additional technical analysis to determine the type and amount of development that can reasonably be supported by current and future market conditions. Focused market and feasibility analysis will assist the City and the development community to determine a more precise mix of residential and commercial development as well as more detailed land use characteristics that comport with the conceptual development strategy and planning objectives identified.

As part of this action item, the City should also identify the roles and responsibilities for both the public and private sector for each priority development alternative. For example, if the Elk Grove Promenade is identified as a priority site, the City's role would be to develop a redevelopment and reuse strategy, which would likely rely on the private sector for implementation. Funding of redevelopment could potentially be a shared responsibility, based on the developer's assessment of feasibility. Identification of these roles and responsibilities will offer clarity regarding expectations and identify necessary partnerships with the development community in order to implement the priority development initiatives.

At this stage in the planning process, the City should also conduct a more thorough review of the financial aspects of development that might impact development feasibility. This review should include aspects such as an assessment of whether major infrastructure constraints exist and what the impact of service level standards might be on the infrastructure burden borne by new development.

Action 1.5: Create and implement a streamlined entitlement process
Timeline: Year 1, ongoing

The evaluation of development feasibility should inform the City's development of a more streamlined entitlement process with specific provisions and elements for each targeted growth area as appropriate. As discussed previously, a streamlined development process can incentivize new development and investment in the community by minimizing development uncertainty and risk.

Strategy 2: Activate and intensify primary TOD and other high profile **infill and redevelopment sites**, creating close proximity between residential, employment, entertainment, and recreational uses
Responsible Party: **City of Elk Grove**

A primary goal of this strategy is creating development opportunities that enhance the community's sense of identity and facilitate development of a central city core. Currently, the City suffers from its reputation as a suburban bedroom community lacking a distinct "sense of place," which is partly a function of the absence of a central city core providing character and identity. Such investments are critical to the City's core economic development goals, inasmuch as business location decisions factor in quality of life considerations for executive level as well as rank and file employees. The creation of a vibrant community offering a diverse range of entertainment, recreation, and cultural amenities would be a distinct competitive advantage for the City as it competes for its share of regional economic growth. The City can begin to address this competitive disadvantage and create a sense of community identity by capitalizing on key infill, redevelopment, and transit oriented development (TOD) opportunities.

Extension of mass transit options into the City will create ideal infill development opportunities for the small-lot single-family development, horizontal and/or vertical mixed use prototypes described in the Development Scenarios section. Infill development presents significant challenges, including parcel assembly, infrastructure retrofits, potential conflicts with adjacent existing land uses, environmental issues, and development risks such as product acceptance uncertainty and zoning issues. Therefore, if the City wishes to capitalize on these opportunities, it must begin to think strategically and implement a process to plan for key infill and redevelopment sites.

Action 2.1: Strategically implement redevelopment initiatives
Timeline: Year 1

Redevelopment areas within the existing City offer unique opportunities to create a more vibrant community center and access additional financing mechanisms to help achieve the City's goals. Within the existing Redevelopment Agency (RDA), the City should identify the highest priority sites that will, through their development, catalyze additional redevelopment opportunities. Existing landowners should be engaged early in the process to ensure stakeholder buy-in to the City's vision for priority redevelopment sites. In order to streamline the redevelopment process of publicly owned land, the City might consider a master developer approach to implementing redevelopment concepts.

Where land is owned by private sector entities, the City can take an active role in "selling" the redevelopment area vision by making property owners aware of market opportunities. Redevelopment activities can also be encouraged through the provision or facilitation of key infrastructure well as implementation of fast-track entitlements and appropriate zoning. Where projects are included in Redevelopment Project Areas, the redevelopment agency can enter into Owner Participation Agreements (OPAs) with land

owners and development interests in order to provide tax increment to assist with project funding gaps.

Specifically, the City might consider an expansion of the Old Town planning area to gain "critical mass." Currently redevelopment in the existing Old Town area is somewhat limited, and parking and transportation issues limit access. Expansion of this area could permit improvements to circulation as well as development of additional uses that would attract a broader range of visitors.

It is important to note that development within a redevelopment area has some implications for development feasibility, such as prevailing wage triggers and affordable housing requirements. These potential costs should be evaluated in terms of development feasibility and available redevelopment funds (i.e. tax increment) should be selectively utilized to mitigate such potential constraints on redevelopment activities. Redevelopment funds should be prioritized to: 1) fund high priority infrastructure improvements (i.e. those that will create upgraded access, circulation, and parking facilities) and 2) provide gap funding as needed to implement infill projects, where project needs are documented.

Action 2.2: Identify and prioritize viable TOD/infill sites
Timeline: Year 1

The City will need to identify and prioritize viable TOD sites taking into consideration the various light rail alignment alternatives and the City's currently adopted light rail alignment. Other transit system amenities should also be considered, including bus rapid transit routes. The proposed Civic Center site offers a unique opportunity to develop a project intended to function as a central node within the City, and would therefore be a highly recommended priority TOD project. A longer-term TOD prospect that should be considered would be development in proximity to the proposed Capital SouthEast Connector project, currently proposed to be located along the Grant Line Road corridor.

The ideal mix of land uses for the identified sites will vary based on several factors, including the location of the priority sites, adjacent land uses, and proximity of major employment centers. Generally, however, successful TOD developments must achieve significant levels of development density. Specific resident and employee densities will vary depending on the modes of transit offered. In order to facilitate the necessary development densities, the City will need to examine and adjust traffic standards as appropriate around transit sites.

Given the aggressive density levels necessary for effective TOD sites (e.g. 40 units per acre or greater), it is important that the site design offer desirable amenities that appeal to a broad spectrum of potential residents. The City should ensure that a broad mix of housing opportunities (affordable to high end) are available in proximity to transit sites—while the demographic profile of transit riders can vary widely, the core of the ridership is often represented by lower-income users.

In addition, the mix of land uses along the entire transit corridor should be carefully considered. Ideally, a well functioning transit system will offer a variety of residential, employment, shopping and entertainment uses along the transit corridor, permitting the TOD resident to access multiple nodes via mass transit.

Action 2.3: Conduct technical analysis to ensure viability of development options
Timeline: Year 2

Strategic and focused analysis of development feasibility from a financing and marketing standpoint will help refine the City's site design standards and potentially identify other City policies that may need review in order to facilitate the development of these high priority sites. In particular, retail development must be shown to be viable in the absence of transit facilities, as such development must be market driven, as opposed to transit driven. Transit facilities may complement retail uses, but cannot be relied on to create a retail market.

Informed by the development feasibility analysis, the City may consider if the Redevelopment Area should be expanded to include any of the identified priority infill/TOD sites. While development within a redevelopment area poses certain limitations, should implementation of an infill site be constrained by feasibility issues, the inclusion of the site within a redevelopment area may offer the opportunity to provide supplemental infrastructure funding and/or gap project funding as appropriate.

Strategy 3: Improve Elk Grove's competitive position for regional growth by facilitating and supporting private investment in a **major, high profile new business park**, targeted to office, R&D, light industrial, heavy industrial warehouse/distribution, and campus users
Responsible Parties: **City of Elk Grove and Private Landowners/Developers**

The City currently has limited highly-visible real estate assets to market to major businesses. Facilitating the creation of a new business park, ideally located and positioned to attract major outside users could change the competitive dynamic of Elk Grove altogether. The site would be positioned to respond to market demand and thereby attract new business investment in the City. Based on the expressed interest of major property owners, the City would facilitate the creation of a large scale Business Park that is specifically designed to attract large users and could be marketed to businesses evaluating location opportunities within the Region. The goal would be to design a site that integrates a variety of highly desirable and complementary land uses with quality transportation and other infrastructure.

Action 3.1: Identify appropriate site for a project of sufficient scale to attract major new users.
Timeline: Year 1

Through a review of available development sites and property owner interest within both the City and the SOI, the City should work with property owners and other potential stakeholders to identify an appropriate location for a project of this scale. Although the specifics of such projects can vary widely, it is generally anticipated that the project site would be between 200 and 400 acres, a scale that would be sufficient to accommodate the targeted variety of office, R&D, industrial and distribution uses and attractive to the targeted larger scale campus users. Location factors should be a major consideration—proximate access to a major freeway and avoidance of sensitive habitat areas should be highly prioritized. In addition to these access considerations, the City's site selection process should consider a variety of issues including infrastructure constraints, land use adjacencies, visibility, and opportunities for mass transit connections, among others. Given these considerations, it is likely that the ideal location for this site will be within the SOI as few contiguous development opportunities of sufficient scale with the requisite immediate freeway access are available. However, other potential sites (e.g. the adaptive reuse of the Elk Grove Promenade site) may merit consideration, and should be evaluated as part of this assessment.

Action 3.2: Develop preliminary site design
Timeline: Year 1

Following selection of a potential site, the City should develop a preliminary and conceptual site design, focused on creating site amenities that would be attractive to businesses considering locating within the City. The site design should incorporate a land use approach that offers a strategic vision for the site and provides sufficient

flexibility to allow development to respond to changing market dynamics. Priorities for the site design should include providing high quality access, image, and landscaping improvements. Land use conflicts should be avoided through a development strategy that offers a strategic separation of land uses (e.g. heavy and light industrial access to the site should be separate from that of office and retail). The site should offer a wide variety of different product types so that marketing to different segments can move forward simultaneously to achieve maximum project absorption. For example, high end office and warehouse uses could be developed and marketed simultaneously to either separate market segments or to a single user with integrated operations that may require multiple building types.

Action 3.3: Conduct additional, detailed market analysis to determine the appropriate mix of office, R&D, industrial, and other uses for the selected site
Timeline: Year 2

To refine development concepts for the selected site, the City and/or private landowners/developers should conduct market due diligence analysis to determine the appropriate type and amount of development, anticipated absorption rates, and desirable land use characteristics. The market study should acknowledge the economic development objectives of the site and develop specific land use strategies, given various market considerations that would facilitate the attraction of catalyst users. In addition to consideration of local, regional, and national development trends, the market study should consider emerging technologies and industry sectors for whom specialized site characteristics and amenities may be attractive.

Action 3.4: Determine development and disposition strategies
Timeline: Year 2, ongoing

As part of the development and disposition strategies for the site, and in conformance with the entitlement processes discussed previously, the City should establish a clear and efficient entitlement process that includes a well developed set of design guidelines and standards. Conforming project proposals would then be eligible for an expedited approval process. If the preferred site involves substantial use of public land or resides in a redevelopment project area, the City (through its RDA) could participate in the evaluation and selection of one or more master developers to carry out the vision, as well as participate in the potential application of tax increment to fund infrastructure.

Strategy 4: Develop a **business retention and expansion program** to enhance the local business climate and job creation
Responsible Party: **City of Elk Grove**

It is commonly recognized that between 65 and 80 percent of all new jobs are created by existing businesses in a community. Therefore, business retention and expansion has become the primary focus of many local economic development efforts. Generally, these programs are organized around four main objectives: 1) keep existing businesses from relocating to other communities, 2) assist existing businesses to expand in the community, 3) help existing businesses survive and become more competitive, and 4) address common business concerns to improve the overall business climate. Business outreach with targeted assistance is the primary mechanism for accomplishing these objectives. An effective and responsive business retention and expansion program can also help build a community's reputation as a good place to do business, which often enhances the success of other economic development efforts such as business attraction and entrepreneurial and small business development.

Currently, Elk Grove does not have a formal business retention and expansion program. The Elk Grove Economic Development Corporation has been reaching out to major employers in the City and was involved with a major local expansion of one of these major employers, ALLDATA (supporting an estimated 400 jobs). However, the major employers represent only a small number of existing businesses in Elk Grove, many of which are high value companies with strong growth potential. Analysis of local firm dynamics shows that more than 200 firms moved out of Elk Grove to relocate in other communities between 2003 and 2008, supporting nearly 1,100 jobs at the time of move—25 of these firms had more than 10 employees and 5 were headquarter locations. During this same time period, there were hundreds of other firms that either closed a local branch location or ceased operating altogether. Although many of these firm relocations and closures might have been inevitable, this represents just one example of opportunities where a business retention and expansion program could have been helpful. Due to City staffs' immediate access to departments and agencies that regularly interact with and maintain information on local businesses as well as the established partnership with the Economic Development Corporation and Chamber of Commerce, the City appears to be the most reasonable place to house a formal business retention and expansion program.

Action 4.1: Determine the most appropriate program structure
Timeline: Immediate

The first step the City will need to undertake in developing a business retention and expansion program is to determine the most appropriate structure. While there are several different models, the most effective structure for a local program typically involves a combination of site visits conducted by an economic development representative and electronic surveys. The site visits generally target specific types of businesses or locations whereas the electronic surveys often focus on a broader range of businesses. Other variations include primarily utilizing surveys and organizing volunteers for site visits.

The Sacramento Metro Chamber hosts a regional business retention and expansion program called Metro Pulse. This program offers a common platform for communicating and tracking information, a business walk outreach model, and connected regional resource providers and support agencies. The City should evaluate this existing regional option and determine if the program is a good fit for local business retention and expansion efforts prior to assessing other internal options.

Action 4.2: Establish follow-up protocols
Timeline: Year 1

After identifying the appropriate structure, the City will need to establish strict follow-up protocols to ensure that business expectations are effectively addressed and a feedback loop is in place. The protocols should be organized around four timeframes. Within the first week, the City should review site visit notes and survey responses to identify red flags indicating potential service needs. Within two weeks, company records should be entered into the tracking system, a thank you correspondence should be issued, and referrals should be made to appropriate service providers. Within one month, the City should check in with the referred service providers to ensure they have responded and the company should be contacted to gauge satisfaction with the response and services provided. This process should continue until the business concerns have been sufficiently addressed. Finally, on an annual basis, the City should update all visited and surveyed businesses on business climate issues commonly identified and the progress in dealing with those issues.

Action 4.3: Obtain service provider commitments
Timeline: Year 1

Since a business retention and expansion program relies on the ability to connect businesses with services that can address their needs, early in the process, the City will need to get buy-in and commitment from local and regional service providers (i.e. the Economic Development Corporation, Chamber of Commerce, Small Business Development Center, utility providers, etc.) as well as internal departments and related agencies. All providers should understand and support the program, commit to professional and results-oriented service for all referrals, and define the scope of services to be provided and related pricing policies. Once commitments have been made, the City will need to create a referral system for specific business needs.

It is likely that feedback obtained from businesses will point to issues that will require local, regional, and statewide advocacy in order to create the changes needed to improve the business climate. Therefore, in addition to those entities that could provide services directly to businesses, the City should also garner support from partners that can assist with addressing the broader business climate issues (e.g. Interagency Forum, Elk Grove Chamber of Commerce, and Sacramento Metro Chamber).

Action 4.4: Select targets for site visits
Timeline: Year 1, annually

Based on the program structure the City chooses to move forward with, specific business targets will need to be established on an annual basis. Initially a four-tiered system could be developed for site visits. The first tier should pull the major employers into the formal system. The second tier should establish a select set of companies that are deemed valuable and have strong growth potential in the community. For instance, analysis of local firm dynamics reveals that there were almost 350 companies that posted employment growth over 20 percent between 2003 and 2008, many of which are in high value sectors. A third tier could align retention efforts with businesses in the same sectors as are being targeted in business attraction efforts. The final tier could focus on a specific geographic area, such as Old Elk Grove, which could function similar to the broader business walk the Economic Development Corporation organized in the spring of 2010. Electronic surveys should be made available to all companies throughout the City in coordination with the Economic Development Corporation and Chamber of Commerce.

Action 4.5: Create instruments and tracking mechanisms
Timeline: Year 1, annually

If the City chooses not to participate in the regional Metro Pulse program, it will need to create questionnaires for the site visits and electronic surveys. There are several example instruments available from other economic development programs that the City can review in creating its own questionnaires. Topics covered in the questionnaires typically include company background and future plans, opportunities for growth, barriers to growth, workforce needs, regulatory issues, supplier relationships, business climate perceptions, and satisfaction with community services. The site visit questionnaire should be structured as an open-ended interview with several guiding topics, aligned with those adopted in the electronic survey, which can be completed in less than one hour. For the electronic survey, the questionnaire should be designed with standard questions in a web-based format that can be completed in less than 15 minutes. In both cases, the instruments should be field tested before deploying in the outreach process. In addition, red flag responses should be identified for most or all questions included in the questionnaires. There are four broad types of red flags that should be considered including company-specific factors, broader industry factors, regulatory factors, and attitudinal factors. It is important to note that red flags should be used to identify both issues that call for assistance focused on retention as well as indicators suggesting the potential for expansion. This process should be revisited on an annual basis.

The City will also need to identify an effective tracking mechanism for the site visit and electronic survey responses. Anticipating future growth of the program and a potential to field a relatively large number of responses through the electronic surveys, the City should consider purchasing or developing an electronic database system to store, organize, and analyze responses. From the onset, the business retention and expansion database system should be linked to information in the City's business license database to

create a more comprehensive company record. Access to the retention and expansion database should be limited to ensure confidentiality of specific company responses.

Action 4.6: Outreach schedule and execution
Timeline: Year 2, ongoing

Once the program has been designed, the City should create a schedule for the site visits on an annual basis and notify companies of planned visits ahead of time. In addition, key opportunities to publicize the program and availability of the electronic survey should be identified. Execution of the site visits generally involves four main steps. First, the economic development representative should gather as much company background information as possible prior to the visit. Second, at the beginning of the visit the representative should provide basic information about the program, outline confidentiality protocols, and ask for a tour at the conclusion of the meeting. Third, the representative should conduct the open-ended interview using the questionnaire as the guide. Fourth, during the site tour, the representative should assess the facility from an objective business viewpoint to identify other potential red flags or opportunities. Program execution also involves analyzing the results and briefing partners on an annual basis as appropriate.

Action 4.7: Program evaluation
Timeline: Year 2, annually

Upon the conclusion of the first year of the program and annually thereafter, the City should be prepared to undertake an evaluation of effectiveness and outcomes. Based on the findings of the evaluation, the City should consider whether adjustments to the program are necessary for the following year. As appropriate, the results of the evaluation should be shared with elected officials and partners along with any planned adjustments to the program.

Since the program structure has not been identified, specific performance goals cannot be suggested at this point. As part of the program planning process and after a baseline has been established, specific performance measures should be incorporated in the program evaluation. There are several performance measures the City could track to evaluate the business retention and expansion program including:

- Number of targeted companies and percent visited
- Number of companies completing electronic survey
- Number and percent of companies with red flags
- Number and percent of companies referred for assistance
- Number of employees at companies referred for assistance
- Breakdown of types of assistance and providers for referred companies
- Number and percent of companies referred for assistance still operating within one year
- Residence location of assisted company employees

- Total and change in the number of employees at companies referred for assistance still operating within one year
- Percent of companies referred for assistance satisfied with response and services
- Type and amount of incentives provided to companies referred for assistance
- Number and types of business climate issues identified
- Percent of business climate issues addressed

In order to begin to track direct program outcomes, the two primary performance measures that the City should set goals for are companies visited and companies referred for assistance. In collaboration with service providers, goals should also be established for issues addressed and satisfaction levels. As the program matures, additional goals for various performance measures will also need to be established.

Strategy 5: Create strategic groupings of **targeted industries for business attraction** efforts to diversify the economy and grow the economic base
Responsible Party: **Elk Grove Economic Development Corporation**

In communities that have a significant imbalance in the jobs-housing ratio and a local economy dominated by demographically-driven sectors, business attraction is one of the most widely used programs to create opportunities for new jobs and greater economic diversity. Since economic development resources are limited and communities cannot effectively compete for every type of business, industry targeting strategies are a necessary component of a business attraction program. The selection of targeted industries is generally based on an in-depth understanding of local competitive advantages and capabilities, regional assets, and community goals. While the recession necessitates some adjustments to targeted industry analysis, indicators at the regional and statewide levels suggest that business location prospect activity is considerably robust with more active prospects than in pre-recession periods.

The Elk Grove Economic Development Corporation has been focused on business attraction since its inception in 2007 and currently appears to be targeting four types of opportunities including medical, retail, clean tech, and state government offices. Any major successes that arise out of the business attraction program can help enhance local growth beyond the levels anticipated in the development scenarios. *The Case for Investment: Elk Grove's Community First Initiative* proposal for the Economic Development Corporation set a goal of 1,500 jobs in a five year period split among eight targeted industries including Semiconductor & Related Devices Manufacturing; Electromedical Devices Manufacturing; Analytical Laboratory Instruments Manufacturing; Pharmaceutical & Medicines Manufacturing; Architectural, Engineering, & Related Services; Headquarters & Business Services; Finance & Insurance; and Ambulatory Health Services. The Economic Development Corporation has realigned the targeted opportunities and has emphasized new business recruitment in its work program, but outcomes have been well below the established goals (one success resulting in 70 new retail jobs has been identified). A more strategic approach to targeted industries could create additional opportunities, enhance effectiveness, and align more closely with community goals.

Action 5.1: Select groupings of targeted industries
Timeline: Immediate and Year 3

Expanding the Economic Development Corporation's set of four targets could enhance outcomes and better address immediate and long-term community needs. There are three groupings of targeted industries that the Economic Development Corporation should consider in refining its business attraction efforts moving forward.

1. Viable clusters and industries—businesses that are part of the core competencies within the nine clusters and the six sectors with unique characteristics as

identified in the Economic Development Potential section.[1] This group presents the most potential based on economic performance in the local economy and the prospect of generating additional desirable benefits.

2. Catalytic opportunities—site locations that could significantly change Elk Grove such as higher education institutions, large state government operations, significant corporate headquarters, opportunities to cluster and integrate existing small businesses, or regional recreation and entertainment offerings beyond what has been proposed for the Civic Center. These opportunities are likely not as immediately viable as the first group, but can play a critical role in the future quality of life and development in Elk Grove.
3. Business climate enhancement—companies within any industry that can make use of existing vacant retail and office space and have historically employed Elk Grove residents such as those highlighted in the Economic and Demographic Profile section. High commercial vacancy rates and unemployment have a negative effect on the business climate—directing some immediate attention to these types of companies creates the potential to alleviate these issues.

The Economic Development Corporation will need to assess the most effective way to divide its efforts across the selected groupings, but attention should be given to all in order to maximize opportunities. In addition, the Economic Development Corporation should continue to coordinate with SACTO for all other opportunities, recognizing that sites for large industrial users will be limited until new assets are built.

The targeted industries should be reevaluated every three years to account for economic restructuring, economic development successes, broader business climate factors, and firm dynamics in the local and regional economies. Additionally, any new assets that are built in Elk Grove could generate competitive advantages and opportunities for other types of industries that currently do not appear viable.

Action 5.2: Create messaging and supplemental materials
Timeline: Immediate

After the groupings of targeted industries have been selected, the Economic Development Corporation will need to craft appropriate messaging that positions Elk Grove as an attractive location for related companies and references regional assets and advantages. This messaging should be integrated with relevant data to expand the series of "Data Sheets" that the Economic Development Corporation currently uses as supplemental materials in its marketing packages, on its web site, and within targeted e-mail blasts.

[1] Clusters include Business Services; Creative; Finance & Insurance; Food; Government; Medical; Real Estate; Local Services; and Transportation. Sectors include Construction; Wholesale Trade; Retail Trade; Information; Real Estate & Rental; and Professional, Scientific, & Technical Services.

Action 5.3: Identify prospects and opportunities within the groupings
Timeline: Year 1, ongoing

On an ongoing basis, lists of qualified leads and viable company prospects will need to be maintained for potential direct marketing and outreach. In addition to mining the various company databases available on the market (e.g. Dun & Bradstreet and Infogroup), the Economic Development Corporation should utilize its existing relationship with ROI to identify a broader set of prospects across the groupings of targeted industries. Other opportunities such as industry-focused trade shows, industry associations, and site selection consultants focused on the targeted industries should also be identified for possible supplemental marketing and outreach.

Action 5.4: Prospect outreach
Timeline: Year 1, ongoing

The Economic Development Corporation will need to expand its ongoing targeted outreach efforts to include the prospects and other opportunities within the selected groupings of targeted industries. All viable prospects should receive personal outreach in addition to receiving the existing broader newsletter and targeted e-mail blasts tactics. Considering limited resources, other opportunities should be carefully considered for personal outreach (e.g. trade shows, regional events, site visits, etc.) based on factors such as size, market focus, industry niche, inclusion of viable prospects, and cost. Other marketing tactics should be considered for those opportunities not receiving personal outreach—these could include distribution of the newsletters and targeted e-mail blasts, advertisements, and SACTO and Team California coordination.

Action 5.5: Program evaluation
Timeline: Year 2, annually

After the first full year of prospect outreach and annually from then on, the Economic Development Corporation should evaluate the outcomes of the expanded targeting approach and the effectiveness of its outreach efforts. Due to the generally long lead time in business attraction, significant adjustments to the targeted industries should only be considered if major issues are noted in the evaluation; otherwise, these revisions should only be taken into account every three years. Where appropriate, modifications to outreach efforts should be assessed annually based on the results of the program evaluation. The results of the evaluation should be shared with the Board of Directors and investors along with any planned revisions to the targets or outreach efforts.

The Economic Development Corporation could utilize a variety of performance measures to evaluate the effectiveness of the targeted industry approach:

- Number of viable prospects and percent receiving personal outreach
- Distribution of targeted marketing materials
- Number of located companies
- Percent of located companies within targeted industries

- Total number of jobs at located companies
- Total capital investment of located companies
- Total square feet occupied by located companies
- Type and amount of incentives provided to located companies
- Number, type, location, and origin of prospects
- Origin of located companies
- Percent of located companies still operating
- Change in number of employees at companies still operating
- Change in square feet of companies still operating
- Residence location of located company employees
- Number of site visits
- Percent of site visits from companies within targeted industries
- Reasons for no-locate decisions

In order to capture both program effectiveness and outcomes, the two primary performance measures should be the number of viable prospects and total number of jobs at the located companies. The Economic Development Corporation should set a standard of an average of 30 viable and active prospects on an annual average basis. A viable prospect can be defined as a company actively seeking sites in areas where Elk Grove closely matches the basic company criteria—the ability to reach the suggested goal for viable prospect depends in large part on the approach taken to identify qualified leads. The jobs goals established in *The Case for Investment: Elk Grove's Community First Initiative* proposal seem too aggressive for the existing business attraction program and a community with the characteristics of Elk Grove. A more realistic goal for the Economic Development Corporation would be 200 jobs per year. This reflects the location of three moderate-sized or two large companies annually and equates to a little less than 40 percent of the projected annual employment growth under business-as-usual conditions. The Economic Development Corporation should also begin to track and establish baselines and benchmarks for other performance measures that can be incorporated in program evaluation efforts moving forward.

Strategy 6: Develop a **comprehensive economic development marketing plan** to build visibility for the community, local businesses, and programs.
Responsible Parties: **Elk Grove Economic Development Corporation and City of Elk Grove**

Economic development relies heavily on marketing as a tool to reach established goals. Marketing efforts in economic development generally focus on three main objectives: 1) build awareness of the community and its competitive attributes to attract, retain, and expand businesses; 2) improve or change the image of the community among internal and external audiences; and 3) promote existing economic development programs and incentives to increase utilization. Due to the importance of this tool, marketing takes a prominent place in the budgets of most economic development programs, generally equating to a little less than one dollar per capita for moderate-sized cities. In order to be successful, sufficient resources need to be allocated and a plan must be developed to utilize the resources available in the most effective manner. Every community is different, but there are specific tactics that have been established as the most effective in meeting each of the three main objectives of economic development marketing.

Both the Economic Development Corporation and City have utilized various marketing tactics in their economic development efforts. The Economic Development Corporation creates a marketing plan annually with a budget of between $50,000 and $60,000. While this is a rather lean budget, the Economic Development Corporation has been able to incorporate six main tactics including an electronic newsletter, targeted e-mail blasts with industry bulletins, regional and statewide advertisements, targeted trade shows, partnerships with regional and statewide groups, and core materials such as its web site, Data Sheets, and brochure. In addition, the Economic Development Corporation has coordinated a few local events including the Innovation Showcase and Experience Elk Grove. The City maintains a separate economic development web site, maintains other marketing materials, places different advertisements in regional publications, and coordinates with the Chamber of Commerce on specific campaigns (such as the recent Think-Shop-Live Elk Grove program). These efforts have primarily focused on the first objective of economic development marketing in order to build awareness of the community and its competitive attributes. This has left some critical gaps in image building and promotion of programs both of which have the potential to generate desired outcomes in the community and help the Economic Development Corporation and City reach established goals. Creating a comprehensive and coordinated marketing plan could generate a more effective use of limited resources and meet a broader set of objectives. The action items below provide the basic steps and considerations in putting together a local plan.

Action 6.1: Refine the local marketing image
Timeline: Year 1

Interviews with local, regional, and statewide businesses and leaders highlight the fact that the common image of Elk Grove is not positive for economic development purposes. The Economic Development Corporation has put together a branding effort for Elk

Grove—"Northern California's Address of Success"—that it has incorporated throughout its marketing focused on a variety of audiences. While this branding is successful in geographically placing Elk Grove (an important factor for a relatively unknown location outside the Sacramento Region), it does not necessarily directly portray the unique image that the community would like to project moving forward. Interviews with local and regional businesses and leaders and discussions with the Steering Committee demonstrate a strong desire to balance the community's unique heritage, quality of life, and business opportunities. Creating an image that incorporates these common elements and creates a unique economic development brand can be difficult, but a number of similar communities have been successful in developing creative branding and image-building.

The City has recently undertaken a separate awareness-building campaign—"Open Up to Elk Grove"—that is intended to penetrate regional audiences and stress the message that the City has become more business-friendly. Although this campaign was designed for a completely different purpose than the Economic Development Corporation efforts (regional awareness-building versus wide-ranging branding and image-building), the message has been integrated into the City's web site and various collateral materials and, therefore, has the potential to compete with the Economic Development Corporation's messaging. Considering that a strong image is difficult to develop and exceptionally slow to change, the separate campaigns could dilute the branding message and combined potential to commonly influence what others view as the image of Elk Grove.

A primary component of the marketing plan should be to create a new, broadly accepted branding message for Elk Grove that reflects the community vision and acts as the core component allowing economic developers to influence what others are saying about the community moving forward. After the core has been developed, a number of different campaigns targeting varying audiences (i.e. internal, regional, and external) can be built off of it. This leverages marketing resources for the important strategy of image-building.

Action 6.2: Identify target audiences
Timeline: Year 1

The marketing plan will also need to clearly identify priority target audiences through the life of the plan. With the limited marketing resources available in Elk Grove, the focus should be on a combination of internal and external (outside the region) audiences. The most obvious targets are those identified as part of the business attraction, retention, and expansion programs. Considering the relatively large number of small and home-based businesses in Elk Grove and the fact that a large share of new jobs are created by companies less than five years old, this audience should also be considered as a priority target. Less attention should be given to the regional audience since general regional engagement and partnerships can penetrate this audience and it is the least likely to directly lead to desired outcomes. Therefore, marketing efforts focused on the regional audience should wind down in the first year and resources should be redirected to the internal and external audiences.

Action 6.3: Evaluate marketing tactics
Timeline: Year 1

Once the priority target audiences have been selected, the menu of marketing tactics should be assessed for the greatest potential to reach the audiences within the available budget. Personal outreach (e.g. prospecting, trade shows, events, and marketing missions) is typically expensive, but should be used to the greatest extent possible due to the ability to directly interact with members of the target audience and deliver a customized message. All other tactics should be considered as a means to supplement or create opportunities for personal outreach. The four other traditional tactics that will need to be assessed include promotional materials, direct mail (hard and soft), publicity, and advertising. Opportunities for coordinated efforts with the Chamber of Commerce should also be explored when evaluating specific tactics, especially for components aimed at the internal audience. In addition, opportunities to leverage existing relationships of the Elk Grove business community should be explored.

Two necessary tactics for any economic development program serving a community the size of Elk Grove are a comprehensive web site and use of social media. Upwards of 80 percent of all initial site selection now occurs online, illustrating the need for a well designed web site incorporating basic information such as an economic and demographic profile, information on real estate and incentives, and regional context as well as enhanced features like GIS mapping and targeted industry-specific information to build the potential for company interest. The three core social media tools (Facebook, Twitter, and LinkedIn) are increasingly being used in economic development due to the presence of target audiences and the potential to build networks for a relatively low cost. The most important considerations for social media are the ability to remain active and put out content that is interesting for the target audiences.

In the process of evaluating marketing tactics, cost-effectiveness and available resources will need to be an important consideration. Many of the tactical decisions made will likely require outside contractors to execute on aspects such as content development and design. It is possible that resource availability will require incremental steps in building specific components of the marketing program; therefore, necessitating discussions of priorities in the evaluation of marketing tactics.

Action 6.4: Create content and promotional materials
Timeline: Year 2

Once key decisions on branding, audience, and tactics have been made, new content and promotional materials can be created. All content and materials will need to incorporate the new consistent branding including those that are incorporated within the business attraction, retention, and expansion programs. To the greatest extent possible, existing content that places Elk Grove in the context of the Sacramento Region should be utilized as the foundation for promotional materials. Based on feedback from local leaders, one of the most salient informational pieces that will need to be developed and distributed is a compendium of local programs available to existing businesses (e.g. Chamber of

Commerce, Small Business Development Center, City incentives) as well as key regional and state incentives. This piece is critical for the internal audience, but can also serve as a tool for other targets that are part of the business attraction, retention, and expansion programs. It will be important to ensure that consistent messaging and branding is used for all economic development programs—the Economic Development Corporation and City should focus on marketing congruity moving forward. In order to create this additional consistency, the City should also consider eliminating the Economic Development section of their web site and link it directly to the Economic Development Corporation. All of the City's unique content and contact information should be migrated over to the Economic Development Corporation site and linked backed to the City where necessary (e.g. finance, licensing, and permitting). At the same time, the Elk Grove Economic Development Corporation should build enhancements into its web site including expanded property listings with GIS mapping capabilities. There are several GIS programs on the market that can be easily integrated into the web site as well as social media pages.

Action 6.5: Recruit local and regional champions
Timeline: Year 2

In addition to regional engagement and strategic partnerships, after messaging and materials have been developed, the Economic Development Corporation and City should recruit key local and regional champions for both general and specific purposes. For general purposes, these champions can act as ambassadors for the community within the region and their own individual networks and help promote a positive image of Elk Grove. This provides the opportunity to carry on the regional awareness-building efforts with the key talking points from the current City business-friendly campaign. In addition, these champions can be used for strategic interactions with companies as part of the business attraction, retention, and expansion programs. Correspondingly, different sets of champions can be used for specific initiatives such as the catalytic opportunities related to higher education institutions and large state government operations to supplement the Economic Development Corporation's efforts and build relationships within key networks. It will be necessary to equip the recruited champions with key talking points and promotional materials to maintain consistent messaging.

Action 6.6: Marketing schedule and execution
Timeline: Year 2, ongoing

After the comprehensive plan has been developed, a marketing schedule should be created on an annual basis including distribution cycles, planned events, content update processes, and other key execution timelines as well as strategic partner and champion outreach and activities. The schedule should allow for appropriate flexibility for personal outreach opportunities that arise as a result of other marketing and economic development efforts. Once the schedule has been developed, the Economic Development Corporation and City should begin executing on the plan on an ongoing basis. It will likely take a year to complete all necessary background work, so execution should begin in the second year.

Action 6.7: Program evaluation
Timeline: Year 2, annually

A program evaluation element should be built into the marketing plan based specifically on selected audiences and tactics. Ultimately, the primary performance measures of the program should focus on target audience exposure and desired outcomes such as inquiries or use of programs. Specific goals should be incorporated in the plan for these primary performance measures and goals for other measures should be added on an annual basis based on planned tactics and targets. The evaluation should allow the Economic Development Corporation and City to determine if adjusted targets or tactics will be needed for the next year. In addition, the evaluation process should allow for refined targets and tactics as attraction, retention, and expansion programs change. Similar to other elements of the economic development program, results of the evaluation should be shared with investors and elected officials.

There are various performance measures that can be built into the plan to evaluate the effectiveness of the marketing efforts including:

- Amount and target of materials distributed
- Target audience exposure
- Number of company inquiries
- Number of placements
- Earned media levels
- Degree of coordination and consistency
- Web site visitors overall and for specific content
- Social media affiliates
- Utilization rates of programs and incentives by company type
- Perceptions and awareness of Elk Grove

Figure 64 summarizes the timelines for the action items under all six strategies. The bolded areas represent the ideal timelines for action item completion while the other timelines indicate ongoing implementation or annual evaluation.

FIGURE 64
ACTION ITEM MATRIX

Action Item	Immed.	Year 1	Year 2	Year 3	Year 4	Year 5
1.1 planning retreat	**X**					
1.2 technical analysis		**X**				
1.3 public visioning			**X**			
1.4 conceptual strategy			**X**			
1.5 streamlined process		**X**	x	x	x	x
2.1 redevelopment initiatives		**X**				
2.2 identify sites		**X**				
2.3 technical analysis			**X**			
3.1 identify site		**X**				
3.2 site design		**X**				
3.3 market analysis			**X**			
3.4 development strategy			**X**	x	x	x
4.1 program structure	**X**					
4.2 follow-up protocols		**X**				
4.3 provider commitments		**X**				
4.4 select targets		**X**	x	x	x	x
4.5 tracking mechanisms		**X**	x	x	x	x
4.6 outreach schedule			**X**			
4.7 program evaluation			**X**	x	x	x
5.1 select industries	**X**			**X**		
5.2 create materials	**X**					
5.3 identify prospects		**X**	x	x	x	x
5.4 prospect outreach		**X**	x	x	x	x
5.5 program evaluation			**X**	x	x	x
6.1 marketing image		**X**				
6.2 identify targets		**X**				
6.3 marketing tactics		**X**				
6.4 promotional materials			**X**			
6.5 recruit champions			**X**			
6.6 marketing schedule			**X**	x	x	x
6.7 program evaluation			**X**	x	x	x

Center for Strategic Economic Research and Economic & Planning Systems, November 2010

Appendix A—Research Methodology

The data, analysis, and figures presented throughout this report were developed using the cited sources. Qualitative factors were incorporated through document reviews and completed interviews with roughly 30 regional and local businesses and leaders including Steering Committee members, economic development entities, chambers of commerce, technical assistance providers, real estate brokers, government representatives, planning professionals, and major employers. Additionally, case studies of the five areas selected for comparative analysis were completed using document reviews, program assessments, and interviews with local economic development entities. CSER and EPS created internal estimates and detailed analysis for several of the quantitative components in this study. A description of the methodology employed in producing these components is provided in this section.

Industry and Cluster Data

In order to create an employment time series with industry sector detail for the City of Elk Grove, CSER acquired the sub-set of the National Employment Time Series (NETS) database for the area of Sacramento County including and surrounding Elk Grove. The NETS database was developed by Walls & Associates using the Dunn & Bradstreet (D&B) business database for each year from 1990 to the most current update, 2008. The full database will be available for City use upon conclusion of this study—the structure is outlined in the NETS appendix. D&B records provide specific company level information including establishment employment levels, industry sector classification, and physical location. CSER used a four-step process to create the City of Elk Grove data set. First, all records outside the area that roughly conforms to Elk Grove boundaries were removed using address, city, and eight-digit zip code filtering. Second, records were spot checked to ensure that known large companies in the City of Elk Grove were accounted for and added using data from the ReferenceUSA database if necessary. Third, another spot check was performed to identify erroneous records—questionable records were researched further to confirm inclusion. Fourth, records were aggregated by industry sector based on four-digit North American Industry Classification System (NAICS) codes. Many records reflected NAICS codes that changed in various years as a result of D&B information. To create a consistent time series where noise due to invalid classifications was reduced, CSER confirmed the correct industry classification for the largest 20 companies and kept the 2008 classification for the remaining records. In the end, a data set with annual four-digit NAICS employment from 1990 to 2008 for the City of Elk Grove was available for analysis. Approximately 5,300 establishments are accounted for in the data set. It is important to note that CSER believes this data set provides a reasonable accounting of the Elk Grove economy, but since no other comprehensive detailed data sets are available for the City and the NETS database is based on D&B-generated business records, the accuracy cannot be fully verified.

Regional four-digit NAICS employment information was obtained from Moody's Economy.com for the Sacramento-Arden Arcade-Roseville Metropolitan Statistical Area

(MSA—El Dorado, Placer, Sacramento, and Yolo Counties) and Yuba City MSA (Sutter and Yuba Counties). The two MSA databases were aggregated to create the Sacramento Region data set for analysis. The Moody's Economy.com data includes annual historical employment from 1970 to 2008 as well as projections for 2009 to 2039. The historical data are created using official government-provided estimates of employment by industry. Additional projections were obtained from Woods & Poole Economics, Inc. for the same two MSAs and aggregated to create a similar projection data set for the Sacramento Region to serve as a cross-check to the Moody's projections. Moody's Economy.com and Woods & Poole projections are developed using a proprietary econometric model and are highly-regarded by researchers throughout the country, including CSER. It is important to note that the current estimates for Elk Grove and the Region were created at a point in time when the economy is in the middle of a severe recession.

The split of base and local-serving activities was created using a three-step process. First, CSER identified export-oriented sectors in Elk Grove using regional sales coefficient data from IMPLAN for the Elk Grove Study Area (2008 Coefficient series). Sectors where less than 90 percent of the value of goods and services produced was absorbed locally (i.e. more than 10 percent of production was exported domestically and internationally) were identified. Second, CSER determined whether those identified sectors were typically considered base within the Sacramento Region according to the California Regional Economies Project 2004 *Greater Sacramento Region Economic Base* Report. In cases where the sectors did not meet this screen, additional analysis was performed to determine whether unique attributes exist within the City to classify the activity as base. Third, the base activities were matched to four-digit NAICS employment data for Elk Grove. This information was then aggregated back to the two-digit NAICS level, reflecting the split between base and local-serving employment for major sectors in the City. Figure A-1 on the following pages shows the specific activities defined as base within each of the major sectors.

FIGURE A-1
BASE ACTIVITIES

NAICS	Major Sector/Base Activity
11	**Agriculture, Forestry, Fishing, and Hunting**
11	Agriculture
21	**Mining**
2123	Nonmetallic Mineral Mining and Quarrying
2131	Support Activities for Mining
31-33	**Manufacturing**
3111	Animal Food Manufacturing
3114	Fruit and Vegetable Preserving and Specialty Food Manufacturing
3115	Dairy Product Manufacturing
3116	Animal Slaughtering and Processing
3118	Bakeries and Tortilla Manufacturing
3119	Other Food Manufacturing
3121	Beverage Manufacturing
3132	Fabric Mills
3133	Textile and Fabric Finishing and Fabric Coating Mills
3141	Textile Furnishings Mills
3149	Other Textile Product Mills
3151	Apparel Knitting Mills
3152	Cut and Sew Apparel Manufacturing

NAICS	Major Sector/Base Activity
3169	Other Leather and Allied Product Manufacturing
3212	Veneer, Plywood, and Engineered Wood Product Manufacturing
3219	Other Wood Product Manufacturing
3222	Converted Paper Product Manufacturing
3231	Printing and Related Support Activities
3241	Petroleum and Coal Products Manufacturing
3251	Basic Chemical Manufacturing
3252	Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing
3254	Pharmaceutical and Medicine Manufacturing
3256	Soap, Cleaning Compound, and Toilet Preparation Manufacturing
3259	Other Chemical Product and Preparation Manufacturing
3261	Plastics Product Manufacturing
3262	Rubber Product Manufacturing
3272	Glass and Glass Product Manufacturing
3273	Cement and Concrete Product Manufacturing
3279	Other Nonmetallic Mineral Product Manufacturing
3313	Alumina and Aluminum Production and Processing
3322	Cutlery and Handtool Manufacturing
3323	Architectural and Structural Metals Manufacturing
3325	Hardware Manufacturing
3327	Machine Shops, Turned Product, and Screw, Nut, and Bolt Manufacturing
3329	Other Fabricated Metal Product Manufacturing
3332	Industrial Machinery Manufacturing
3333	Commercial and Service Industry Machinery Manufacturing
3334	Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equipment Manufacturing
3335	Metalworking Machinery Manufacturing
3339	Other General Purpose Machinery Manufacturing
3341	Computer and Peripheral Equipment Manufacturing
3342	Communications Equipment Manufacturing
3343	Audio and Video Equipment Manufacturing
3344	Semiconductor and Other Electronic Component Manufacturing
3345	Navigational, Measuring, Electromedical, and Control Instruments Manufacturing
3346	Manufacturing and Reproducing Magnetic and Optical Media
3351	Electric Lighting Equipment Manufacturing
3353	Electrical Equipment Manufacturing
3362	Motor Vehicle Body and Trailer Manufacturing
3363	Motor Vehicle Parts Manufacturing
3369	Other Transportation Equipment Manufacturing
3371	Household and Institutional Furniture and Kitchen Cabinet Manufacturing
3372	Office Furniture (including Fixtures) Manufacturing
3379	Other Furniture Related Product Manufacturing
3391	Medical Equipment and Supplies Manufacturing
3399	Other Miscellaneous Manufacturing
42	**Wholesale Trade**
4231	Motor Vehicle and Motor Vehicle Parts and Supplies Merchant Wholesalers
4232	Furniture and Home Furnishing Merchant Wholesalers
4233	Lumber and Other Construction Materials Merchant Wholesalers
4234	Professional and Commercial Equipment and Supplies Merchant Wholesalers
4235	Metal and Mineral (except Petroleum) Merchant Wholesalers
4236	Electrical and Electronic Goods Merchant Wholesalers
42	**Wholesale Trade (continued)**
4237	Hardware, and Plumbing and Heating Equipment and Supplies Merchant Wholesalers
4238	Machinery, Equipment, and Supplies Merchant Wholesalers
4239	Miscellaneous Durable Goods Merchant Wholesalers
4241	Paper and Paper Product Merchant Wholesalers
4242	Drugs and Druggists' Sundries Merchant Wholesalers
4243	Apparel, Piece Goods, and Notions Merchant Wholesalers
4244	Grocery and Related Product Merchant Wholesalers
4245	Farm Product Raw Material Merchant Wholesalers
4246	Chemical and Allied Products Merchant Wholesalers
4247	Petroleum and Petroleum Products Merchant Wholesalers
4248	Beer, Wine, and Distilled Alcoholic Beverage Merchant Wholesalers
4249	Miscellaneous Nondurable Goods Merchant Wholesalers
48-49	**Transportation and Warehousing**
4821	Rail Transportation
4841	General Freight Trucking
4842	Specialized Freight Trucking

NAICS	Major Sector/Base Activity
51	**Information**
5122	Sound Recording Industries
5151	Radio and Television Broadcasting
5152	Cable and Other Subscription Programming
5171	Wired Telecommunications Carriers
5172	Wireless Telecommunications Carriers (except Satellite)
5179	Other Telecommunications
5182	Data Processing, Hosting, and Related Services
5191	Other Information Services
54	**Professional, Scientific, and Technical Svcs**
5415	Computer Systems Design and Related Services
5416	Management, Scientific, and Technical Consulting Services
5417	Scientific Research and Development Services
5419	Other Professional, Scientific, and Technical Services
55	**Management of Companies and Enterprises**
5511	Management of Companies and Enterprises
71	**Arts, Entertainment, and Recreation**
7111	Performing Arts Companies
7112	Spectator Sports
7115	Independent Artists, Writers, and Performers
7139	Other Amusement and Recreation Industries
92	**Government**
	Federal Government
	State Government

Center for Strategic Economic Research, November 2010

The set of potential viable clusters was created primarily based on an index of economic performance. The index utilized five factors for all four-digit NAICS sectors in the Elk Grove economy (approximately 225):

1. Historical employment growth rate, 2003-2008
2. Composition (percent of total in Elk Grove), 2008
3. Shift in composition, 2003-2008
4. Specialization (percent of total in Elk Grove compared to percent of total in the Sacramento Region), 2008
5. Change in specialization, 2003-2008

Every sector received an index score on each of the five factors based on performance relative to all other sectors. For each sector, the five index scores were averaged, reindexed, and then ranked. Sectors within the top quartile of economic performance (about 70) were identified. Groupings of nine potential cluster activities were then created based on CSER professional experience. CSER then searched for sectors just below the top quartile that also fit within the identified clusters as well as groupings of home-based businesses within the City's business license database. The groupings of clusters were presented to the Steering Committee for feedback. Six other factors were also analyzed within each cluster to demonstrate further opportunities and benefits as well as help screen for viable activities:

1. Regional Linkages—reflects sectors that use goods and services from the largest sectors in Elk Grove and the Sacramento Region as inputs (forward linkages) or

acts as suppliers of goods and services to the largest sectors in Elk Grove and the Sacramento Region (backward linkages). This factor relied on regional use data for forward linkages and social accounts matrix industry by industry information for backward linkages, both from IMPLAN (2008 Coefficient series). The top two forward linkage and top two backward linkage sectors were identified based on value of goods and services for each of the five largest sectors in Elk Grove and the Sacramento Region based on employment. The core cluster activities were then matched to this list of 40 regional linkage sectors.

2. Employment Multiplier—demonstrates the ripple effect created by direct, indirect (linked suppliers of goods and services), and induced (employee spending) employment within specific sectors. This factor utilized the employment multiplier information from IMPLAN (2008 Coefficient series). The top 40 employment multiplier sectors in Elk Grove were identified and matched to the list of core cluster activities.
3. Commodity Imports—shows sectors from which Elk Grove imports relatively high values of goods and services and have an existing presence in the Sacramento Region. Commodity trade data from IMPLAN (2008 Coefficient series) were used to determine the sectors with high import activity and screened against those sectors in the Sacramento Region with higher than median employment based on IMPLAN data. The top 40 import sectors that met the Sacramento Region employment screen were selected and compared to the list of core cluster activities.
4. Occupation Match—determines specific sectors that heavily utilized occupations currently held by Elk Grove residents. The top 20 detailed occupations in Elk Grove were identified through U.S. Census Bureau 2006-2008 American Community Survey data. Then the two sectors with the greatest level of employment in each of these occupations were selected based on the California Employment Development Department's statewide industry-occupation matrix (2006-2016 update). The core cluster activities were compared to the resulting 40 sectors with occupational matches.
5. Base Activity—illustrates if the core cluster activity can be considered base according to the base analysis completed in other areas of this study.
6. Cited in Interviews—reflects whether the sector or broad activity was mentioned regularly (in two or more instances) as an area presenting growth and development opportunities in the City based on discussions with local and regional businesses and leaders.

Figure A-2 on the following pages summarizes the potential viable clusters and core activities including the five factors described above plus those top-performing activities which were not categorized into a cluster. It is important to note that the cluster potential reflects only those core activities presented, not necessarily a fully-integrated cluster.

FIGURE A-2
POTENTIAL VIABLE CLUSTER CORE ACTIVITY DETAIL

Potential Cluster / Activities	2008 Employment	Screens: Regional Linkages	Screens: Employment Multiplier	Screens: Commodity Imports	Screens: Occupation Match	Screen Tally	Base	Cited in Interviews	NAICS Code
Real Estate									
Core Top Performing Activities									
Nonmetallic Mineral Mining and Quarrying	4	No	No	No	No	0	Yes	No	2123
Residential Building Construction	530	No	Yes	Yes	No	2	No	No	2361
Utility System Construction	767	No	Yes	Yes	No	2	No	No	2371
Land Subdivision	29	No	Yes	Yes	No	2	No	No	2372
Building Equipment Contractors	370	No	Yes	Yes	No	2	No	No	2382
Building Finishing Contractors	285	No	Yes	Yes	No	2	No	No	2383
Ventilation, Heating, Air-Conditioning, and Commercial Refrigeration Equip. Manufacturing	1	No	No	No	No	0	Yes	Yes - Mfg. / CET	3334
Office Furniture (including Fixtures) Manufacturing	144	No	No	No	No	0	Yes	Yes - Mfg.	3372
Furniture and Home Furnishing Merchant Wholesalers	34	No	Yes	Yes	No	2	Yes	No	4232
Lumber and Other Construction Materials Merchant Wholesalers	152	No	Yes	Yes	No	2	Yes	No	4233
Furniture Stores	51	No	No	No	No	0	No	Yes - Retail	4421
Building Material and Supplies Dealers	568	No	No	No	No	0	No	Yes - Retail	4441
Lawn and Garden Equipment and Supplies Stores	100	No	No	No	No	0	No	Yes - Retail	4442
Lessors of Real Estate	228	No	No	Yes	No	1	No	No	5311
Offices of Real Estate Agents and Brokers	670	No	No	Yes	No	1	No	No	5312
Architectural, Engineering, and Related Services	356	No	No	Yes	No	1	No	No	5413
Other Activities									
Foundation, Structure, and Building Exterior Contractors	279	No	Yes	Yes	No	2	No	No	2381
Veneer, Plywood, and Engineered Wood Product Manufacturing	1	No	No	No	No	0	No	Yes - Mfg.	3212
Other Wood Product Manufacturing	1	No	No	No	No	0	Yes	Yes - Mfg.	3219
Miscellaneous Home Business									
Transportation									
Core Top Performing Activities									
Other Transportation Equipment Manufacturing	4	No	No	No	No	0	Yes	Yes - Mfg.	3369
Automobile Dealers	1,058	No	No	No	No	0	No	Yes - Retail	4411
Other Motor Vehicle Dealers	85	No	No	No	No	0	No	Yes - Retail	4412
General Freight Trucking	507	No	Yes	No	Yes	2	Yes	No	4841
Specialized Freight Trucking	48	No	Yes	No	Yes	2	Yes	No	4842
Urban Transit Systems	12	No	No	No	No	0	No	No	4851
Taxi and Limousine Service	21	No	No	No	No	0	No	No	4853
Support Activities for Rail Transportation	5	No	No	No	No	0	No	No	4882
Freight Transportation Arrangement	41	No	No	No	No	0	No	No	4885
Other Support Activities for Transportation	53	No	No	No	No	0	No	No	4889
Automotive Repair and Maintenance	407	No	No	No	No	0	No	No	8111
Other Activities									
Other Transit and Ground Passenger Transportation	10	No	No	No	No	0	No	No	4859
Automotive Equipment Rental and Leasing	56	No	No	No	No	0	No	No	5321
Miscellaneous Home Business									

Potential Cluster / Activities	2008 Employment	Screens: Regional Linkages	Employment Multiplier	Commodity Imports	Occupation Match	Screen Tally	Base	Cited in Interviews	NAICS Code
Business Services									
Core Top Performing Activities									
Office Supplies, Stationery, and Gift Stores	197	No	No	No	No	0	No	Yes - Retail	4532
Legal Services	193	No	Yes	No	Yes	2	No	No	5411
Accounting, Tax Preparation, Bookkeeping, and Payroll Services	406	No	Yes	No	Yes	2	No	No	5412
Management, Scientific, and Technical Consulting Services	428	No	No	No	Yes	1	Yes	No	5416
Other Professional, Scientific, and Technical Services	341	Yes	Yes	No	No	2	Yes	No	5419
Travel Arrangement and Reservation Services	64	No	No	No	No	0	No	No	5615
Services to Buildings and Dwellings	395	No	No	No	Yes	1	No	No	5617
Other Activities									
Local Messengers and Local Delivery	12	No	No	No	No	0	No	No	4922
Miscellaneous Home Business									
Food									
Core Top Performing Activities									
Bakeries and Tortilla Manufacturing	28	No	No	No	No	0	Yes	Yes - Mfg.	3118
Beverage Manufacturing	74	Yes	No	No	No	1	Yes	Yes - Mfg.	3121
Specialty Food Stores	61	No	No	No	No	0	No	Yes - Retail	4452
Other Activities									
Fruit and Vegetable Preserving and Specialty Food Manufacturing	45	No	Yes	No	No	1	Yes	Yes - Mfg.	3114
Grocery and Related Product Merchant Wholesalers	51	No	Yes	Yes	Yes	3	Yes	No	4244
Creative									
Core Top Performing Activities									
Fabric Mills	22	No	No	No	No	0	Yes	Yes - Mfg.	3132
Textile and Fabric Finishing and Fabric Coating Mills	10	No	No	No	No	0	Yes	Yes - Mfg.	3133
Printing and Related Support Activities	1	No	Yes	No	No	1	Yes	Yes - Mfg.	3231
Paper and Paper Product Merchant Wholesalers	19	No	Yes	Yes	No	2	Yes	No	4241
Specialized Design Services	86	No	No	No	No	0	No	No	5414
Other Support Services	683	No	No	No	No	0	No	No	5619
Other Activities									
Other Textile Product Mills	8	No	No	No	No	0	Yes	Yes - Mfg.	3149
Software Publishers	442	Yes	Yes	No	Yes	3	No	Yes - High Tech	5112
Motion Picture and Video Industries	33	No	Yes	No	No	1	No	No	5121
Performing Arts Companies	19	No	No	No	No	0	Yes	No	7111
Miscellaneous Home Business									
Medical									
Core Top Performing Activities									
Other Chemical Product and Preparation Manufacturing	1	No	No	No	No	0	No	Yes - Mfg./Med.	3259
Drugs and Druggists' Sundries Merchant Wholesalers	202	No	Yes	Yes	No	2	Yes	Yes - Med.	4242
Offices of Dentists	508	No	Yes	No	No	1	No	Yes - Med.	6212
Offices of Other Health Practitioners	198	No	Yes	No	No	1	No	Yes - Med.	6213
Other Activities									
Death Care Services	19	No	No	No	No	0	No	No	8122

Potential Cluster / Activities	2008 Employment	Screens: Regional Linkages	Screens: Employment Multiplier	Screens: Commodity Imports	Screens: Occupation Match	Screen Tally	Base	Cited in Interviews	NAICS Code
Social Services									
Core Top Performing Activities									
Elementary and Secondary Schools	212	No	No	No	No	0	No	No	6111
Individual and Family Services	191	No	No	No	Yes	1	No	No	6241
Child Day Care Services	316	No	No	No	Yes	1	No	No	6244
Civic and Social Organizations	101	No	No	No	No	0	No	No	8134
Other Activities									
Technical and Trade Schools	15	No	No	Yes	No	1	No	No	6115
Government									
Core Top Performing Activities									
Government	2,777	No	No	No	Yes	1	No	Yes - State Govt.	92
Finance & Insurance									
Core Top Performing Activities									
Nondepository Credit Intermediation	206	No	Yes	Yes	No	2	No	No	5222
Other Financial Investment Activities	293	No	Yes	No	No	1	No	No	5239
Insurance Carriers	71	Yes	Yes	Yes	No	3	No	No	5241
Activities Related to Credit Intermediation	150	No	Yes	Yes	No	2	No	No	5223
Agencies, Brokerages, and Other Insurance Related Activities	204	No	Yes	No	No	1	No	No	5242
Other Investment Pools and Funds	38	Yes	No	No	No	1	No	No	5259
Other Activities									
Depository Credit Intermediation	414	No	Yes	Yes	Yes	3	No	No	5221
Remaining Top Performing Activities									
Resin, Synthetic Rubber, and Artificial Synthetic Fibers and Filaments Manufacturing	1	Yes	No	No	No	1	Yes	Yes - Mfg.	3252
Hardware Manufacturing	1	No	No	No	No	0	Yes	Yes - Mfg.	3325
Machinery, Equipment, and Supplies Merchant Wholesalers	70	No	Yes	Yes	No	2	Yes	No	4238
Miscellaneous Durable Goods Merchant Wholesalers	44	No	Yes	Yes	No	2	Yes	No	4239
Miscellaneous Nondurable Goods Merchant Wholesalers	146	No	Yes	Yes	No	2	Yes	No	4249
Sporting Goods, Hobby, and Musical Instrument Stores	211	No	No	No	No	0	No	Yes - Retail	4511
Cable and Other Subscription Programming	285	No	No	No	No	0	Yes	No	5152
Wireless Telecommunications Carriers (except Satellite)	47	Yes	No	No	No	1	Yes	No	5172
Consumer Goods Rental	113	No	No	No	No	0	No	No	5322
Limited-Service Eating Places	842	No	Yes	No	No	1	No	No	7222
Personal Care Services	496	No	No	No	Yes	1	No	No	8121
Drycleaning and Laundry Services	111	No	No	No	No	0	No	No	8123

Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on National Employment Time Series database, IMPLAN, 2008 Coefficients, U.S. Census Bureau, 2006-2008 American Community Survey, and Moody's Economy.com information

Business Vitality Index

The Business Vitality Index measures relative performance across the 10 selected factors for Elk Grove and the five comparative areas. The measured areas received a score between 0 and 10 on each individual factor based on relative performance—the best performing area received a score of 10, the lowest received a 0, and all other areas received scores between 0 and 10 based on where measures fell between the two boundaries (score = [[area performance – worst performance] / [best performance – worst performance]] * 10). In the case of the Office Vacancy, Unemployment Rate, and Crime Rate factors, higher percentages were considered poor performance. All 10 indicator scores were averaged to create the overall Business Vitality Index with the highest average area garnering a score of 10 and all other areas receiving scores based on performance as a percentage of the top area (index = [area average score / best average score] * 10).

Growth Scenarios

The growth scenarios used in the quantitative analysis of land supply and demand relied on two employment projection alternatives and one population growth projection.

The employment projections for Scenario 1, the low land consumption scenario, used historical NETS data for Elk Grove and a combination of Moody's Economy.com and Woods & Poole Economics projections for the Sacramento Region. The two sources utilize differing historical data series and projection models. Scenario 1 uses employment best fit trend line analysis for Elk Grove and the Sacramento Region from 1990 to 2008 ($y = m1x1 + m2x2 + ... + b$) and assumes the trend relationship between the local and regional economies continues through 2029. The choice of Moody's Economy.com and Woods & Poole projection sets was based on regression results for the historical period—Woods & Poole projections were utilized for all two-digit NAICS sectors except Agriculture, Forestry, Fishing, and Hunting; Utilities; Wholesale Trade; and Government where the Moody's Economy.com data showed the best historical fit. Total employment was calculated as the aggregate of all two-digit NAICS sectors for the projection period. Figure A-3 shows detailed employment projections for the low land use consumption scenario.

FIGURE A-3
LOW LAND USE CONSUMPTION SCENARIO
EMPLOYMENT PROJECTIONS BY INDUSTRY (2009-2020)

	Number of Employees											
Industry	*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*
Agriculture/Mining	247	247	247	247	247	247	247	247	247	247	247	247
Construction	1,740	1,856	1,884	1,913	1,942	1,971	2,001	2,031	2,062	2,092	2,123	2,155
Manufacturing	305	419	419	420	420	421	420	420	419	418	417	416
TPU	687	703	709	714	719	724	729	734	738	743	747	751
Wholesale Trade	649	661	692	734	766	784	789	792	795	797	799	800
Retail Trade	3,850	4,214	4,323	4,433	4,543	4,653	4,763	4,873	4,982	5,092	5,201	5,310
FIRE	1,523	1,635	1,730	1,826	1,925	2,025	2,126	2,230	2,335	2,442	2,550	2,660
Services	12,207	12,646	12,986	13,332	13,683	14,039	14,400	14,767	15,139	15,517	15,901	16,291
Government	2,154	2,294	2,328	2,201	2,058	1,927	1,875	1,849	1,819	1,793	1,766	1,739
Unclassified	2	2	2	2	2	2	2	2	2	2	2	2
Total Employment	23,365	24,677	25,322	25,823	26,306	26,793	27,353	27,944	28,538	29,143	29,753	30,371
Total Jobs per Household	0.48	0.49	0.49	0.48	0.47	0.47	0.47	0.47	0.48	0.48	0.48	0.49

FIGURE A-3 (CONTINUED)
LOW LAND USE CONSUMPTION SCENARIO
EMPLOYMENT PROJECTIONS BY INDUSTRY (2021-2029)

	Number of Employees									*Projected Employment Change (2009-2029)*	
Industry	*2021*	*2022*	*2023*	*2024*	*2025*	*2026*	*2027*	*2028*	*2029*	*Number*	*Avg. Annual Growth*
Agriculture/Mining	247	247	247	247	247	247	247	247	247	0	0.0%
Construction	2,187	2,219	2,251	2,284	2,318	2,351	2,385	2,420	2,454	714	1.7%
Manufacturing	415	413	411	409	407	405	402	399	396	91	1.3%
TPU	755	759	763	767	771	774	778	781	784	97	0.7%
Wholesale Trade	802	803	804	806	809	816	824	834	845	197	1.3%
Retail Trade	5,419	5,528	5,636	5,744	5,852	5,960	6,068	6,175	6,282	2,431	2.5%
FIRE	2,773	2,886	3,002	3,120	3,239	3,360	3,484	3,609	3,736	2,213	4.6%
Services	16,686	17,087	17,495	17,908	18,328	18,754	19,186	19,625	20,071	7,864	2.5%
Government	1,718	1,703	1,695	1,694	1,699	1,706	1,715	1,729	1,745	0	0.0%
Unclassified	2	2	2	2	2	2	2	2	2	0	0.0%
Total Employment	31,002	31,648	32,307	32,981	33,672	34,375	35,090	35,820	36,562	13,607	2.3%
Total Jobs per Household	0.49	0.50	0.50	0.51	0.52	0.52	0.53	0.53	0.54		

Economic & Planning Systems and Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on National Employment Time Series database; Moody's Economy.com; Woods & Poole Economics, CA Employment Development Department, Employment by Industry Data; and ReferenceUSA

Scenario 2, the high land use consumption scenario used the projection series from SACOG's 2035 Metropolitan Transportation Plan (MTP). SACOG staff noted that the series was based on draft 2005 modeling estimates specifically for four points in time including 2005, 2013, 2018, and 2035. To match other timeframes presented in this report, CSER annualized the SACOG data to create points between the provided years. It is important to note that the draft SACOG series is based on a point several years before the current recession hit. In addition, SACOG is in the process of creating a new series with a 2008 base year—at the time of this study, the new data was not officially available. However, discussion with SACOG staff regarding the preliminary 2008 base year estimates revealed that the annualized 2009 data set is fairly close to the new estimates for Elk Grove. Figure A-4 shows the detailed employment projection used for the high land use consumption scenario.

FIGURE A-4
HIGH LAND USE CONSUMPTION SCENARIO
EMPLOYMENT PROJECTIONS BY INDUSTRY (2009-2020)

Industry	SACOG Category	Percent of SACOG Category	Number of Employees											
			2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Agriculture/Mining	Other	100%	0	0	0	0	0	0	0	0	0	0	0	0
Construction	Industrial	66%	3,131	3,211	3,290	3,370	3,449	3,449	3,449	3,449	3,449	3,449	3,516	3,582
Manufacturing	Industrial	11%	505	518	531	544	556	556	556	556	556	556	567	578
Wholesale Trade	Industrial	23%	1,078	1,106	1,133	1,160	1,188	1,188	1,188	1,188	1,188	1,188	1,211	1,234
TPU	Public	14%	655	690	725	760	795	795	795	795	795	795	796	798
Services														
Information	Office	10%	650	684	719	753	788	857	926	995	1,064	1,132	1,187	1,241
Professional Services and Management of Companies & Enterprises	Office	26%	1,638	1,726	1,813	1,900	1,987	2,161	2,334	2,508	2,682	2,855	2,993	3,130
Administrative, Support, Waste Management & Remediation Services	Office	11%	699	736	773	810	847	922	996	1,070	1,144	1,218	1,276	1,335
Educational Services	Public	20%	894	942	989	1,037	1,085	1,085	1,085	1,085	1,085	1,085	1,087	1,089
Health Care & Social Assistance	Public	66%	2,982	3,140	3,298	3,457	3,615	3,615	3,616	3,616	3,616	3,617	3,623	3,630
Arts, Entertainment & Recreation	Retail	6%	810	832	855	877	899	931	963	995	1,027	1,059	1,082	1,105
Accommodation & Food Services	Retail	37%	4,641	4,769	4,897	5,025	5,153	5,336	5,520	5,703	5,886	6,070	6,202	6,334
Other Services	Office	18%	1,162	1,224	1,285	1,347	1,409	1,532	1,655	1,778	1,902	2,025	2,122	2,219
Subtotal Services			13,476	14,053	14,629	15,206	15,783	16,439	17,094	17,750	18,405	19,061	19,572	20,083
Retail Trade	Retail	57%	7,086	7,282	7,477	7,673	7,869	8,148	8,428	8,708	8,988	9,268	9,470	9,672
FIRE	Office	23%	1,462	1,540	1,618	1,696	1,773	1,928	2,084	2,239	2,394	2,549	2,671	2,794
Government	Office	11%	683	719	756	792	828	901	973	1,045	1,118	1,190	1,247	1,304
Total Employment			28,078	29,118	30,159	31,200	32,241	33,404	34,567	35,730	36,893	38,056	39,050	40,044
Jobs per Household			0.58	0.58	0.58	0.58	0.58	0.59	0.60	0.61	0.62	0.62	0.63	0.64

FIGURE A-4 (CONTINUED)
HIGH LAND USE CONSUMPTION SCENARIO
EMPLOYMENT PROJECTIONS BY INDUSTRY (2021-2029)

Industry	SACOG Category	Percent of SACOG Category	Number of Employees									Projected Employment Change (2009-2029)	
			2021	2022	2023	2024	2025	2026	2027	2028	2029	Number	Avg. Annual Growth
Agriculture/Mining	Other	100%	0	0	0	0	0	0	0	0	0	0	0.0%
Construction	Industrial	66%	3,649	3,715	3,782	3,848	3,915	3,981	4,048	4,115	4,181	1,050	1.5%
Manufacturing	Industrial	11%	589	599	610	621	632	642	653	664	674	169	1.5%
Wholesale Trade	Industrial	23%	1,256	1,279	1,302	1,325	1,348	1,371	1,394	1,417	1,440	361	1.5%
TPU	Public	14%	799	801	802	804	805	807	808	809	811	156	1.1%
Services													
Information	Office	10%	1,296	1,350	1,404	1,459	1,513	1,568	1,622	1,676	1,731	1,081	5.0%
Professional Services and Management of Companies & Enterprises	Office	26%	3,267	3,404	3,541	3,678	3,816	3,953	4,090	4,227	4,364	2,726	5.0%
Administrative, Support, Waste Management & Remediation Services	Office	11%	1,393	1,452	1,510	1,569	1,627	1,686	1,744	1,803	1,861	1,163	5.0%
Educational Services	Public	20%	1,091	1,093	1,095	1,097	1,099	1,101	1,103	1,105	1,107	212	1.1%
Health Care & Social Assistance	Public	66%	3,637	3,643	3,650	3,657	3,663	3,670	3,677	3,683	3,690	708	1.1%
Arts, Entertainment & Recreation	Retail	6%	1,128	1,151	1,174	1,198	1,221	1,244	1,267	1,290	1,313	503	2.4%
Accommodation & Food Services	Retail	37%	6,466	6,598	6,730	6,863	6,995	7,127	7,259	7,391	7,523	2,883	2.4%
Other Services	Office	18%	2,317	2,414	2,511	2,608	2,706	2,803	2,900	2,997	3,095	1,933	5.0%
Subtotal Services			20,595	21,106	21,617	22,128	22,639	23,150	23,662	24,173	24,684	11,208	3.1%
Retail Trade	Retail	57%	9,873	10,075	10,277	10,479	10,681	10,882	11,084	11,286	11,488	4,401	2.4%
FIRE	Office	23%	2,916	3,038	3,161	3,283	3,406	3,528	3,651	3,773	3,895	2,433	5.0%
Government	Office	11%	1,362	1,419	1,476	1,533	1,590	1,647	1,705	1,762	1,819	1,136	5.0%
Total Employment			41,039	42,033	43,027	44,021	45,016	46,010	47,004	47,998	48,992	20,915	2.8%
Jobs per Household			0.65	0.66	0.67	0.68	0.69	0.70	0.71	0.72	0.72		

Economic & Planning Systems and Center for Strategic Economic Research, November 2010
Data Source: CSER estimates based on SACOG 2035 MTP information

Both presented growth scenarios use the same population projection, summarized in Figure A-5. The population projections were derived based on a combination of current data from the California Department of Finance (DOF) and projections based on SACOG's 2035 MTP. The 2009 population estimates were derived based on DOF data. SACOG population projections for 2005, 2013, 2018, and 2035 were annualized, and the absolute growth anticipated on an annual basis was applied from 2009 through 2029.

It is important to note that both scenarios reflect mathematical calculations based on the stated assumptions about future conditions. The projections are developed simply to provide varying estimates of future growth potential and are not meant to incorporate judgments about the likelihood of the projection results or embedded assumptions.

FIGURE A-5
PROJECTED ELK GROVE POPULATION AND HOUSEHOLDS (2009-2020)

Item	*Assumptions*		*2009*	*2010*	*2011*	*2012*	*2013*	*2014*	*2015*	*2016*	*2017*	*2018*	*2019*	*2020*
Total Population [1]			141,430	146,458	151,486	156,513	161,541	164,569	167,596	170,624	173,651	176,679	178,234	179,789
Distribution of Household Types	*Percent Distribution of Population Growth*													
Single Family Households														
Detached	70.0%		89.9%	89.5%	89.2%	88.8%	88.5%	88.1%	87.7%	87.4%	87.0%	86.6%	86.3%	85.9%
Small Lot/ Townhome	15.0%		2.7%	2.9%	3.1%	3.2%	3.4%	3.5%	3.7%	3.9%	4.0%	4.2%	4.4%	4.5%
Multifamily Household Percentage	15.0%		6.8%	7.0%	7.2%	7.4%	7.6%	7.8%	8.1%	8.3%	8.5%	8.7%	8.9%	9.1%
Other Household Type Percentage [2]	0.0%		0.6%	0.6%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%	0.5%
Total Distribution of Household Types	100.0%		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%
Number of Households	*Percent of Total Household Growth*	*Persons Per Household*												
Single Family Households														
Detached	64%	3.00	43,634	45,040	46,434	47,818	49,192	49,949	50,698	51,442	52,179	52,910	53,195	53,476
Small Lot/ Townhome	14%	2.90	1,327	1,457	1,592	1,733	1,881	2,009	2,141	2,277	2,416	2,559	2,683	2,810
Multifamily Households	22%	1.90	3,298	3,524	3,757	3,998	4,246	4,448	4,655	4,867	5,083	5,304	5,485	5,668
Other Household Types [2]	0%	1.50	273	279	285	290	295	296	298	299	299	300	298	296
Total Households	100%		48,532	50,299	52,068	53,840	55,614	56,703	57,793	58,884	59,978	61,073	61,661	62,249

FIGURE A-5 (CONTINUED)
PROJECTED ELK GROVE POPULATION AND HOUSEHOLDS (2021-2029)

Item	Assumptions		2021	2022	2023	2024	2025	2026	2027	2028	2029	Projected Change (2009-2029) Number	Projected Change (2009-2029) Avg. Annual Growth
Total Population [1]			181,344	182,899	184,453	186,008	187,563	189,118	190,673	192,228	193,783	52,353	1.59%
Distribution of Household Types	*Percent Distribution of Population Growth*												
Single Family Households													
Detached		70.0%	85.5%	85.2%	84.8%	84.5%	84.1%	83.7%	83.4%	83.0%	82.6%	-7.3%	-0.42%
Small Lot/ Townhome		15.0%	4.7%	4.8%	5.0%	5.2%	5.3%	5.5%	5.6%	5.8%	6.0%	3.2%	3.98%
Multifamily Household Percentage		15.0%	9.3%	9.5%	9.7%	9.9%	10.2%	10.4%	10.6%	10.8%	11.0%	4.2%	2.43%
Other Household Type Percentage [2]		0.0%	0.5%	0.5%	0.5%	0.4%	0.4%	0.4%	0.4%	0.4%	0.4%	-0.2%	-1.64%
Total Distribution of Household Types		100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	100.0%	0.0%	0.00%
Number of Households	*Percent of Total Household Growth*	*Persons Per Household*											
Single Family Households													
Detached	64%	3.00	53,754	54,028	54,299	54,566	54,830	55,091	55,348	55,601	55,850	12,216	1.24%
Small Lot/ Townhome	14%	2.90	2,938	3,068	3,200	3,335	3,471	3,609	3,749	3,891	4,035	2,708	5.72%
Multifamily Households	22%	1.90	5,853	6,042	6,232	6,426	6,622	6,820	7,021	7,225	7,431	4,133	4.15%
Other Household Types [2]	0%	1.50	294	291	289	287	284	281	279	276	273	0	0.00%
Total Households	100%		62,839	63,429	64,021	64,613	65,207	65,801	66,396	66,993	67,589	19,057	1.67%

Economic & Planning Systems, November 2010
Data Source: EPS estimates based on CA Department of Finance and SACOG 2035 MTP information
[1] 2009 Population based on figures provided by CSER. SACOG absolute growth rate then applied on an annual basis.
[2] Other includes Mobile Homes, RVs, Vans, Boats, etc.

Land Supply and Demand

City of Elk Grove staff provided estimates of the vacant land use supply within the City based on a GIS evaluation of vacant parcels that could accommodate additional development given General Plan land use designations and allowable development densities. The City's land supply data did not account for the Southeast Policy Area (SEPA)—EPS utilized conceptual land use plan totals that were developed as part of the previously submitted Specific Plan application to account for this additional supply.

Demand for land uses was informed by the employment and population projections summarized above. Household growth provided the basis for residential and school land use demand. Figure A-5, on the previous page, summarizes the household growth projections derived from projected population growth. The total 2009 population was converted into total households based on the distribution of housing product types between single family, multifamily, and other housing products reported by DOF and assumptions regarding persons per household by housing product type. EPS then projected the total household and population growth by developing assumptions regarding the share of population growth each housing product type would comprise. These assumptions were developed based on a review of housing market trends and the distribution of housing product types observed in comparative areas. Because single-family residential development has comprised a larger share of residential housing product than is typical of comparative communities, EPS assumed that the share of single-family development would decline slightly over time, shifting to small lot and multi-family products.

Demand for certain non-residential land use categories (office, industrial, and institutions) was based on empirical research apportioning employment growth by sector to various land use categories. Figure A-6 summarizes the distribution of land use demand by employees and industry. These data were based on the "Employment Density Study" released by the Southern California Association of Governments (SCAG) in October 2001. This study utilized SCAG land use data and various employment data sources (including Dun & Bradstreet, ABI, and the California Employment Development Department) to derive employee per acre factors and to assign those employment categories to 22 land use categories.

FIGURE A-6
DISTRIBUTION OF LAND USE DEMAND BY EMPLOYEES AND INDUSTRY

Land Use Category	*Mining*	*Construction*	*Manufacturing*	*TPU*	*Wholesale Trade*	*Retail Trade*	*FIRE*	*Services*	*Government*
Office Uses									
Low-Rise Office	10.1%	6.3%	4.8%	7.7%	8.8%	5.5%	19.4%	11.2%	11.0%
High-Rise Office	23.5%	2.2%	1.7%	3.1%	2.4%	1.6%	11.1%	4.9%	2.8%
Government Offices	0.3%	0.7%	0.7%	6.1%	0.2%	0.3%	0.7%	1.0%	25.4%
	33.9%	**9.2%**	**7.2%**	**16.9%**	**11.4%**	**7.4%**	**31.2%**	**17.1%**	**39.2%**
Industrial Uses									
R&D/Flex Space	0.7%	1.4%	2.1%	0.6%	1.9%	0.5%	0.6%	0.7%	0.3%
Light Manufacturing	13.3%	26.7%	50.3%	22.2%	36.9%	6.8%	4.9%	9.4%	5.6%
Misc. Industrial	5.8%	1.8%	1.4%	2.4%	1.5%	0.4%	0.4%	0.4%	0.5%
Heavy Manufacturing	0.0%	0.0%	0.3%	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%
Warehouse	0.9%	1.0%	4.8%	4.8%	5.0%	0.8%	0.2%	0.5%	0.3%
	20.7%	**30.9%**	**58.9%**	**30.0%**	**45.3%**	**8.5%**	**6.1%**	**11.0%**	**6.7%**
Retail Uses									
Regional Retail	0.1%	0.1%	0.1%	0.2%	0.2%	4.0%	1.3%	0.5%	0.0%
Other Retail/Services	10.6%	13.8%	8.2%	14.4%	13.8%	49.2%	26.5%	22.3%	10.7%
Misc. Commercial	0.0%	0.7%	0.3%	1.6%	1.3%	0.6%	0.9%	1.2%	3.1%
Hotel/Motel	1.0%	0.3%	0.4%	2.3%	0.7%	1.2%	2.3%	1.5%	0.4%
	11.7%	**14.9%**	**9.0%**	**18.5%**	**16.0%**	**55.0%**	**31.0%**	**25.5%**	**14.2%**
Schools									
Primary/Secondary School	0.6%	0.6%	0.4%	0.3%	0.4%	0.6%	0.4%	4.3%	0.5%
Colleges & Universities	0.1%	0.1%	0.1%	0.1%	0.1%	0.3%	0.2%	1.3%	0.7%
	0.7%	**0.7%**	**0.5%**	**0.4%**	**0.5%**	**0.9%**	**0.6%**	**5.6%**	**1.2%**
Institutions									
Utilities	0.3%	0.5%	0.5%	0.8%	0.5%	0.3%	1.1%	0.3%	1.0%
Hospitals	0.0%	0.1%	0.1%	0.4%	0.1%	0.3%	0.5%	3.7%	0.3%
Other Institutional	0.5%	0.7%	0.4%	0.8%	0.5%	0.9%	1.4%	2.4%	7.0%
Transportation	0.7%	1.0%	1.6%	8.9%	1.3%	0.7%	0.3%	0.7%	0.8%
	1.5%	**2.3%**	**2.6%**	**10.9%**	**2.4%**	**2.2%**	**3.3%**	**7.1%**	**9.1%**
Other									
Agriculture	2.7%	1.2%	2.0%	0.8%	1.7%	0.7%	0.6%	1.0%	0.6%
Open Space	5.4%	5.9%	5.1%	5.3%	5.5%	5.2%	5.2%	6.1%	4.9%
All Other	9.1%	3.1%	4.0%	4.3%	3.4%	3.8%	4.4%	3.9%	11.4%
Subtotal Excluding Residential	17.2%	10.2%	11.1%	10.4%	10.6%	9.7%	10.2%	11.0%	16.9%
Residential	14.2%	31.6%	10.7%	12.8%	13.9%	16.0%	17.7%	22.8%	12.9%
	31.4%	**41.8%**	**21.8%**	**23.2%**	**24.5%**	**25.7%**	**27.9%**	**33.8%**	**29.8%**

Economic & Planning Systems, November 2010
Data Source: SCAG Employment Density Study 2001 by the Natelson Company

To compute the estimated employment driven demand for space, for each scenario, EPS applied the total employment growth from 2009 through 2029 to the percentage distribution of employees using the subject category of space, derived from Figure A-6. This provided an estimate of the total growth in employees requiring additional space by land use category. The application of identified employment densities and FAR assumptions provided the total space demand in terms of net developable acreage. Model assumptions and inputs were calibrated through a review of historical employment data and space utilization. Figures A-7 through A-12 show the methodology applied for the applicable land use categories and both land use consumption scenarios.

FIGURE A-7
ESTIMATED OFFICE SPACE DEMAND 2009-2029 – SCENARIO 1
LOW LAND USE CONSUMPTION

Industry	*Estimated Total Employment Growth (2009-2029)*	*Percentage of Employees Using Office Commercial Space*	*Number of Employees Using Office Commercial Space*	*Estimated Gross Space Demand (2009-2029)*	
				Sq. ft.	*Acres [1]*
Assumptions				*300 sq. ft./employee*	*0.35 FAR*
Agriculture/Mining	0	33.9%	0	0	0.00
Construction	714	9.2%	66	19,718	1.29
Manufacturing	91	7.2%	7	1,967	0.13
TPU	97	16.9%	16	4,916	0.32
Wholesale Trade	197	11.4%	22	6,722	0.44
Retail Trade	2,431	7.4%	180	53,975	3.54
FIRE	2,213	31.2%	690	207,111	13.58
Services	7,864	17.1%	1,345	403,409	26.46
Government	0	39.2%	0	0	0.00
Total Adjusted Market Area (Rounded)	13,607	17.1%	2,326	697,818	45.77

Economic & Planning Systems, November 2010
Data Sources: SCAG, CSER and EPS.
[1] Reflects net developable acreage, with an FAR of 0.35.

FIGURE A-8
ESTIMATED INDUSTRIAL SPACE DEMAND 2009-2029 – SCENARIO 1
LOW LAND USE CONSUMPTION

Industry	Estimated Total Employment Growth (2009-2029)	Percentage of Employees Using Industrial Space	Number of Employees Using Industrial Space	Estimated Gross Space Demand (2009-2029) Sq. ft.	Acres [1]
Assumptions				*1,500 sq. ft./employee*	*0.30 FAR*
Agriculture/Mining	0	20.7%	0	0	0.00
Construction	714	30.9%	221	331,142	25.34
Manufacturing	91	58.9%	54	80,447	6.16
TPU	97	30.0%	29	43,637	3.34
Wholesale Trade	197	45.3%	89	133,565	10.22
Retail Trade	2,431	8.5%	207	309,990	23.72
FIRE	2,213	6.1%	134	201,136	15.39
Services	7,864	11.0%	865	1,297,513	99.29
Government	0	6.7%	0	0	0.00
Total Adjusted Market Area (Rounded)	13,607	11.7%	1,598	2,397,430	183.46

Economic & Planning Systems, November 2010
Data Sources: SCAG, CSER and EPS.
[1] Reflects net developable acreage, with an FAR of 0.30.

FIGURE A-9
ESTIMATED INSTITUTIONS SPACE DEMAND 2009-2029 – SCENARIO 1
LOW LAND USE CONSUMPTION

Industry	Estimated Total Employment Growth (2009-2029)	Percentage of Employees Using Institution Space	Number of Employees Using Institution Space	Estimated Gross Space Demand (2009-2029) Sq. ft.	Acres [1]
Assumptions				*300 sq. ft./employee*	*0.30 FAR*
Agriculture/Mining	0	1.5%	0	0	0.00
Construction	714	2.3%	16	4,930	0.38
Manufacturing	91	2.6%	2	710	0.05
TPU	97	10.9%	11	3,171	0.24
Wholesale Trade	197	2.4%	5	1,415	0.11
Retail Trade	2,431	2.2%	53	16,047	1.23
FIRE	2,213	3.3%	73	21,906	1.68
Services	7,864	7.1%	558	167,497	12.82
Government	0	9.1%	0	0	0.00
Total Adjusted Market Area (Rounded)	13,607	5.3%	719	215,676	16.50

Economic & Planning Systems, November 2010
Data Sources: SCAG, CSER and EPS.
[1] Reflects net developable acreage, with an FAR of 0.30.

FIGURE A-10
ESTIMATED OFFICE SPACE DEMAND 2009-2029 – SCENARIO 2
HIGH LAND USE CONSUMPTION

Industry	Estimated Total Employment Growth (2009-2029)	Percentage of Employees Using Office Commercial Space	Number of Employees Using Office Commercial Space	Estimated Gross Space Demand (2009-2029) Sq. ft.	Acres [1]
Assumptions				*300 sq. ft./employee*	*0.35 FAR*
Agriculture/Mining	0	33.9%	0	0	0.00
Construction	1,050	9.2%	97	28,971	1.90
Manufacturing	169	7.2%	12	3,657	0.24
TPU	156	16.9%	26	7,893	0.52
Wholesale Trade	361	11.4%	41	12,362	0.81
Retail Trade	4,401	7.4%	326	97,713	6.41
FIRE	2,433	31.2%	759	227,720	14.94
Services	11,208	17.1%	1,917	574,988	37.71
Government	1,136	39.2%	445	133,601	8.76
Total Adjusted Market Area (Rounded)	20,915	17.3%	3,623	1,086,905	71.29

Economic & Planning Systems, November 2010
Data Sources: SCAG, SACOG and EPS.
[1] Reflects net developable acreage, with an FAR of 0.35.

FIGURE A-11
ESTIMATED INDUSTRIAL SPACE DEMAND 2009-2029 – SCENARIO 2
HIGH LAND USE CONSUMPTION

Industry	Estimated Total Employment Growth (2009-2029)	Percentage of Employees Using Industrial Space	Number of Employees Using Industrial Space	Estimated Gross Space Demand (2009-2029) Sq. ft.	Acres [1]
Assumptions				*1,500 sq. ft./employee*	*0.30 FAR*
Agriculture/Mining	0	20.7%	0	0	0.00
Construction	1,050	30.9%	324	486,526	37.23
Manufacturing	169	58.9%	100	149,595	11.45
TPU	156	30.0%	47	70,053	5.36
Wholesale Trade	361	45.3%	164	245,610	18.79
Retail Trade	4,401	8.5%	374	561,189	42.94
FIRE	2,433	6.1%	147	221,151	16.92
Services	11,208	11.0%	1,233	1,849,377	141.52
Government	1,136	6.7%	76	114,175	8.74
Total Adjusted Market Area (Rounded)	20,915	11.8%	2,465	3,697,675	282.96

Economic & Planning Systems, November 2010
Data Sources: SCAG, SACOG and EPS.
[1] Reflects net developable acreage, with an FAR of 0.30.

FIGURE A-12
ESTIMATED INSTITUTIONS SPACE DEMAND 2009-2029 – SCENARIO 2
HIGH LAND USE CONSUMPTION

Industry	*Estimated Total Employment Growth (2009-2029)*	*Percentage of Employees Using Institution Space*	*Number of Employees Using Institution Space*	*Estimated Gross Space Demand (2009-2029)*	
				Sq. ft.	*Acres [1]*
Assumptions				*300 sq. ft./employee*	*0.30 FAR*
Agriculture/Mining	0	1.5%	0	0	0.00
Construction	1,050	2.3%	24	7,243	0.55
Manufacturing	169	2.6%	4	1,321	0.10
TPU	156	10.9%	17	5,091	0.39
Wholesale Trade	361	2.4%	9	2,602	0.20
Retail Trade	4,401	2.2%	97	29,050	2.22
FIRE	2,433	3.3%	80	24,086	1.84
Services	11,208	7.1%	796	238,738	18.27
Government	1,136	9.1%	103	31,015	2.37
Total Adjusted Market Area (Rounded)	20,915	5.4%	1,130	339,144	25.95

Economic & Planning Systems, November 2010
Data Sources: SCAG, SACOG and EPS.
[1] Reflects net developable acreage, with an FAR of 0.30.

Appendix B—Market Study Steering Committee Roster

Jim Alves—Sacramento Municipal Utility District
Dennis Barksdale—Claybar Engineering
Jim Cline—Frontier Communications
John Costa—North State Building Industry Association
Steve Czarnecki—Elk Grove Economic Development Corporation
Leo Fassler—Community Member
John Ferguson—CT Waterman Park, LLC
Marcela Iglesias—DeVry University
Regina Lugani—County of Sacramento
Gregg Mason—Jackson Properties
Charlotte Mitchell—Sacramento County Farm Bureau
Tim Moran—Methodist Hospital of Sacramento
David O'Donnell—Niemi Capital Partners LLC
John Pappas—Pappas Investments
Angela Perry—Elk Grove Chamber of Commerce
Rob Pierce—Elk Grove Unified School District
Darren Suen—Residential Development
Jack Williams—Smog 'N Go
Ardie Zahedani—RCH Group

City of Elk Grove Representatives:

Taro Echiburu—Planning Director
Laura Gill—City Manager
Gerald Park—Senior Planner
Heather Ross—Economic Development Coordinator

National Establishment Time-Series (NETS) Database:

2008 Database Description

Walls & Associates
1700 Trestle Glen Road
Oakland, CA 94610-1846
(510) 763-0641
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National Establishment Time-Series (NETS) Database

To develop a database that better described the ***dynamics*** of the U.S. economy, Walls & Associates teamed up with Dun and Bradstreet (D&B) to convert their archival establishment data into a *time-series database* of establishment information, the ***National Establishment Time-Series (NETS) Database***. This was accomplished by taking *nineteen annual snapshots* of the full Duns Marketing Information (DMI) file that followed over 36.5 million establishments between 1990 and 2008. These snapshots actually used the DMI file to determine which establishments were active in January of each year in question. Other archival files (e.g., the Credit Rating file) were utilized to provide annual raw establishment data that allowed us to create time-series information (328 fields) in the following categories:

- Business name,[1] address and contact information (including officer, title, phone number, FIPS codes and longitude and latitude).
- Headquarters linkages (including the D-U-N-S Number of the topmost domestic firm in a "Family Tree" of companies, as well as the parent company and headquarters, the location of the establishment within the corporate hierarchy, and whether the ownership has changed 1990-present).
- Number of related[2] establishments in the same state.
- Years when business was active ("1989" is earliest year in Database and, currently, "2008" is the latest year) and year business started.
- Industry classification (primary SIC and up to five secondary SICs; whether the primary 3-digit SIC changed 1990-present).
- Type of establishment (Single location, headquarters, or branch; public or private; legal status: proprietorship, partnership, corporation or non-profit and "cottage" businesses).
- Employment at location and job growth relative to peers (3-digit SIC).
- Estimated annual sales[3] at the establishment and its sales growth relative to peers.
- D&B credit ratings and PayDex Scores[4] (January, minimum and maximum for previous year).
- Special indicators: foreign-owned,[5] import/export,[6] government contracts,[7] minority-owned, women-owned, and gender of officer.

[1] Includes legal business name and, if different, trade name (usually more commonly known name).

[2] *Related establishments* include those who have the same Ultimate D-U-N-S Number (topmost domestic firm in a "Family Tree" of companies). We also track the number of

[3] Sales are reported at the firm level; so a standalone establishment would generally report its sales. For other establishments, firm-level or, when unavailable, industry sales per employee are used to estimate the establishment sales. In many cases, there are no sales at the establishment because it is an intermediate production or distribution facility. However the estimated sales are reported to indicate the level of economic activity at that facility.

[4] A 100 point indexing system that represents trade experiences reported to D&B, compares payment to terms of sale, and scores the overall manner of payment. The index is dollar-weighted by high credit. A PayDex Score of 80 indicates that, on average, the business pays its bills in a "Prompt" manner.

[5] This code indicates whether a controlling interest of the outstanding stock in this business is held by a party or parties outside of the United States.

[6] Indicator that shows whether the business imports, exports, does both, or neither.

[7] Indicates whether or not this business has government contracts or grants.

- Relocation information (origin and destination of *significant moves*,[8] employment and sales in move year, origin and destination latitude-longitudes, and whether the establishment moved more than once 1990-2007).

A full list of the ***NETS Database*** fields is included in the Appendix. Each Summer the ***NETS Database*** is updated with another year of establishment information. No establishments are ever deleted from the ***Database***; but their "LastYear" is indicated, so one can explore the dynamics of "births" and "deaths" of establishments.[9] Walls & Associates maintains the *NETS Database* and continues to update and improve estimates before the next annual update. Walls & Associates uses the *NETS Database* in the conduct of its own consulting business and licenses the *Database* to other researchers and analysts.

Copyright Protection: As close to February 28th as practical each year, Dun and Bradstreet assembles a snapshot of their archival establishment data for January of that year. The first such delivery was in July-December 2000. The Dun and Bradstreet data is proprietary to D&B and comprises: (1) works of original authorship, including compiled information containing the D&B's selection, arrangement and coordination and expression of such information or pre-existing material it has created, gathered or assembled; (2) confidential and trade secret information; and (3) information that has been created, developed and maintained by D&B at its expense such that misappropriation or unauthorized use by others for commercial gain would harm D&B. The *NETS Database* is created from the D&B data by Walls & Associates from (1) works of original authorship, including computer programming; code; text; and other protectable expression; (2) confidential and trade secret information; and (3) information and works of authorship that have been created, developed and maintained by Walls & Associates at its expense such that misappropriation or unauthorized use by others for commercial gain would harm Walls & Associates. No user of the *NETS Database* shall commit, or knowingly assist any third party to commit any act or omission that would impair Walls & Associates or Dun and Bradstreet's rights in the original data or the *NETS Database*.

[8] A *significant move* is one in which *both* the establishment's 5-digit ZIP Code and their physical address change between years. In addition, if the establishment "returns" to the same address in future snapshots, then the address change is assumed not to be a significant move (either because the changes were clerical or because the move was "temporary").

[9] While there is no legal requirement for establishments to report to Dun and Bradstreet, there is a financial incentive for those activities that wish to get lines-of-credit with suppliers or financial institutions. In addition, Dun and Bradstreet—even without the help of the establishment themselves—has independent sources of information that allow it to develop relatively complete business lists. Nonetheless, one has to examine the ***NETS Database*** with the understanding that, while consistently reported, some establishments may avoid detection.

Appendix
National Establishment Time-Series (NETS) Database Description

National Time-Series Establishment Database Description
(Data Compiled Annually 1990-Current Year)

Field Name	Data Type	Size	Description
DunsNumber	Text	9	D-U-N-S® Establishment Number
Company	Text	50	Business Name
TradeName	Text	50	Trade Name
Address	Text	50	Street Address (Not available in NETS historical extracts)[10]
City	Text	30	City Name
State	Text	2	State Postal Abbreviation
ZipCode	Text	5	5-Digit Postal ZIP Code
ZIP+4	Text	4	4-Digit ZIP Code Extension
Officer	Text	30	Officer (Not available in NETS historical extracts)
Title	Text	30	Officer Title (Not available in NETS historical extracts)
Area	Text	3	Telephone Area Code (Not available in NETS historical extracts)
Phone	Text	7	Telephone Number (Not available in NETS historical extracts)
Region	Text	50	Metropolitan Area
HQDuns	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported)
HQCompany	Text	50	Headquarters Business Name
HQTradeName	Text	50	Headquarters Trade Name
HQAddress	Text	50	Headquarters Street Address (Not available in NETS historical extracts)
HQCity	Text	30	Headquarters City Name
HQState	Text	2	Headquarters 2-digit Postal State Abbreviation
HQZipCode	Text	5	Headquarters 5-Digit Postal ZIP Code
HQZIP+4	Text	4	Headquarters 4-Digit ZIP Code Extension
HQOfficer	Text	30	Headquarters Officer (Not available in NETS historical extracts)
HQTitle	Text	30	Headquarters Officer Title (Not available in NETS historical extracts)
HQArea	Text	3	Headquarters Telephone Area Code (Not available in NETS historical extracts)
HQPhone	Text	7	Headquarters Telephone Number (Not available in NETS historical extracts)
Related	Integer	5	Number of Establishments with Same HQDuns in 2008 or LastYear
Kids	Integer	5	Number of Establishments with This Establishment as HQDuns in 2008 or LastYear
FipsMSA	Text	4	Establishment FIPS MSA Code
FipsCounty	Text	5	Establishment FIPS County Code
CityCode	Text	6	Dun & Bradstreet City Code
Latitude	Decimal (8,4)	8	Establishment Latitude
Longitude	Decimal (8,4)	8	Establishment Longitude
LevelCode	Text	1	Level at which latitude/longitude provided (D = Block Face, B = Block Group, T = Census Tract Centroid, Z = ZIP Code Centroid, N = Not Coded, S = Street Level)
EstCat	Text	15	Last Type of Location (Single Location, Headquarters, Branch, Division)

[10] In order to keep research data as cost-effective as possible, contact information is not provided in historical extracts. It is, however, part of the NETS Database and available for all years for a 25% subscription surcharge if the client agrees to use the address information for "research purposes only".

Field Name	Data Type	Size	Description
Emp90	Long Integer	5	Establishment Employment at Location in 1990
EmpC90	Text	1	Employees Here Code 1990 (0 = Actual Figure, 1 = Bottom of Range, 2 = D&B Estimate, 3 = Walls Estimate)
Emp91	Long Integer	5	Establishment Employment at Location in 1991
EmpC91	Text	1	Employees Here Code 1991 (see EmpC90 for definitions)
Emp92	Long Integer	5	Establishment Employment at Location in 1992
EmpC92	Text	1	Employees Here Code 1992 (see EmpC90 for definitions)
Emp93	Long Integer	5	Establishment Employment at Location in 1993
EmpC93	Text	1	Employees Here Code 1993 (see EmpC90 for definitions)
Emp94	Long Integer	5	Establishment Employment at Location in 1994
EmpC94	Text	1	Employees Here Code 1994 (see EmpC90 for definitions)
Emp95	Long Integer	5	Establishment Employment at Location in 1995
EmpC95	Text	1	Employees Here Code 1995 (see EmpC90 for definitions)
Emp96	Long Integer	5	Establishment Employment at Location in 1996
EmpC96	Text	1	Employees Here Code 1996 (see EmpC90 for definitions)
Emp97	Long Integer	5	Establishment Employment at Location in 1997
EmpC97	Text	1	Employees Here Code 1997 (see EmpC90 for definitions)
Emp98	Long Integer	5	Establishment Employment at Location in 1998
EmpC98	Text	1	Employees Here Code 1998 (see EmpC90 for definitions)
Emp99	Long Integer	5	Establishment Employment at Location in 1999
EmpC99	Text	1	Employees Here Code 1999 (see EmpC90 for definitions)
Emp00	Long Integer	5	Establishment Employment at Location in 2000
EmpC00	Text	1	Employees Here Code 2000 (see EmpC90 for definitions)
Emp01	Long Integer	5	Establishment Employment at Location in 2001
EmpC01	Text	1	Employees Here Code 2001 (see EmpC90 for definitions)
Emp02	Long Integer	5	Establishment Employment at Location in 2002
EmpC02	Text	1	Employees Here Code 2002 (see EmpC90 for definitions)
Emp03	Long Integer	5	Establishment Employment at Location in 2003
EmpC03	Text	1	Employees Here Code 2003 (see EmpC90 for definitions)
Emp04	Long Integer	5	Establishment Employment at Location in 2004
EmpC04	Text	1	Employees Here Code 2004 (see EmpC90 for definitions)
Emp05	Long Integer	5	Establishment Employment at Location in 2005
EmpC05	Text	1	Employees Here Code 2005 (see EmpC90 for definitions)
Emp06	Long Integer	5	Establishment Employment at Location in 2006
EmpC06	Text	1	Employees Here Code 2006 (see EmpC90 for definitions)
Emp07	Long Integer	5	Establishment Employment at Location in 2007
EmpC07	Text	1	Employees Here Code 2007 (see EmpC90 for definitions)
Emp08	Long Integer	5	Establishment Employment at Location in 2008
EmpC08	Text	1	Employees Here Code 2008 (see EmpC90 for definitions)
EmpHere	Long Integer	5	Establishment Employment at Location (Last Year)
EmpHereC	Text	1	Employees Here (Last Year) Code (see EmpC90 for definitions)
SizeCat	Text	50	Employment Size Category (Last Year)
SIC2	Text	2	Last Primary Standard Industrial Classification (SIC) Code – 2-digits
SIC3	Text	3	Last Primary Standard Industrial Classification (SIC) Code – 3-digits
SIC4	Text	4	Last Primary Standard Industrial Classification (SIC) Code – 4-digits
SIC6	Text	6	Last Primary Standard Industrial Classification (SIC) Code – 6-digits
SIC8	Text	8	Last Primary Standard Industrial Classification (SIC) Code – 8-digits
SIC8_2	Text	8	Last Secondary Standard Industrial Classification (SIC) Code – 8-digits
SIC8_3	Text	8	Last Tertiary Standard Industrial Classification (SIC) Code – 8-digits
SICChange	Text	3	Change in 3-digit SIC between 1990-2008 ("Yes" Or "No")
SIC90	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1990)
SIC91	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1991)

Field Name	Data Type	Size	Description
SIC92	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1992)
SIC93	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1993)
SIC94	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1994)
SIC95	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1995)
SIC96	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1996)
SIC97	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1997)
SIC98	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1998)
SIC99	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (1999)
SIC00	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2000)
SIC01	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2001)
SIC02	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2002)
SIC03	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2003)
SIC04	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2004)
SIC05	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2005)
SIC06	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2006)
SIC07	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2007)
SIC08	Text	8	Primary Standard Industrial Classification (SIC) Code – 8-digits (2008)
Industry	Text	70	Primary SIC Industry Name in Last Year
IndustryGroup	Text	50	Primary 3-digit SIC Industry Name in Last Year
HQDuns90	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1990
HQDuns91	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1991
HQDuns92	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1992
HQDuns93	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1993
HQDuns94	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1994
HQDuns95	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1995
HQDuns96	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1996
HQDuns97	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1997
HQDuns98	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1998
HQDuns99	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 1999
HQDuns00	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2000
HQDuns01	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2001
HQDuns02	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2002
HQDuns03	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2003
HQDuns04	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2004
HQDuns05	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2005
HQDuns06	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2006
HQDuns07	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2007
HQDuns08	Text	9	Ultimate/Parent/HQ D-U-N-S® Number (highest reported) in 2008
HQDunsChange	Text	1	HQ Change Indicator (Yes = Headquarters changed 1990-2008, No = No change in headquarters)
FIPS90	Text	5	5-Digit Postal ZIP Code in January 1990
FIPS91	Text	5	5-Digit Postal ZIP Code in January 1991
FIPS92	Text	5	5-Digit Postal ZIP Code in January 1992
FIPS93	Text	5	5-Digit Postal ZIP Code in January 1993
FIPS94	Text	5	5-Digit Postal ZIP Code in January 1994
FIPS95	Text	5	5-Digit Postal ZIP Code in January 1995
FIPS96	Text	5	5-Digit Postal ZIP Code in January 1996
FIPS97	Text	5	5-Digit Postal ZIP Code in January 1997
FIPS98	Text	5	5-Digit Postal ZIP Code in January 1998

Field Name	Data Type	Size	Description
FIPS99	Text	5	5-Digit Postal ZIP Code in January 1999
FIPS00	Text	5	5-Digit Postal ZIP Code in January 2000
FIPS01	Text	5	5-Digit Postal ZIP Code in January 2001
FIPS02	Text	5	5-Digit Postal ZIP Code in January 2002
FIPS03	Text	5	5-Digit Postal ZIP Code in January 2003
FIPS04	Text	5	5-Digit Postal ZIP Code in January 2004
FIPS05	Text	5	5-Digit Postal ZIP Code in January 2005
FIPS06	Text	5	5-Digit Postal ZIP Code in January 2006
FIPS07	Text	5	5-Digit Postal ZIP Code in January 2007
FIPS08	Text	5	5-Digit Postal ZIP Code in January 2008
FipsChange	Text	3	Yes = County changed 1990-2008, No = No change in county
OutofBis	Text	4	Year of Out-of-Business Indicator (may be estimated)
YearStart	Text	4	Year Start Reported by Establishment
PayDexMin90	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '89 - Jan '90 [11]
PayDexMax90	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '89 - Jan '90
PayDexMin91	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '90 - Jan '91
PayDexMax91	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '90 - Jan '91
PayDexMin92	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '91 - Jan '92
PayDexMax92	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '91 - Jan '92
PayDexMin93	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '92 - Jan '93
PayDexMax93	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '92 - Jan '93
PayDexMin94	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '93 - Jan '94
PayDexMax94	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '93 - Jan '94
PayDexMin95	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '94 - Jan '95
PayDexMax95	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '94 - Jan '95
PayDexMin96	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '95 - Jan '96
PayDexMax96	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '95 - Jan '96
PayDexMin97	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '96 - Jan '97
PayDexMax97	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '96 - Jan '97
PayDexMin98	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '97 - Jan '98
PayDexMax98	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '97 - Jan '98
PayDexMin99	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '98 - Jan '99
PayDexMax99	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '98 - Jan '99
PayDexMin00	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '99 - Jan '00
PayDexMax00	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '99 - Jan '00
PayDexMin01	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '00 - Jan '01
PayDexMax01	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '00 - Jan '01
PayDexMin02	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '01 - Jan '02
PayDexMax02	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '01 - Jan '02
PayDexMin03	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '02 - Jan '03
PayDexMax03	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '02 - Jan '03
PayDexMin04	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '03 - Jan '04
PayDexMax04	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '03 - Jan '04
PayDexMin05	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '04 - Jan '05
PayDexMax05	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '04 - Jan '05
PayDexMin06	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '05 - Jan '06
PayDexMax06	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '05 - Jan '06
PayDexMin07	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '06 - Jan '07
PayDexMax07	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '06 - Jan '07
PayDexMin08	Text	3	Minimum Dun & Bradstreet PayDex Score for Jan '07 - Jan '08
PayDexMax08	Text	3	Maximum Dun & Bradstreet PayDex Score for Jan '07 - Jan '08

[11] See http://smallbusiness.dnb.com/glossary.asp for more information on PayDex Scores and D&B Ratings.

Field Name	Data Type	Size	Description
D&Brating90	Text	3	Dun & Bradstreet Rating in 1990
D&Brating91	Text	3	Dun & Bradstreet Rating in 1991
D&Brating92	Text	3	Dun & Bradstreet Rating in 1992
D&Brating93	Text	3	Dun & Bradstreet Rating in 1993
D&Brating94	Text	3	Dun & Bradstreet Rating in 1994
D&Brating95	Text	3	Dun & Bradstreet Rating in 1995
D&Brating96	Text	3	Dun & Bradstreet Rating in 1996
D&Brating97	Text	3	Dun & Bradstreet Rating in 1997
D&Brating98	Text	3	Dun & Bradstreet Rating in 1998
D&Brating99	Text	3	Dun & Bradstreet Rating in 1999
D&Brating00	Text	3	Dun & Bradstreet Rating in 2000
D&Brating01	Text	3	Dun & Bradstreet Rating in 2001
D&Brating02	Text	3	Dun & Bradstreet Rating in 2002
D&Brating03	Text	3	Dun & Bradstreet Rating in 2003
D&Brating04	Text	3	Dun & Bradstreet Rating in 2004
D&Brating05	Text	3	Dun & Bradstreet Rating in 2005
D&Brating06	Text	3	Dun & Bradstreet Rating in 2006
D&Brating07	Text	3	Dun & Bradstreet Rating in 2007
D&Brating08	Text	3	Dun & Bradstreet Rating in 2008
Sales90	Currency	12	Establishment Sales 1990 ($)
SalesC90	Text	1	Establishment Sales Code 1990 (0 = Actual, 1 = Bottom of Range, 2 = D&B Estimate, 3 = Walls Estimate)
Sales91	Currency	12	Establishment Sales 1991 ($)
SalesC91	Text	1	Establishment Sales Code 1991 (See SalesC90 for Definitions)
Sales92	Currency	12	Establishment Sales 1992 ($)
SalesC92	Text	1	Establishment Sales Code 1992 (See SalesC90 for Definitions)
Sales93	Currency	12	Establishment Sales 1993 ($)
SalesC94	Text	1	Establishment Sales Code 1993 (See SalesC90 for Definitions)
Sales94	Currency	12	Establishment Sales 1994 ($)
SalesC94	Text	1	Establishment Sales Code 1994 (See SalesC90 for Definitions)
Sales95	Currency	12	Establishment Sales 1995 ($)
SalesC95	Text	1	Establishment Sales Code 1995 (See SalesC90 for Definitions)
Sales96	Currency	12	Establishment Sales 1996 ($)
SalesC96	Text	1	Establishment Sales Code 1996 (See SalesC90 for Definitions)
Sales97	Currency	12	Establishment Sales 1997 ($)
SalesC97	Text	1	Establishment Sales Code 1997 (See SalesC90 for Definitions)
Sales98	Currency	12	Establishment Sales 1998 ($)
SalesC98	Text	1	Establishment Sales Code 1998 (See SalesC90 for Definitions)
Sales99	Currency	12	Establishment Sales 1999 ($)
SalesC99	Text	1	Establishment Sales Code 1999 (See SalesC90 for Definitions)
Sales00	Currency	12	Establishment Sales 2000 ($)
SalesC00	Text	1	Establishment Sales Code 2000 (See SalesC90 for Definitions)
Sales01	Currency	12	Establishment Sales 2001 ($)
SalesC01	Text	1	Establishment Sales Code 2001 (See SalesC90 for Definitions)
Sales02	Currency	12	Establishment Sales 2002 ($)
SalesC02	Text	1	Establishment Sales Code 2002 (See SalesC90 for Definitions)
Sales03	Currency	12	Establishment Sales 2003 ($)
SalesC03	Text	1	Establishment Sales Code 2003 (See SalesC90 for Definitions)
Sales04	Currency	12	Establishment Sales 2004 ($)
SalesC04	Text	1	Establishment Sales Code 2004 (See SalesC90 for Definitions)

Field Name	Data Type	Size	Description
Sales05	Currency	12	Establishment Sales 2005 ($)
SalesC05	Text	1	Establishment Sales Code 2005 (See SalesC90 for Definitions)
Sales06	Currency	12	Establishment Sales 2006 ($)
SalesC06	Text	1	Establishment Sales Code 2006 (See SalesC90 for Definitions)
Sales07	Currency	12	Establishment Sales 2007 ($)
SalesC07	Text	1	Establishment Sales Code 2007 (See SalesC90 for Definitions)
Sales08	Currency	12	Establishment Sales 2008 ($)
SalesC08	Text	1	Establishment Sales Code 2008 (See SalesC90 for Definitions)
SalesHere	Currency	12	Establishment Sales (Last Year, $)
SalesHereC	Text	1	Establishment Sales (Last Year) Code (See SalesC90 for Definitions)
SalesGrowth	Integer	1	Quartile of Last 3-yr Sales Growth (1=fastest growth, 4=slowest, 2=middle 50%)
SalesGrowthPeer	Integer	1	Quartile of Last 3-yr Sales Growth Relative to 3-digit SIC Peers (1=fastest growth, 4=slowest, 2=middle 50%)
MoveYears	Text	35	Year(s) of Establishment Move(s)
LastMove	Text	4	Year of Last Move
MoveSIC4	Text	4	Primary Standard Industrial Classification (SIC) Code -- 4-digits (in Move Year)
OriginCity	Text	50	Origin City Name
OriginState	Text	2	Origin State Abbreviation
OriginZIP	Text	5	Origin 5-Digit Postal ZIP Code
DestinationCity	Text	50	Destination City Name
DestinationState	Text	2	Destination State Abbreviation
DestinationZIP	Text	5	Destination 5-Digit Postal ZIP Code
MoveEmp	Long Integer	5	Establishment Employment (Here) in Move Year
EmpC	Text	1	Employees Here Code in Move Year (0 = Actual Figure, 1 = Bottom of Range, 2 = D&B Estimate, 3 = Walls Estimate)
MoveSales	Currency	12	Establishment Sales Estimate in Move Year ($)
MoveSalesC	Text	1	Establishment Sales Code in Move Year (See EmpC for Definitions)
PubPriv	Text	1	Public/Private Indicator-Last (Y = Public, N = Private or Government)
LegalStat	Text	1	Legal Status-Last (G = Proprietorship, H = Partnership, I = Corporation, J = Non-Profit, Blank = NA)
ForeignOwn	Text	1	Foreign Owned-Last (1991 & after: Y = Yes, Space = No)
ImpExpInd	Text	1	Import/Export Indicator-Last (B = Both, E = Export, I = Import, Space = Neither)
GovtContra	Text	1	Government Contracts/Grants Indicator-Last (1998 & after: Y=Yes, N= No)
Minority	Text	1	Minority Owned Indicator-Last (1991 & after: Y = Minority Owned, N = Not Minority Owned)
GenderCEO	Text	1	Gender of executive in record-Last (2000 & after: M = Male, F = Female, B = Either, Blank = Unknown)
WomenOwned	Text	1	Controlling interest in firm held by woman-Last (1998 & after: Y = Yes, N = No)
Relocate	Text	1	Move Indicator (0=Never, 1=At least Once 1990-2002, 2=At least Once 2003-05, or 3=Moved in 2006-07)
MoveOften	Text	1	Moved More Than Once 1990-2007 (Y=Yes, N= No)
Cottage	Text	1	Cottage Indicator-Last (2001 & after: C = Yes) Indicates private business in residence with less than 3 employees and not in SICs 40, 43-46, 60, 84, 86 or 91-97.

Field Name	Data Type	Size	Description
FirstYear	Text	4	First Year Establishment Was Active (1989=Existed BEFORE 1990)
LastYear	Text	4	Last Year Establishment Was Active (2008 = Present)
Address_First	Text	50	Street Address in First Year (Not available in NETS historical extracts)
City_First	Text	30	City Name in First Year (Upper & lower case)
State_First	Text	2	State Postal Abbreviation in First Year
ZipCode_First	Text	5	5-Digit Postal ZIP Code in First Year
FipsMSA_First	Text	4	Establishment FIPS MSA Code in First Year
FipsCounty_First	Text	5	Establishment FIPS County Code in First Year
CityCode_First	Text	6	Dun & Bradstreet City Code in First Year
North American Industry Classification Sytem (NAICS) Translation			
DunsNumber	Text	9	D-U-N-S® Establishment Number
NAICS90	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1990)
NAICS91	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1991)
NAICS92	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1992)
NAICS93	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1993)
NAICS94	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1994)
NAICS95	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1995)
NAICS96	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1996)
NAICS97	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1997)
NAICS98	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1998)
NAICS99	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (1999)
NAICS00	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2000)
NAICS01	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2001)
NAICS02	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2002)
NAICS03	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2003)
NAICS04	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2004)
NAICS05	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2005)
NAICS06	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2006)
NAICS07	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2007)
NAICS08	Text	6	Primary Industrial Classification (NAISC) Code – 6-digits (2008)

National Establishment Year-of-Move Database (Data Compiled Annually 1990-2007)[12]

Field Name	Data Type	Size	Description
DunsNumber	Text	9	D-U-N-S® Establishment Number (Movers Only)
MoveYear	Text	4	Year of Move
Company	Text	50	Business Name
TradeName	Text	50	Trade Name
MoveSIC	Text	4	Primary Standard Industrial Classification (SIC) Code -- 8-digits (in Move Year)
OriginAddress	Text	50	Origin Street Address (Not available in NETS historical extracts)[13]
OriginCity	Text	30	Origin City Name
OriginState	Text	2	Origin State 2-digit Postal Abbreviation
OriginZip	Text	5	Origin 5-Digit Postal ZIP Code
OriginFIPSCounty	Text	5	Origin County FIPS Code
OriginCounty	Text	50	Origin County Name
DestAddress	Text	50	Destination Street Address (Not available in NETS historical extracts)
DestCity	Text	30	Destination City Name
DestState	Text	2	Destination State 2-digit Postal Abbreviation
DestZIP	Text	5	Destination 5-Digit Postal ZIP Code
DestFIPSCounty	Text	5	Destination County FIPS Code
DestCounty	Text	50	Destination County Name
MoveEmp	Long Integer	5	Establishment Employment (Here) in Move Year
EmpC	Text	1	Employees Here Code in Move Year (0 = Actual Figure, 1 = Bottom of Range, 2 = D&B Estimate, 3 = Walls Estimate)
MoveSales	Currency	12	Establishment Sales Estimate in Move Year
MoveSalesC	Text	1	Establishment Sales Code in Move Year (0 = Actual, 1 = Bottom of Range, 2 = D&B Estimate, 3 = Walls Estimate)
MoveOften	Text	3	Moved More Than Once 1990-2007 ("Yes" or "No")
Active	Text	3	Establishment Status in 2008 ("Yes" = In business, "No" = out-of-business)
SizeCat	Text	10	Employment Size Category in Move Year
EstCat	Text	15	Last Type of Location (Single Location, Headquarters, Branch, Division)
OriginLatitude	Decimal (8,4)	8	Latitude of Move Origin
OriginLongitude	Decimal (8,4)	8	Longitude of Move Origin
OriginLevelCode	Text	1	Level at which origin latitude/longitude provided (D = Block Face, B = Block Group, T = Census Tract Centroid, Z = ZIP Code Centroid, N = Not Coded, S = Street Level)
DestLatitude	Decimal (8,4)	8	Latitude of Move Destination
DestLongitude	Decimal (8,4)	8	Longitude of Move Destination
DestLevelCode	Text	1	Level at which destination latitude/longitude provided (D = Block Face, B = Block Group, T = Census Tract Centroid, Z = ZIP Code Centroid, N = Not Coded, S = Street Level)

[12] Note: The Year-of-Move Database always has one less year than the National Establishment Database because we only know about relocation when we can *compare* one year to the next to determine if the establishment's address has changed. Since we are looking at January data, we presume that the move occurred in the previous year.

[13] Street address information is not provided in historical extracts. It is, however, part of the NETS Database and available for a 25% subscription surcharge if the client agrees to use the address information for "research purposes only".

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Cities and regions are complex and dynamic systems, subject to cycles of growth, stability, decline, and regeneration. Our work addresses the needs of places at all phases of their life cycle. As places grow, we are involved in building the financial structures, infrastructure, and organizations that growth demands. As places mature, we are involved in sustaining the physical, financial, and political systems that allow people and businesses to operate efficiently while maintaining the qualities that first made the place successful. And as places evolve or decline, we are involved in restoring their vitality by finding new uses for old properties, new functions for declining districts, and new economic opportunities for growing cities and regions.

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Friends of The Swainson's Hawk (FOSH-1)

Response to Comment FOSH-1-1

The comment opposes the proposed SOIA and alleges the RDEIR fails to address wildlife conservation and agricultural preservation. The proposed SOIA's potential impacts related to loss of agricultural land and habitat are analyzed in Impacts AG-1, AG-2, AG-3, BIO-1, BIO-2, LU-3, and LU-4 (RDEIR, pages 3.2-15 through 3.2-21; 3.4-39 through 3.4-44; 3.10-68 through 3.10-71). As identified in the RDEIR, Impacts AG-1, AG-2, AG-3, BIO-1, LU-3, and LU-4 will be significant and unavoidable even after implementation of feasible mitigation (RDEIR, pages 3.2-15 through 3.2-21; 3.4-39 through 3.4-44; 3.10-68 through 3.10-71).

Response to Comment FOSH-1-2

The comment alleges that comments submitted in response to the Draft EIR were not responded to in the RDEIR. Please refer to Master Response 9. The comment also relates to open space and agriculture. See Response to Comment FOSH-1-1. The comment further addresses the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.). The RDEIR addresses the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 in Section 3.10, Land Use. However, compliance with the Cortese-Knox-Hertzberg Act is not an environmental impact and thus not within the scope of the RDEIR.

Response to Comment FOSH-1-3

The comment references letters submitted in response to the NOP and Draft EIR. Please refer to Master Response 9. The comment refers to letters from Shawn Smallwood and Don Mooney. Don Mooney's comment letter is addressed separately within the Final EIR as FOSH-3, and Shawn Smallwood's letter is addressed separately within the Final EIR as FOSH-4.

Response to Comment FOSH-1-4

The comment relates to Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 (Government Code Section 56000 et seq.) The RDEIR discusses LAFCo's obligations, as follows:

> LAFCo's purposes include the discouragement of urban sprawl and the encouragement of the orderly formation of local agencies based upon local conditions and circumstances.

The text on RDEIR page 1-3 is amended as follows:

> The project must <u>meet all LAFCo requirements in order to</u> be approved by LAFCo ~~and meet all LAFCo requirements~~. Specific "Policy Elements" established by the Act are as follows:
>
> - Encourage orderly growth and development patterns (Section 56001).
> - Discourage urban sprawl, preserve open-space and prime agricultural lands, efficiently provide government services, and encourage the orderly formation and development of local agencies based upon local conditions and circumstances (Section 56301).

- Guide development away from open space and prime agricultural land uses unless such action would not promote planned, orderly, and efficient development (Section 56377).

LAFCo's consideration of these issues is not an environmental impact and thus is outside the scope of this EIR. The RDEIR incorporates the Cortese-Knox-Hertzberg Act by reference and provides a general description of LAFCo's responsibilities. This general description is aimed at providing context for the proposed project that is easily understandable. Please refer to Master Response 7 regarding the need for the proposed SOIA. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Response to Comment FOSH-1-5

The comment purports that the RDEIR misrepresents LAFCo's duties under Government Code Section 56001. Please refer to Response to Comment FOSH-1-4.

Response to Comment FOSH-1-6

The comment indicates that CEQA Guidelines Section 15125(a) requires that an environmental document fully describe the actual physical environmental conditions that exist on the ground on the date the NOP was published. The RDEIR provides baseline conditions in each of the technical subsections of Section 3, Environmental Impact Analysis, of the RDEIR.

Response to Comment FOSH-1-7, FOSH-1-8

The comment indicates that previous comment letters describing biological resources were submitted in the review process on the prior Draft EIR. See Master Response 9 for a discussion of the RDEIR's approach to comments received on the original Draft EIR. See Master Response 8 for revisions to the RDEIR text to address some of the information presented in the review process and adequacy of the biological baseline presented in the RDEIR. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Response to Comment FOSH-1-9

The comment states no effort was made to assess impacts on Swainson's Hawk. Impact BIO-1 acknowledges that approval of the proposed SOIA could result in urbanization at an undetermined point in time. Development within the proposed SOIA, if approved, would be subject to its own CEQA review and as identified in Impact BIO-1 would follow the recommendations developed by the Swainson's Hawk Technical Advisory Committee to maximize the potential for locating nesting Swainson's Hawks and thus reduce the potential for nest failures because of development project-related disturbances. In addition, Mitigation Measures BIO-1b and BIO-1c specifically identify mitigation for impacts to nesting and foraging of Swainson's Hawk and other raptors. This impact was found to be significant and unavoidable after incorporation of mitigation measures.

Response to Comment FOSH-1-10, FOSH-1-11

This comment pertains to the previous comments submitted by the Friend's of the Swainson's Hawk. See Master Response 9 for a discussion of the RDEIR's approach to comments received on the

original Draft EIR. The comment also states the RDEIR does not disclose the credentials of the preparers to make judgments about the adequacy of the mitigation. See Master Response 1 regarding adequacy of mitigation in the RDEIR.

Response to Comment FOSH-1-12

The comment questions the data used in the RDEIR. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR.

Response to Comment FOSH-1-13, FOSH-1-14, FOSH-1-15, FOSH-1-16

The comment references previous comments and questions the data used in the RDEIR. See Master Response 9 regarding previous comments submitted on the original Draft EIR. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR.

Response to Comment FOSH-1-17, FOSH 1-18, FOSH 1-19

The comment states the RDEIR does not adequately identify impacts on nesting populations of Swainson's Hawk. As indicated in Response to Comment CDFW-1, the RDEIR utilized the CNDDB to identify the records of known locations of the Swainson's Hawk. The RDEIR does not assume that an absence of records in the CNDDB represents an absence of that species in the proposed SOIA Area. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR.

Response to Comment FOSH-1-20

See Master Response 9 for a discussion of the RDEIR's approach to comments received on the original Draft EIR. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR.

Response to Comment FOSH-1-21

The comment states nesting Swainson's Hawks within 2 miles of the proposed SOIA would use the proposed SOIA Area for foraging habitat. As detailed in Impact BIO-1, the impact of the proposed SOIA on foraging habitat was determined to be significant and unavoidable after incorporation of mitigation measures. Master Response 8 addresses the adequacy of the biological analysis in the RDEIR.

Response to Comment FOSH-1-22

The comment states the RDEIR does not address the impact of a 1:1 mitigation ratio on foraging hawks. If the proposed SOIA is approved, Mitigation Measure BIO-1c will require the City of Elk Grove to demonstrate to LAFCo, prior to approval of an annexation of all or part of the proposed SOIA Area, through policy or adopted planning documents, that conservation easements or other instruments to acquire and preserve suitable foraging habitat for Swainson's Hawk and greater sandhill crane are identified and will be implemented, as determined by the California Department of Fish and Wildlife (CDFW). In addition, the City's Swainson's Hawk mitigation program requires that project applicants protect existing habitat through either purchase or transfer of conservation

easements or payment of mitigation fees. If the proposed SOIA is approved, Mitigation Measure BIO-1c provides the framework for mitigating foraging habitat within the proposed SOIA Area which includes compliance with the City's impact mitigation fee program, in the event that it is infeasible to acquire necessary easements prior to annexation and development. Furthermore, Mitigation Measure BIO-1c requires satisfying conservation easement or mitigation fees is required prior to development.

Response to Comment FOSH-1-23

The comment states the RDEIR does not analyze an alternative requiring preservation of land in the proposed SOIA Area. Pursuant to CEQA Guidelines Section 15126.6, Consideration and Discussion of Alternatives to the Proposed SOIA, while an EIR "shall describe a range of reasonable alternatives to the project…[a]n EIR need not consider every conceivable alternative to the project." In Section 5 of the RDEIR, LAFCo acknowledges that the boundary could result in urbanization and the City of Elk Grove estimates that 6,327 acres would be required outside the existing city boundaries to accommodate future growth. An alternate SOIA boundary and Enhanced Regional Alternative were two alternatives presented that would redirect or reduce development in the proposed SOIA Area.

Response to Comment FOSH-1-24

The comment provides recommendations for mitigation for Swainson's Hawk nest trees. Mitigation Measure BIO-1b was provided to mitigate impacts on active nesting Swainson's Hawks and other raptors, prior to the submittal of any application to annex any or all of the proposed SOIA Area if the SOIA is approved. The City of Elk Grove shall demonstrate to LAFCo that preconstruction survey requirements will be applied to any development proposals within the proposed SOIA Area and required actions will be completed prior to development activity to assure that active nests are not abandoned or force-fledged.

The comment also suggests that impacts to nest trees (not only active nest sites) be proffered in the RDEIR. Mitigation Measure BIO-5 is amended as shown in Master Response 1.This change does not alter the conclusions of Impact BIO-5 in the RDEIR that identified impacts as less than significant and does not constitute "significant new information" as defined under CEQA Guidelines Section 15088.5.

Response to Comment FOSH-1-25, FOSH-1-26

Impact BIO-1 recognizes that indirect impacts due to development could have potentially significant impacts, including to Swainson's Hawk nesting and foraging habitat. If the proposed SOIA is approved, development within the proposed SOIA Area would be subject to its own CEQA review and comply with existing regulations including the federal Endangered Species Act, California Endangered Species Act, Migratory Bird Treaty Act, and Fish and Game Code. Mitigation Measures BIO-1b and BIO-1c would minimize effects of the buildout of the proposed SOIA Area on special-status wildlife species, but Impact BIO-1 recognizes that residual impacts to special-status wildlife species would be significant and unavoidable.

Mitigation Measure BIO-1 requires the City of Elk Grove to participate in the South Sacramento Habitat Conservation Plan (SSHCP) or requires the preparation and implementation of a habitat conservation management plan (HCMP) for all affected special-status species and habitats. The HCMP is proposed to provide a vision and process to ensure mitigation is undertaken in a manner that maximizes the benefits of the mitigation to affected species (large preserves, etc.) if the SSHCP is not adopted. Should "take of listed species" be identified through the HCMP planning process, Elk Grove will work with the regulatory agencies to ensure compliance with their regulations including federal and California Endangered Species Acts.

Response to Comment FOSH-1-27

See Master Response 9 for a discussion of the RDEIR's approach to comments received on the original Draft EIR. The RDEIR does not present a land use plan; therefore, the proposed SOIA neither includes nor precludes preservation of habitat in the proposed SOIA Area. See Master Response 8 for a discussion of the relationship between the Draft SSHCP and the proposed SOIA. See Master Response 8 for a discussion of the feasibility of mitigation.

Response to Comment FOSH-1-28

The comment refers to maps of land for Swainson's Hawk mitigation. As noted in Table 3.4-3, the potential for presence of Swainson's Hawk was identified in the RDEIR as "High-Present."

Response to Comment FOSH-1-29

The comment states LAFCo should consider suitability of mitigation land before assuming it will be available to mitigate impacts in the proposed SOIA Area. Mitigation Measure BIO-1c provides that if the proposed SOIA is approved, projects shall acquire conservation easements or instruments to preserve suitable foraging habitat and consider the benefits of preserving lands in proximity to other protective lands. Furthermore, the mitigation measure provides that if it is infeasible to acquire the necessary easements prior to annexation and development, the City will apply its impact mitigation fee program identified in Mitigation Measure BIO-1c to acquire available land with suitable foraging habitat values at the identified mitigation ratios and conditions outlined.

Response to Comment FOSH-1-30

The comment indicates that lands west of Interstate 5 lack the necessary guarantee that they will be available in perpetuity for Swainson's Hawks and other raptors. The impact mitigation fee program assures that appropriate lands will be acquired for mitigation efforts, and this concern has been identified in the City of Elk Grove's Regulatory Framework discussion. As stated in the RDEIR (page 3.4-36), it is the City's policy not to conserve lands below sea level for Swainson's Hawk impacts.

Response to Comment FOSH-1-31

Impact BIO-1 indicates that foraging habitat impacts, using the County method, are assessed when agricultural and agricultural residential parcels are rezoned to smaller minimum parcel sizes. This methodology was developed in coordination with the CDFW. The level of impact is calculated in acres and is based on the starting habitat value and ending habitat value. Utilizing this method, it was

determined that more than 90 percent of the proposed SOIA Area is zoned AG-40 and therefore would have 100 percent foraging value. Development within the proposed SOIA Area if the proposed SOIA is approved would be subject to its own CEQA review and would comply with existing regulations, including the City's Swainson's Hawk Mitigation Ordinance, federal Endangered Species Act, California Endangered Species Act, Migratory Bird Treaty Act, and Fish and Game Code. Furthermore, pursuant to Mitigation Measure BIO-1c, the City shall demonstrate that conservation easements or other instruments to acquire and preserve suitable foraging habitat are identified and implemented.

Response to Comment FOSH-1-32, FOSH-1-33

The comment questions the use of the County's zone-based methodology for determining impacts on Swainson's Hawk. The methodology was utilized because it was jointly developed by Sacramento County and the CDFW specifically to determine foraging habitat impacts in unincorporated Sacramento County. The methodology recognizes that Swainson's Hawk foraging habitat value is greater in large expansive open spaces and agricultural areas than in areas which have been fragmented by agricultural-residential or urban development. The concept is that impact to foraging habitat occurs as properties develop to increasingly more intensive uses on smaller minimum parcel sizes. Therefore, foraging habitat impacts in the county are assessed when agricultural and agricultural-residential parcels are rezoned to smaller minimum parcel sizes. Regardless, Mitigation Measure BIO-1c requires that if the proposed SOIA is approved, any request for land use entitlement for a nonagricultural use of land zoned with an agricultural designation will be governed by a 1:1 mitigation ratio for each acre developed.

Response to Comment FOSH-1-34

The comment requests that the RDEIR describe the impact on the Swainson's Hawk population within and adjacent to the removal of 7,000 to 8,000 acres of foraging habitat as described in the Estep study. Impact BIO-1 indicates that indirect impacts due to future development could have potentially significant impacts to active nesting hawks and the species' foraging habitat. Future development within the proposed SOIA Area, if the proposed SOIA is approved, would be subject to its own CEQA review and comply with existing regulations, including the City's Swainson's Hawk Mitigation Ordinance, federal Endangered Species Act, California Endangered Species Act, Migratory Bird Treaty Act, and Fish and Game Code. Furthermore, Mitigation Measure BIO-1c provides a framework for future project implementation by acquiring and preserving suitable foraging habitat for Swainson's Hawk.

Response to Comment FOSH-1-35

The comment indicates that the City's Swainson's Hawk mitigation program is not reflected in the RDEIR and that the City program did not undergo CEQA review. The City program is not under analysis in this document. The City of Elk Grove's Swainson's Hawk Habitat Fee Program was analyzed in a Final Environmental Impact Report dated September 2011 (http://www.egplanning.org/environmental /swainsons-hawk-habitat/swainsons-dier.pdf).

Furthermore, Mitigation Measure BIO-1c is framed in a manner which requires that, if the proposed SOIA is approved, any request for land use entitlement for a nonagricultural use of land zoned with an agricultural designation will be governed by a 1:1 mitigation ratio for each acre developed. This includes compliance with the City's Swainson's Hawk ordinance.

Response to Comment FOSH-1-36

The comment indicates that the mitigation measure fails to adequately describe the City's conditions. Mitigation Measure BIO-1c provides that if the proposed SOIA is approved, the City of Elk Grove shall demonstrate to LAFCo prior to annexation of all or part of the proposed SOIA Area, through policy or adopted planning documents, that conservation easements or instruments to acquire and preserve suitable foraging habitat for Swainson's Hawk are identified and will be implemented, as determined by the CDFW; one mechanism for the City to comply is through implementation of the adopted Swainson's Hawk ordinance. In the event it is infeasible to acquire the necessary easements prior to annexation, the City will apply its impact mitigation fee program. Furthermore, as provided in Impact BIO-1, future development would follow recommendations adopted by the Swainson's Hawk Technical Advisory Committee to maximize the potential for locating nesting Swainson's Hawks, thus reducing the potential for nest failures as a result of potential future project activities.

Response to Comment FOSH-1-37

Mitigation Measure BIO-1a provides that if the proposed SOIA is approved, the City of Elk Grove shall participate in the SSHCP or prepare a HCMP (in coordination with the USFWS and CDFW) for all affected special-status species and habitats. The HCMP shall include assessment, disclosure, and mitigation for nesting and foraging habitat impacts to protected species, as discussed in Mitigation Measures BIO-1b and BIO-1c and will provide LAFCo evidence of consultation and mitigation compliance. In the event an HCMP is prepared, all mitigation measure guidelines provided by the CDFW and USFWS will be incorporated per Mitigation Measure BIO-1a.

Irrespective of the City's policy compliance history, Mitigation Measure BIO-1c requires that if the proposed SOIA is approved, any request for land use entitlement for a nonagricultural use of land zoned with an agricultural designation will require mitigation at a 1:1 mitigation ratio for each acre developed. Once adopted and certified, the mitigation requirements in the proposed SOIA FEIR cannot be unilaterally changed through City Council action.

Response to Comment FOSH-1-38

The comment questions the enforceability of mitigation measures and the amount of "take" of Swainson's Hawks. See Master Response 1 for a discussion on the enforceability of mitigation presented in the RDEIR. "Take" is defined and regulated through the federal and California Endangered Species Acts. The proposed SOIA, if approved, will not alter the physical conditions of the proposed SOIA Area and will not result in "take." The standards of significance used in the RDEIR are drawn from Appendix G of the CEQA Guidelines.

Response to Comment FOSH-1-39, FOSH-1-40

The comment is related to deferral of mitigation and performance standards in the mitigation. Master Response 1 addresses the issue of deferred of mitigation in the RDEIR and performance standards. LAFCo cannot relinquish mitigation to another agency nor require another agency to be responsible for implementing mitigation (issuing a permit) when LAFCo has no authority over the agency. Permit issuance standards are different between the federal and California Endangered Species Acts. CEQA standards of significance are established through Appendix G of the CEQA Guidelines as interpreted by the lead agency of an action.

Response to Comment FOSH-1-41

The comment states the elements for the HCMP are not good standards. Mitigation Measure BIO-1a outlines two possible avenues in the event avoidance of special-status species is infeasible. Participation in the SSHCP (a plan developed on a regional level) would be the first line of action if the SSHCP is approved. Development of an HCMP would only occur in the event that the SSHCP is not approved. In addition, the listed elements are included as guidelines to analysis and are not provided as a definitive list of required content for the development of the HCMP; development of the HCMP would occur in consultation with the USFWS and CDFW. Please see Master Response 1 for a discussion of performance standards presented in the RDEIR.

Response to Comment FOSH-1-42

The comment indicates that "clustering of urban development to retain undisturbed open space areas" does not produce suitable habitat or mitigate impacts. This provision has been included to avoid the impact of edge effects and fragmentation of habitat. By clustering new development with existing development, any development actions would result in a larger swath of available foraging habitat available to Swainson's Hawks. In addition, Mitigation Measure BIO-1c establishes a framework for the establishment of conservation easements to assure areas of available Swainson's Hawk habitat are conserved within the proposed SOIA Area, if approved.

Response to Comment FOSH-1-43, FOSH-1-44

The comment states that some elements for the HCMP are general goals and indicates that the RDEIR improperly defers mitigation and compares this scenario to *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App.4th 645, 669, 670. This action is different from the case cited in that an actual change in land use (conditional use permit) was required as a part of the proposed project in the Merced case. Please see Master Response 1 for a discussion of performance standards presented in the RDEIR.

Response to Comment FOSH-1-45

The comment suggests that LAFCo should not approve any annexation in the proposed SOIA Area until the SSHCP is approved. As provided in Response to Comment CDFW-2, the CDFW's authority for permit approval remains intact and will be exercised as applicable for future permitting within the proposed SOIA Area if the proposed SOIA is approved. Mitigation Measure BIO-1a does not reduce or intervene in the CDFW's exercise of its regulatory authority or intervene in the applicability of

regulatory requirements. RDEIR Mitigation Measure BIO-1a outlines two possible avenues for mitigation: compliance with an adopted SSHCP or preparation of an HCMP. The HCMP is proposed to provide a vision and process to ensure mitigation is undertaken in a manner that maximizes the benefits of the mitigation to affected species (large preserves, etc.) if the SSHCP is not adopted.

Response to Comment FOSH-1-46

See Master Response 2 for a discussion of the cumulative impact analyses of the RDEIR.

Response to Comment FOSH-1-47, 1-48, FOSH-1-49

The comment speculates future economic conditions and landowner behavior associated with the proposed SOIA and anticipates these actions to result in the degradation of Swainson's Hawk habitat in the general region. As provided in CEQA Guidelines Section 15064(f), the decision as to whether a project may have a significant effect must be based on substantial evidence. CEQA Guidelines Section 15064(f)(5) further states:

> Argument, speculation, unsubstantiated opinion or narrative, or evidence that is clearly inaccurate or erroneous, or evidence that is not credible, shall not constitute substantial evidence. Substantial evidence shall include facts, reasonable assumptions predicated upon facts, and expert opinion support [sic] by facts.

There is no land use plan or entitlement associated with the proposed SOIA. In addition, even if the proposed SOIA is approved, the timeline for future development is unknown. Therefore, the analysis of landowner incentive to take nests would be considered speculative at this time. Please see Master Response 1 concerning the level of analysis within the RDEIR.

Response to Comment FOSH-1-50

The RDEIR acknowledges the significant and unavoidable impact of buildout of the proposed SOIA Area on Swainson's Hawk nesting and foraging habitat (Impact BIO-1).

See Responses to Comments FOSH-1-39 and FOSH-1-40 for a discussion of the using permit authorizations as mitigation standards.

Response to Comment FOSH-1-51

The comment states the RDEIR should identify mitigation land near the proposed SOIA Area and discuss willingness of sellers and land price. Because no land use plan or development proposal is included as part of the proposed SOIA, the RDEIR does not identify mitigation land. Regarding price of mitigation land, economic impacts do not constitute physical environmental effects; however, it is acknowledged that the cost of land for mitigation would be a consideration for development if the SOIA is approved. Please see Master Response 1 concerning adequacy of mitigation measures.

Response to Comment FOSH-1-52

See Master Responses 1 and 8 for a discussion of the relationship of the SSHCP with the proposed SOIA and the feasibility of mitigation.

Response to Comment FOSH-1-53

The comment notes the County General Plan EIR identified potentially significant impacts if the proposed SOIA Area were to be developed. This conclusion is consistent with the findings of the RDEIR.

Response to Comment FOSH-1-54

The comment states that the portion of the proposed SOIA Area between Interstate 5 and Franklin Boulevard, referred to as the "peninsula," is inconsistent with LAFCo Policy IV.C.3.b. As discussed in Master Response 3, the LAFCo Commissioners will determine whether the proposed SOIA is consistent with LAFCo policies, including Policy IV.C.3.c. The RDEIR addresses the physical effects of development of the portion of the proposed SOIA Area noted in the comment.

Response to Comment FOSH-1-55

The comment states that the portion of the proposed SOIA Area between Interstate 5 and Franklin Boulevard, referred to as the "peninsula," is inconsistent with LAFCo Policy IV.C.3.c. The comment also describes issues associated with the proposed SouthEast Connector Project and suggests that the annexation of the peninsula would aid in developing the SouthEast Connector project. The SouthEast Connector Project is a project separate from the proposed SOIA, although it is considered in the cumulative analysis in RDEIR Section 4, Cumulative Effects. As discussed in Master Response 3, the LAFCo Commissioners will determine whether the proposed SOIA is consistent with LAFCo policies, including Policy IV.C.3.c. The RDEIR addresses the physical effects of development of the portion of the SOIA Area noted in the comment.

Response to Comment FOSH-1-56

The comment states the RDEIR must disclose policy inconsistencies and analyze the impacts of those inconsistencies. As discussed in Master Response 3, the RDEIR analyzes the physical environmental effects of development of the SOIA as proposed. The comment also notes the acreage proposed for the SOIA is not consistent with growth projections for the City of Elk Grove. As discussed in Master Response 7, the RDEIR analyzes the SOIA as proposed and has no obligation under CEQA to analyze the need for the project.

Response to Comment FOSH-1-57

The comment references Government Code Sections 56377(a) and 56377(b), which guide LAFCo to prioritize development of nonprime agricultural lands and vacant lands over prime agricultural lands. The comment also points out that there are currently 3,000 acres of developable land in Elk Grove and additional land within other cities in Sacramento County, and development should be focused in those areas. While the referenced code sections encourage development on nonagricultural land, development on agricultural land is not prohibited by these sections. LAFCo Commissioners will

consider the proposed SOIA in light of applicable Government Code sections. Also see Master Response 7.

Response to Comment FOSH-1-58

The comment states that the RDEIR violates CEQA by not disclosing Government Code 56377(b) because there are inconsistencies between it and the proposed SOIA. The RDEIR addresses the physical effects of development of the SOIA Area. See FOSH 1-57 and Master Response 7 regarding the need for the project.

Response to Comment FOSH-1-59 and FOSH-1-60

The comments address the adequacy of the growth projections and land use assumptions in the RDEIR. As discussed in Master Response 1, the proposed SOIA does not put forward any particular development project. The RDEIR analyzes the proposed SOIA using land use assumptions based on the 2003 City General Plan to provide the most detailed analysis possible of the probable maximum environmental impacts of the proposed SOIA. The comment suggests the Elk Grove Market Study and SACOG growth projections contradict the need for the proposed SOIA. Please refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment FOSH-1-61

The comment disputes the need for the proposed SOIA. Please refer to Master Response 7.

Response to Comment FOSH-1-62

The comment addresses the need for the proposed SOIA and the need to analyze the "premature commitment of more land to urbanization." As described in Master Response 1, no particular development project is proposed at this time and thus no land is committed to urbanization. Please also refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment FOSH-1-63

The comment refers to a staff report discussing potential undesirable outcomes of expanding the Sacramento County Urban Policy Area. The comment does not present any opinion or evidence that these outcomes may result from approval of the proposed SOIA. Please refer to Master Response 3 and Master Response 6.

Response to Comments FOSH-1-64, FOSH-1-65, FOSH-1-66, and FOSH-1-67

The comments relate to urban decay. Please refer to Master Response 6.

Response to Comments FOSH-1-68, FOSH-1-69, and FOSH-1-70

The comment states the alternatives analysis in the RDEIR does not provide an alternative that reduces impacts on Swainson's Hawk. In addition to the No Project Alternative, which would reduce impacts on biological resources compared to the proposed SOIA, the RDEIR analyzed an Alternate SOI Boundary Alternative and Enhanced Regional Alternative. The Alternate SOI Boundary Alternative includes land to the northeast of the existing city limits. The RDEIR found that impacts on Swainson's Hawk foraging habitat would be less severe under this alternative than under the

proposed SOIA, based on the Department of Environmental Review and Assessment (DERA) assumption that properties zoned AG-40 and larger have 100 percent habitat value and AG-20 properties have 75 percent habitat value (RDEIR, page 5-12). The Enhanced Regional Alternative includes 4,350 acres of the approximately 7,900-acre proposed SOIA Area. This alternative was designed to largely avoid FEMA-designated floodplains and extension of the SOIA Area near the Stone Lakes National Wildlife Refuge and to minimize inclusion of CNDDB-Recorded Occurrences of Special-Status Wildlife (Exhibit 3.4-2b). The RDEIR found that because this alternative would result in less land converted to urban uses than the proposed SOIA, impacts to Swainson's Hawk foraging habitat would be reduced under this alternative (RDEIR, page 5-18).

Response to Comment FOSH-1-71

The comment states the RDEIR fails to address the cumulative loss of agricultural resources over time and fails to address the temporal impacts on agriculture as a "patchwork" of urbanization occurs. The cumulative impacts on agricultural resources are addressed in Master Response 2. Regarding interim impacts on agriculture that could result from the patchwork of urbanization described in the comment, any interim effects would occur within the SOIA Area and have been addressed by the discussion in the RDEIR that addresses development of the entire SOIA Area. Because the development assumptions in the RDEIR include development of the entire SOIA Area, the interim effects would not exceed that disclosed in the RDEIR.

Response to Comment FOSH-1-72

The comment refers to *South County Citizens for Responsible Growth et al. v. City of Elk Grove et al.* with regard to agricultural mitigation. Mitigation Measure AG-1 includes a requirement for 1:1 mitigation for agricultural land conversion, but has been amended to ensure enforceability, as shown in Master Response 1. Refer to Master Response 1 for additional discussion of enforceability of mitigation. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

Response to Comment FOSH-1-73

The comment describes some of LAFCo's responsibilities and policies, and states that LAFCo does not have an adopted policy for agricultural land preservation and makes its determinations regarding mitigation for such on a case-by-case basis. The comment further states that the RDEIR does not properly address consistency with LAFCo's Policy, Standards and Procedures Manual, Section E, Agricultural Land Conservation, and that the proposed mitigation measures do not seem to have a relationship with the manual. This is not a comment on the adequacy of the RDEIR. The comment also states the RDEIR finds the proposed SOIA is inconsistent with LAFCo standards as they apply to agricultural lands and then refers the readers to the Agricultural Resources section of the RDEIR. As discussed in Master Response 3, the RDEIR discloses potential inconsistencies with policies in the Land Use section of the RDEIR and discusses the physical effects of development of the proposed SOIA Area in the technical sections of the RDEIR (e.g., Agricultural Resources). The reference to the technical portion of the RDEIR is appropriate to discuss the physical effects of the conversion of agricultural land. As discussed in Master Response 3, LAFCo Commissioners are ultimately responsible for determinations of policy consistency.

Response to Comment FOSH-1-74

The comment states the RDEIR must analyze the impacts on farmland and the agricultural economy. The RDEIR analyzes the proposed SOIA's impact on agriculture and considers the proposed SOIA's contribution to agricultural impacts (see Master Response 2). Regarding impacts on the agricultural economy, CEQA does not require a discussion of economic impacts of a project ("Economic and social changes resulting from a project shall not be treated as significant effects on the environment," per CEQA Guidelines Section 15064(e)). Refer to Master Response 1 for a discussion of deferred mitigation.

Response to Comment FOSH-1-75

The comment states mitigation measures at the project stage do not address the impact of approving an 8,000-acre SOIA. As provided in RDEIR Section 2, Project Description, the establishment of the Sphere of Influence boundary does not change the City's existing legal boundaries or annex lands into the agency, which is a separate process requiring individual project CEQA compliance. A formal land plan has not been identified, nor are there any proposed changes in land use or zoning within the proposed SOIA Area, so approval of the proposed SOIA would not result in the conversion of any agricultural land to non-agricultural uses. Therefore, implementation of mitigation measures at the time annexation is proposed is the appropriate timing for implementation of mitigation related to agricultural land. See also Master Response 1.

Response to Comment FOSH-1-76

The comment states that there is no analysis in the RDEIR regarding availability of mitigation land for agricultural resources. The RDEIR includes Mitigation Measure AG-1, which requires that applicants protect 1 acre of existing farmland land for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance developed. At the time of submittal of any application to change land uses within the SOIA Area, that project proponent would be required to identify appropriate land to fulfill that measure. Therefore, development could not occur without obtaining adequate mitigation land.

Response to Comment FOSH-1-77

The comment states the RDEIR does not consider the Bay Delta Conservation Plan in the cumulative impacts on agricultural lands. As discussed in Master Response 2, the Bay Delta Conservation Plan is included in the cumulative context.

Response to Comment FOSH-1-78

The comment states Impact AG-1 fails to recognize the loss of locally important farmland. See Response to Comment SCFB-1. See Master Response 1 and Response to Comment FOSH-1-72 regarding the comment that Mitigation Measure AG-1 is unenforceable.

Response to Comment FOSH-1-79

The comment states on-site agricultural land should not be subtracted from farmland loss calculations and on-site agricultural uses should not be counted as mitigation for farmland loss. The comment mischaracterizes the mitigation in that it would not "subtract out" lands for mitigation if they are not

developed, but only includes the requirement for mitigation if land is converted to nonagricultural use. Because there is no land plan included in the SOIA application, the RDEIR assumes all land within the SOIA Area could be converted to nonagricultural use. However, the 1:1 mitigation for agricultural land loss would only be applied as specific projects are proposed that include conversion of agricultural land. LAFCo or the City would not apply mitigation to land that is not included as part of a development proposal. Regarding the comment that on-site agricultural uses should not be counted as mitigation for farmland loss, as part of the process for determining the appropriate mitigation land for agricultural impacts, LAFCo and the City would consider adjacent uses and would not approve "islands" of agricultural mitigation land within urban areas.

Response to Comment FOSH-1-80

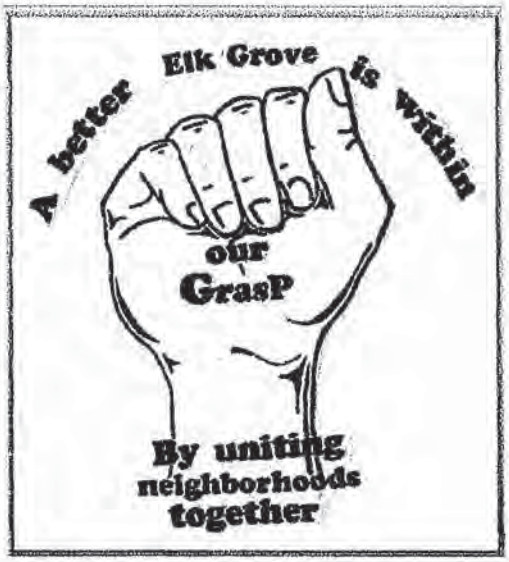
The comment states the RDEIR does not recognize the conflict between LAFCo and City General Plan policies and defers mitigation for that impact to future CEQA analysis. As discussed in Master Response 3, potential policy inconsistencies are not physical impacts on the environment and the physical environmental effects of the conversion of agricultural land to nonagricultural uses are adequately addressed in the RDEIR. Refer to Master Response 1 regarding the comment that mitigation is deferred.

The comment also notes the RDEIR contains only one alternative (the No Project Alternative) that would not impact prime agricultural land. Given the City of Elk Grove's location, an alternative that entirely avoids prime agricultural land and can accommodate the anticipated growth in Elk Grove is not feasible. The Alternate SOI Boundary Alternative minimizes the effects of the proposed SOIA on prime agricultural land, and the Enhanced Regional Alternative also lessens the impact. Much of the land adjacent to the existing SOI is classified Prime Farmland, so any attempt to expand the City's SOI onto areas contiguous with the existing SOI would require the inclusion of Prime Farmland. Any alternative that does not include Prime Farmland would result in islands of development that would also be inconsistent with LAFCo policies and would result in a sprawling, disjointed extension of the City. For these reasons, such an alternative was not considered in the RDEIR.

Response to Comment FOSH-1-81

The comment states reliance on the Elk Grove General Plan and EIR would be inappropriate; however, the comment is not specific with respect to which impacts rely on the General Plan or how this affects the adequacy of the RDEIR. With regard to biological resources, the literature review did not solely rely on the 2003 Elk Grove General Plan, but utilized the CNDDB to identify the geographic extent of special-status species. Available information from the South Sacramento Habitat Conservation Plan was consulted to identify habitat in and near the SOIA Area. In addition, the potential presence of species provided in Table 3.4-3 was aggregated from multiple sources. Sacramento LAFCo made every reasonable effort to include as much contemporary information as possible, as evidenced by the updated information provided in the RDEIR.

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FORMATION COMMISSION



Date: May 16, 2013

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

Mr. Lockhart,

After reading the RDEIR (LAFC # 09-10] SCH No. 2010092076) Elk Grove Grasp have several concerns regarding this document and believe the following information needs to be addressed in the Final EIR.

1. The cited information for SACOG is broadly interpreted for this report. How can it be stated that the number of housing units within the city will double when the draft revision of the MTP by SACOG indicates less population growth.
The 2009 American Community Survey was used to describe housing units. The 2010 survey results are available and need to be included as the most current data available.
The City of Elk Grove Market study (December 29, 2010 by Center for Strategic Economic Research) was used by the city to justify this SOIA application and used out dated numbers. 1

As a matter of policy, LAFCO should only consider an SOI boundary that is needed to accommodate future urban growth for about a 20 year timeframe.

2. The RDEIR acknowledges that the loss of farm land and open space due to the conversion to urban uses would be significant and unavoidable. The granting of an expanded SOI is a privilege not a right, and the RDEIR needs to discuss what findings of overriding consideration warrant such an approval. All other impacts cited in the RDEIR that are significant and unavoidable should state the overriding considerations that will be the basis for certifying the EIR. 2

3. The Current Zone 40 water supply analysis shows that without the SOI, the current urban boundary cannot be served in 2030 if there are 3 consecutive dry years. To state that the SOI does not currently place demands on Zone 40 so there is no impact, and that a future analysis should be conducted prior to any annexations, is shortsighted and shows the SOI application is premature until after SWCA and the City coordinate master land use planning of the SOI. 3

4. The proximity of the propane tanks and identifying a safe distance for development based on fire safety and industrial standards was not addressed.
The potential risk of the propane tanks in relationship to homeland security and terrorist threats was not addressed and the mitigation measures do not directly address this significant impact under the plan scenarios. 4

5. Several roadways within current city boundaries will be impacted by this project and this remains a significant impact.
Impact Transportation 3 mentions the incompatible use of farm equipment, however there is no mitigation measure described when within the project agricultural practices may continue.
MM Trans 5a and MM Trans 5b describe as a mitigation measure fixed route rail system alignment. This mitigation measure will not reduce the impact to less than significant as the SEPA policy C-I-8 does not describe dedicated easement for future light rails which is at the northern border of the described project, therefore; if an easement does not exist within the city it would be a false assumption that fixed light rail alignment in this describe project would have connectivity to an existing line. Availability of funds for the mentioned mitigations is not described. Therefore, there would be significant impacts. 5

6. MM AIR will not reduce the impact to less than significant when future emission reductions are unknown. The City of Elk Grove bases mitigation measures upon Policy CAQ-29. Given current City Council actions implementation of developer impact fees have been reduced and the future of impact fees and the likelihood of increase in fees is unknown. Current options for public transit have resulted in elimination of routes and route times offered. This will have a significant impact. 6

7. The premature expansion of the city's limits will be growth inducing and act as a disincentive to revitalize the urban blight and vacancies that currently exists within the city. For example; this can be substantiated by the opening of the Dignity Health Medical Offices leaving vacant medical offices on Laguna Blvd. 7

Thank you for the opportunity to comment.

Allenya Kirby

Allenya Kirby

Lynn Wheat

Lynn Wheat

GRASP

Response to Comment GRASP-1

The comment challenges the housing data used in the RDEIR and challenges the need for the proposed SOIA. At the time the NOP was released (October 1, 2010), the 2009 Census data was the most current data available and thus the population and housing analysis is based on this information (see CEQA Guidelines Section 15125(a)). Regarding the need for the proposed SOIA, please refer to Master Response 7.

Response to Comment GRASP-2

The comment states the approval of the RDEIR warrants findings of overriding consideration for the significant and unavoidable impacts of the proposed SOIA. A Statement of Overriding Considerations is made in conjunction with project approval, after the circulation of a Draft EIR and preparation of the Final EIR. As stated by CEQA Guidelines Section 15064:

> When a final EIR identifies one or more significant effects, the Lead Agency and each Responsible Agency shall make a finding under Section 15091 for each significant effect and may need to make a statement of overriding considerations under Section 15093 for the project.

Section 15093(b) of the CEQA Guidelines states:

> (b) When the lead agency approves a project which will result in the occurrence of significant effects which are identified in the final EIR but are not avoided or substantially lessened, the agency shall state in writing the specific reasons to support its action based on the final EIR and/or other information in the record. The statement of overriding considerations shall be supported by substantial evidence in the record.
>
> (c) If an agency makes a statement of overriding considerations, the statement should be included in the record of the project approval and should be mentioned in the notice of determination. This statement does not substitute for, and shall be in addition to, findings required pursuant to Section 15091.

Therefore, the RDEIR and this Final EIR are not the appropriate or recommended documents to contain the Statement of Overriding Considerations. The Statement of Overriding Consideration and findings supporting it will be prepared, in the event of, and in conjunction with, project approval, as required by CEQA.

Response to Comment GRASP-3

The comment states that the RDEIR concludes that the proposed SOIA would not place demands on Zone 40, so there is no impact. Refer to Master Response 4 regarding the water supply analysis in the RDEIR.

Response to Comment GRASP-4

The project's potential to generate a significant hazard or hazardous materials impact is evaluated in Section 3.8, Hazards and Hazardous Materials, of the RDEIR. Impact HAZ-2 analyzed the potential for the SOIA to create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the likely release of hazardous materials into the environment. In addition, Impact HAZ-5 analyzed the project's potential to impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan.

As disclosed in Impact HAZ-2, several federal, state, and county agencies are currently responsible for regulating hazardous materials generation, use, and disposal. The proposed project would not result in any greater need to regulate hazardous materials or accidental spills. There are no uses proposed that would include the use, storage, or transport of hazardous materials. Compliance with applicable federal, state, and local regulations and General Plan policies would protect future land uses.

The potential for accidents and intentional acts at the propane facility are addressed in the City of Elk Grove's General Plan EIR, which determined that implementation of General Plan policies would ensure that potential impacts associated with Suburban Propane would be less than significant. These policies and actions establish an acceptable level of risk to public health from hazardous facilities for use in considering future projects; require the City to regularly review its codes to ensure that City regulations reflect the most current standards for the storage, handling, and use of toxic materials; require secondary containment and periodic examination of all hazardous material storage facilities; and require the provision of a buffer between a hazardous material storage installation and the associated property boundary sufficient to protect public safety.

Any development that would occur in the proposed SOIA Area would also be subject to those policies. Concerning the proximity of tanks and safe distances for development based on fire safety and industrial standards, existing fire safety regulations and industrial standards which reduce the potential adverse environmental impacts from propane tank storage and use will remain in effect. Potential impacts related to homeland security and terrorist threats related to facilities utilizing hazardous materials were considered in the General Plan EIR and were determined to be less than significant through implementation of various General Plan safety policies.

As stated in the RDEIR in Impact HAZ-2, continued compliance with federal, state, and local regulations and General Plan policies related to hazardous substances would render any impacts to less than significant. Furthermore, as disclosed in Impact HAZ-3, the SOIA would not impair implementation of or physically interfere with adopted emergency response plans or emergency evacuation plans. Therefore, compliance with federal, state, and local regulations and General Plan policies related to hazardous substances would render any impacts less than significant.

Response to Comment GRASP-5

The potential for the proposed SOIA to conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities, was analyzed in Impact TRANS-5. Potential to conflict with future light rail is not contained within the RDEIR, as no land use plan or entitlements are proposed as part of the SOIA. In addition, Impact TRANS-3, which discusses roadway safety, finds the impact would be less than significant and mitigation would not be required. As described in Impact TRANS-3, future roadway improvements required within the proposed SOIA Area would be constructed to American Association of State Highway and Transportation Officials, Caltrans, Sacramento County, and City of Elk Grove roadway standards, as applicable. Regarding the comment that there would be a significant impact because funds are not available for fixed light rail, the referenced mitigation measures do not require construction of light rail, only identification of alignments, if light rail were to be constructed. Refer to Master Response 1 concerning the RDEIR's level of analysis.

Response to Comment GRASP-6

The comment states that unspecified AIR mitigation measures will not reduce the impact to less than significant when future emissions are unknown and that mitigation is based on CAQ-29 (Elk Grove General Plan policy). The comment also states that the City Council has reduced developer impact fees and that the future of public transit in the City is uncertain. Note that the specific mitigation measure of concern is not provided.

Regarding use of General Plan Policy CAQ-29 as a basis for mitigation, as an adopted policy of the General Plan, the City is committed to implementing the policies and actions in the General Plan. Mitigation measures in the analysis seek to reduce air quality impacts by requiring the preparation of Air Quality Plans (Mitigation Measure AIR-1) prior to future annexation requests, and compliance with required SMAQMD rules (Mitigation Measures AIR-2, AIR-5, and AIR-6). Impacts AIR-1, AIR-3, and AIR-4 are disclosed to be significant and unavoidable impacts, despite implementation of mitigation measures. It should also be noted that the project does not include development at this time. All future annexation and development proposals will require future environmental documentation, including the Air Quality Plans, as required by Mitigation Measure AIR-1, which would provide more specific methods and mitigation for reducing impacts on air quality. See also Master Response 1.

Response to Comment GRASP-7

The comment alleges the proposed SOIA will induce growth and blight. As discussed in the RDEIR, and in Responses to Comments ECOS 2-136 and 2-137, the proposed SOIA does not propose any land use plans or authorize the extension of infrastructure or construction. Therefore, it is not directly growth inducing. Nonetheless, the RDEIR discusses the proposed SOIA's growth-inducing potential (RDEIR, pages 3.13-5 through 3.13-6). Please refer to Responses to Comment ECOS 2-136 and 2-137 and Master Response 1. With respect to blight, please refer to Master Response 6.

The Nature Conservancy
Protecting nature. Preserving life.™

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May 21, 2013

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SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

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Sacramento LAFCo
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Re: City of Elk Grove Sphere of Influence Amendment Recirculated Draft Environmental Impact Report

Dear Mr. Lockhart:

Thank you for the opportunity to provide comments on the City of Elk Grove Sphere of Influence Amendment (SOIA) Recirculated Draft Environmental Impact Report (RDEIR). The Nature Conservancy (TNC) is one of seven national, state, local and non-profit land-owning partners at the Cosumnes River Preserve (Preserve). We have been active for over 25 years in preserving this area. The Preserve consists of natural and working agricultural lands, protected by government agencies and conservation organizations holding fee title, a conservation easement, or both. Portions of the Preserve have been recognized as an Area of Critical Environmental Concern by the Bureau of Land Management, an Ecological Reserve by the California Fish and Game Commission, a Globally Important Bird Area by the National Audubon Society and the American Bird Conservancy, and a National Natural Landmark by the National Park Service. Further, the Preserve lies in the heart of California's Central Valley, which has been deemed "an internationally significant area for wintering and migrating shorebirds" by the Southern Pacific Shorebird Conservation Plan.

Signatories to the Cooperative Management Agreement, including TNC, confirmed their good faith intention to implement the "Cosumnes River Preserve Management Plan" adopted as the Preserve's guiding document in 2008. This document should be identified accurately in the final Elk Grove SOIA EIR, along with the relevant objectives and actions, not limited to but including: 1

- 1.2 Maintain a landscape that supports natural processes and habitat for the Preserve's focal conservation targets consisting of natural lands and suitable agriculture at and surrounding the Preserve (100-year floodplain up to Sacramento County's Urban Services Boundary). 2
- 1.2.2 Participate in regional land-use planning and floodplain management efforts (e.g., South Sacramento County HCP, City of Elk Grove General Plan, county general plans, LAFCO decisions) that may affect Preserve resources (e.g., habitat destruction, degradation, or fragmentation) or complement conservation goals (e.g., open space and wildlife corridors among other natural lands). 3
- 2.1.4 As new development projects proposed around the Preserve, either in close proximity or in nearby urban areas, undergo environmental review (CEQA), ensure that project proponents consider potential effects on visual resources at the Preserve, including the effects of outdoor nighttime lighting. 4

As partially acknowledged in the DEIR (p. 3.10-69), the proposed SOIA area would erode a critical agricultural buffer that currently exists between the Preserve and the urbanized area of Elk Grove, removing habitat for listed and other species that depend on the Preserve and the area within the proposed SOIA. The SOIA would also reduce habitat connectivity between Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve. While the RDEIR now includes the Preserve within the Biological Section as a land use to the east (pp. 3.4-6 and 3.4-38), it is also to the south of the SOIA. Reference to the Management Plan and impacts of the proposed project to the Preserve's resources should be consistent throughout the document. As an example, Exhibit 2-1, the Regional Location Map, completely excludes the Cosumnes River, Dry Creek, the Cosumnes River Preserve, and any adjacent protected lands. Given their local, regional, and global significance, these protected lands should be identified. Similarly, while Exhibit 2-6 identifies Stone Lakes National Wildlife Refuge, it omits mention or mapping of the Cosumnes River Preserve, which, like the Stone Lakes Refuge, is also identified as a Resource Conservation Area in the Sacramento County General Plan. 5

For completeness, the impact of urbanizing the entire SOIA area should be consistently treated across the entire document. As currently written, only a few sections (see traffic for example), come close to describing impacts from full buildout. Most sections delay consideration until later annexation or development. This approach doesn't provide sufficient information for LAFCo to fulfill its mandate, and consider the impacts from removal of this area's valuable ecosystem services, agriculture and other resources when completely urbanized. Furthermore, when considering mitigation for all impacts, care should be taken to ensure that it is binding on the applicant, rather than leaving it to future stages of the development process. 6

Elk Grove has partnered with the Preserve to develop mitigation for previous development, and we hope that the city will continue to engage closely with The Nature Conservancy to ensure that planned growth will not impact the area's natural resources. This is identified as a goal in Elk Grove General Plan Policy LU-16: "Any study of potential land uses in these areas should be accomplished in cooperation with… parties with ownership or jurisdiction of lands in and near the study area," and in LU-17: "Implement a comprehensive and city-wide strategy for the preservation of open space, habitat and agriculture, both inside and outside the City's existing city limits." 7

The Nature Conservancy has several specific concerns with the RDEIR due to the significant adverse environmental impacts of the proposed SOIA on the following:

1. Aesthetics

Development within the proposed SOIA expansion area will have a substantial adverse effect on the rural character of the existing environment, substantially degrading the existing farmland and open space visual character and quality. Urbanized development will also create a new source of glare during the day and substantial light at night which will adversely affect day and nighttime views in the area. The RDEIR now recognizes that future urbanization of agricultural lands would significantly alter the existing visual character of the proposed SOIA area and add light and glare, but impacts to the Preserve and potential mitigations should be added. 8

2. Agricultural Resources

The conversion of farmland to non-agricultural uses is a significant adverse impact of the proposed SOIA. The RDEIR estimates 94% (p. 3.2-19) of the land in the proposed SOIA expansion area is prime farmland, unique farmland, or farmland of statewide or local importance.

Aside from the impacts within the proposed SOIA expansion area itself, it should also be recognized that without some instrument that maintains the viability of existing land uses at the outside edge of the new boundary, the establishment of a new SOI boundary inevitably leads to speculation and development pressure on those lands immediately adjacent to the new SOI boundary. The Nature Conservancy is fully aware of the impact of these economic pressures on the conversion of agricultural land. Our staff has seen higher expectations for land values south of the current SOI boundary at Kammerer Road, as reflected in purchases and option payments. 9

This is particularly salient when considering the necessary land mitigation demands from the SOIA, South Sacramento Habitat Conservation Plan (SSHCP) and Bay Delta Conservation Plan. There is a legitimate concern that there will not be sufficient land for mitigation, and the land that is available will only be available at a significant premium. 10

3. Air Quality

The effect of more suburban sprawl in the SOIA expansion area will increase vehicle miles travelled per household, which will cumulatively add considerable air contaminants to the region's already poor existing air quality conditions. 11

4. Biological Resources

The biological resources section is founded on the erroneous assumption that reasonable effort to document these resources is not necessary until annexation. However, this application to expand the SOI is the only time to comprehensively assess the full magnitude of biological resources present. The Nature Conservancy recognizes that quantitative analysis of impacts is not possible at this time; however, detection and disclosure of existing resources certainly is. 12

The RDEIR presents some information on existing biological resources, but the data are incomplete. Data presented include CNDDB records and qualitative descriptions from a single rapid site overview. This does not include all currently available information, and as such is insufficient even for the inappropriately vague analysis conducted in the RDEIR. In addition to including currently available information, more thorough field investigations of special-status species presence should be conducted in order to comprehensively assess the full magnitude of biological resources present. The CNDDB is not a substitute for these surveys and cannot be considered evidence of species absence within the SOIA expansion area. 13

The RDEIR fails to discuss the interconnection between the SOI area and past and current conservation efforts. There is little discussion of how animals, in particular Sandhill cranes and Swainson's hawks, rely on both existing conserved land and the SOIA area to maintain their populations. Impacts to those two species and others must be analyzed with such 14

interconnections in mind, because they are large mobile animals that move between protected land and the SOIA area. In flood events, this interconnection is particularly important for Sandhill cranes, who need the SOIA area as roosting and foraging ground when traditional locations are flooded. The RDEIR also fails to clearly state how the planned buildout relates to the SSHCP. Clear and consistent information is necessary in order to accurately communicate the impacts of the SOI expansion on the regional conservation plan. 14 (cont.)

In the text as well as on the maps, incorrect and incomplete biological information is often provided, sometimes in misleading ways. As noted above, CNDDB data are insufficient to provide an accurate analysis. The surveys that generate data for CNDDB are usually only performed in areas that are already protected, or in areas slated for development. Therefore, it is unreasonable to assume that CNDDB contains complete information about the occurrence of special-status species and communities in the SOIA area, which has not been thoroughly surveyed. Using an incomplete data set erroneously implies that special-status species are less common in the SOIA area than they likely are. The use of points to display community data also leads to incorrect implications, because the point cannot convey the substantial size of the special-status communities. Polygon features would be more appropriate. Lastly, portraying historic occurrences with the same symbol as recent ones is also misleading, because it implies the resources are more plentiful than they truly are. Such a portrayal also incorrectly implies that the resources exist in urbanized environments. 15

Statements in the text are also incorrect and/or incomplete. For several species listed in Table 3.4-3, the period of identification given is much broader than actual. For example, vernal pool invertebrates may only be observed during the aquatic phase of the pools. Anadromous fish are only present certain times of year, as are migratory birds such as Sandhill crane. The table text remains inconsistent with Exhibit 3.4-2b, saying that no vernal pool fairy shrimp are within the project area, despite an occurrence shown within the SOIA area on the map. 16

Many of the proposed mitigation measures are inadequate, because they are weak and unenforceable. This is often due to lack of specificity. For example, measure BIO 1a calls for a buffer between developed areas and protected lands, but the width of the buffer is not specified. The width should be specified, and should be based on the biological needs of the special-status species & communities involved. Regarding Swainson's Hawk, mitigation measures in the RDEIR should specify that mitigation for foraging habitat be in close proximity, based on Swainson's hawk territory size, to existing suitable nesting habitat. In addition, mitigation for Swainson's hawk foraging habitat should be restricted to crops and plant communities known to provide high value to these birds, such as alfalfa. It is also important to assess Swainson's hawk mitigation sites in terms of water security, climate change, and groundwater sustainability. These points are only examples of the specificity that should be detailed for each impacted species and plant community. The agency empowered to enforce compliance with mitigation should also be specified. 17

Many other species that are not presently listed depend on the lower Cosumnes basin to maintain their current population numbers. If the remaining vestiges of these critically important habitats are further compromised by urban encroachment and sprawl, many of these species would likely diminish in number to the point that they, too, would need to be considered threatened with 18

extinction. We encourage consideration of the regional significance of this area, in light of the considerable investment of public dollars represented by the Cosumnes River Preserve, Stone Lakes National Wildlife Refuge, and Sacramento County's Bufferlands. All of these are multi-agency projects that protect and encourage wildlife use in the area. Southern Sacramento County is one of the last areas of the County where wildlife thrive, and the increasing importance of this area as a wildlife resource cannot be overemphasized as other areas within the larger region (Natomas and western Placer & El Dorado Counties) are developed. 18 (cont.)

4. Greenhouse Gas Emissions

The proposed project may contribute to global warming due to increased levels of greenhouse gas emissions. The proposed SOIA expansion area is inconsistent with the region's Metropolitan Transportation Plan/Sustainable Communities Strategy for development. 19

Two especially large sources of greenhouse gas emissions are the state's transportation system, insofar as vehicles using it consume greenhouse gas-generating fuels, especially fossil fuels, and the electrical grid, insofar as greenhouse gas-generating energy sources, especially fossil fuel resources, are used to create electricity. Land use decisions also give rise to increased emissions to the extent that such decisions affect the extent of power generation and vehicle miles traveled. Consistent with the California Global Warming Solutions Act of 2006 (Health & Saf. Code, § 38500 et seq.), the lead agency must consider the following, where applicable, in evaluating greenhouse gas emissions associated with the SOIA, potentially significant effects associated with such emissions, and mitigation measures to minimize any such potentially significant effects: 20

- The extent to which the project could help or hinder attainment of the state's goals of reducing greenhouse gas emissions to 1990 levels by the year 2020, and achieving further reductions thereafter;
- The extent to which the project could increase the demand for fuels or other energy resources, especially fossil fuels that contribute to global warming when consumed; and
- The extent to which the project would facilitate, or be consistent with, any applicable state, regional, or local plans intended to reduce greenhouse gas emissions.

5. Hydrology & Water Quality

The area targeted by the SOIA poses a number of important sensitivities from the standpoints of water supply, floodwater management, and urban discharge. The SOIA expansion area is outside of the American River Place of Use and thus poses particular, and complex, challenges for water service; this area is not currently eligible for water service from Sacramento's Zone 40 program or the Freeport Diversion. On the issue of groundwater recharge, soil conditions in the area are generally not highly conducive for groundwater recharge, as correctly pointed out in the RDEIR; however, it is unlikely that soil conditions completely preclude groundwater recharge, so appropriate consideration of potential recharge impacts is in order. In addition, no other area within the County offers similar potential for the agricultural reuse of treated effluent from the regional sanitation plant which could be a highly valuable component of a Sacramento County conjunctive water management program. 21

Some but not all areas within the 100 year floodplain were removed from earlier versions the proposed SOIA. For consistency all such areas should be removed. See comments related to Land Use and Planning (3-10).

As the RDEIR points out, historical groundwater withdrawals to supply municipal and agricultural water needs have resulted in large areas where groundwater levels have been lowered considerably as compared with pre-development levels. Such areas, referred to as regional cones of depression, have developed both north and south of the Cosumnes River (Mount et al. 2001, Fleckenstein et al. 2004). This is a serious problem because the regional cones of depression induce water to flow out of the river and into the groundwater, reducing river flows downstream and leaving the Cosumnes River completely dry during large parts of the dry season. In addition, the decline in groundwater levels threatens the riparian habitats along the Cosumnes River, which depend on local groundwater conditions. 22

The RDEIR acknowledges that impacts to groundwater resources would occur from extracting groundwater from the basin for use by future development and by reducing groundwater recharge with the construction of impervious surfaces. The proposed Mitigation Measure USS-1 addresses this concern to some degree by requiring Elk Grove to prepare a plan for providing sustainable water supplies for any newly annexed areas that will not result in further depletion of groundwater supplies. However, given that implementation of this mitigation measure still results in a Significant and Unavoidable Cumulative Impact, and given the already degraded groundwater conditions and potential threats posed by these impacts to the Cosumnes River, riparian habitats, and dependent species, mitigation measures should be expanded and strengthened. 23

Rather than simply addressing the water supply needs and potential groundwater impacts, or mitigation for any impacts, in terms of maintaining the total volume of water in the aquifer and avoiding adverse effects to existing water customers, stronger mitigation measures should ensure that future development and water supply activities, including any groundwater withdrawals or changes in recharge patterns, do not change local conditions in any way that might negatively affect the Cosumnes River flow or the riparian habitats of the Cosumnes River Preserve and nearby habitat areas. Further, The Nature Conservancy proposes that water supply plans for proposed future development within the SOIA area be designed to provide a net improvement to the groundwater conditions rather than simply maintaining a broadly defined status quo. 24

6. Land Use & Planning

Table 3.10-3 of the RDEIR suggests that the project is consistent with the County of Sacramento General Plan only by delaying consideration of the urbanization impacts that would be the ultimate result of project approval until annexation and development. However, as identified in the Project Summary (ES-2):

> For purposes of analyzing environmental impacts, LAFCo has developed land use assumptions in the following sections that would allow LAFCo to understand environmental effects that may result from future anticipated growth during future annexations. 25

Therefore direct and indirect impacts associated with urbanization should be addressed at this stage, and not delayed. 25 (cont.)

Since the project results in the direct, indirect and reasonably foreseeable urbanization of the SOIA area, it conflicts with multiple elements in the County of Sacramento General Plan, including:

- LU-127
  The current Urban Services Boundary was set following significant public discussion and is meant to serve as a long-term boundary between development and open space.
- OS-2, CO-75
  The area within the SOIA area serves as an important corridor connecting Stone Lakes NWR and the Cosumnes River Preserve, used by Sandhill Cranes, Swainson's Hawks and other species.
- SA 15 and 22, CO-93 and 94,
  13% of the SOIA area is within the 100 year floodplain, and almost all of the large area beside the Hood-Franklin interchange. There are also remaining areas along the Cosumnes River.
- AG 1, 5 and 21, CO-14
  The 1:1 mitigation proposed in the RDEIR doesn't include mitigating for the loss of Farmland of Local Importance, totaling 1,928 acres and 25% of the total area. This is a requirement under the County General Plan. Furthermore, as acknowledged in the RDEIR even with mitigation the loss of this much agricultural land is a significant and unavoidable impact. 26
- PF 2 and CO-8
  As previously described, the SOIA area lies outside of the Zone 40 program, and is an area currently being explored for its potential for groundwater recharge.
- CO-58, 59 and 62
  The current RDEIR doesn't have a guaranteed method of confirming that proposed mitigation will be implemented
- CO-66 and 76
  There is a recognized conflict between the SOIA and the SSHCP
- ED-3
  The current SACOG growth plans don't see a need for additional land reserves or development within the SOIA area. See next paragraph.

There is a further identified conflict with the SACOG 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy, and likely conflict with the South Sacramento Habitat Conservation Plan. These are in addition to the conflict noted at the beginning with the Cosumnes River Preserve Management Plan. These conflicts, in addition to those with LAFCO's own policies, must be considered and addressed in this RD EIR, and used for the determination of whether to approve the SOIA, rather than delay until a future action as proposed in the RDEIR. 27

Sacramento Area Council of Governments' (SACOG) 2035 Metropolitan Transportation Plan and the City's General Plan both show capacity for employment and housing growth within the current city limits through 2035. What is more, SACOG's 2050 Blueprint growth pattern projects capacity for another 19,000 employees and 1,500 housing units from 2035 to 2050. These projections, pointing to a sufficient land inventory for the next 42 years, bring into 28

question the need for bringing additional land into the City's SOI at this time. Furthermore, the land use assumptions should be updated given the significant changes in the housing market since the 2003 City of Elk Grove General Plan Update Draft Environmental Impact Report, including much higher rates of foreclosure and resulting increased housing supply. 28 (cont.)

The SOIA should not include any areas within the 100 year floodplain, including the large area beside the Hood-Franklin interchange, and remaining areas along the Cosumnes River. If these areas aren't removed, the statement (p. 3.9-9) that "the SOIA Area is located outside of the Cosumnes River 100-year floodplain" should be changed, since it is inaccurate. The Central Valley Flood Management Planning Program will require 200-year flood protection for urban areas; therefore any area within the floodplain should be removed from the SOIA area. 29

In addition, no part of the SOIA area should include the protected conservation and/or mitigation lands. Finally, proposed road widening to accommodate project generated traffic along Franklin Blvd., Bruceville Rd. and the Kammerer Road Project will have impacts to the Cosumnes River Preserve agricultural buffer, and should be considered at this stage. 30

This proposed project poses significant, irreversible adverse impacts to the environment resulting from the eventual loss of farmlands, floodplains, habitat, and open space. The commitment of these non-renewable resources to uses that future generations will be unable to reverse should be carefully weighed and considered. The current project and associated RDEIR, which despite shortcomings acknowledges significant and unavoidable impacts to aesthetics, agriculture, air quality, biological resources, land use, noise, transportation, and utilities and service systems, sets a very high bar for a statement of overriding considerations, should the project be approved.

Thank you again for the opportunity to comment on the RDEIR for the City of Elk Grove Sphere of Influence Amendment.

Sincerely,

Jesse Roseman

Jesse Roseman
Project Director, Cosumnes River and Delta

CC:
Barry Nelson, Natural Resources Defense Council
Beatrix Treiterer, Stones Lakes National Wildlife Refuge
Charlotte Mitchell, Sacramento County Farm Bureau
Todd Gardner, CDFG
Dan Taylor, Audubon
Harry McQuillen, BLM
Jim Pachl, Friends of the Swainson's Hawk
Jude Lamare, Friends of the Swainson's Hawk

Mark Biddlecombe, Ducks Unlimited
Matt Reeve, Department of Water Resources
Mike McKeever, SACOG
Monty Schmitt, Natural Resources Defense Council
Don Nottoli, Sacramento County Supervisor
Brad Hudson, Sacramento County

The Nature Conservancy, Jesse Roseman (TNC)

Response to Comment TNC-1, TNC-2, TNC-3, and TNC-4

The comments suggest that the RDEIR identify the Cosumnes River Management Plan and include the three plan objectives. The referenced objectives relate to actions to be taken by the Preserve and are not applicable to LAFCo. Refer to Master Response 8.

Response to Comment TNC-5

The comment states that the RDEIR omitted describing the Cosumnes River Preserve as being located to the south, as well as the east, in the text and in figures. Figures 2-1, 2-6, and 3.10-3 have been revised to show the boundaries of the Cosumnes River Preserve. Because there are a few instances where the Cosumnes River Preserve is not described as being a land use located south of the proposed SOIA Area, the following pages have been modified:

The text on page 3.4-6 has been revised as follows:

> **South**. Land uses in this area are similar to the adjacent agricultural land uses within the project site. County of Sacramento land use designations south of the project site include Agricultural Cropland. In addition, land within the legislative boundary of the Stone Lakes National Wildlife Refuge known as the 'Cooperative Wildlife Management Area', but not under conservation easement, is located south of the project between Franklin Boulevard and Interstate 5. The Cooperative Wildlife Management Area is where the US Fish and Wildlife Service first seeks to enter into agreements and memoranda of understanding with landowners or purchase conservation easements. A portion of the Cosumnes River Preserve is also located south of the proposed SOIA Area.
>
> Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is subject to a permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not subject to an easement.

The text on page 3.10-7 has been revised as follows:

> *South*
>
> The unincorporated communities of Bruceville and Point Pleasant lie to the south of the proposed SOIA Area boundary. Land uses in this area are similar to the adjacent agricultural land uses within the project site. County of Sacramento land use designations south of the project site include Agricultural Cropland. Current land uses consist mostly of cattle rangeland. A portion of the Cosumnes River Preserve is located south of the proposed SOIA Area.

These text changes do not constitute a major change to the RDEIR. See Master Response 8 for information on the SOIA's impact on preserve areas, including the Cosumnes River Preserve.

Response to Comment TNC-6

The comment addresses the adequacy of the impact analysis and the enforceability of the mitigation measures. As stated on RDEIR page 1-1, the environmental impacts of the proposed SOIA are analyzed in the RDEIR to the degree of specificity appropriate, in accordance with CEQA Guidelines Section 15146. Please refer to Master Response 1 regarding level of analysis, enforceability of mitigation measures, and deferred mitigation measures.

Response to Comment TNC-7

Project consistency with General Plan policies is contained in Impact LU-2. Refer to Master Response 3 regarding policy consistency.

Response to Comment TNC-8

The comment requests that the RDEIR specify light and glare impacts in relation to the Cosumnes River Preserve. Impact AES-4 contains the analysis for the potential for light and glare impacts in and around the SOIA Area, including the Cosumnes River Preserve. Mitigation Measure AES-4 requires the City to reduce light and glare impacts to less than significant by minimizing the use of reflective materials in building design and by designing outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky glow condition. These measures would apply to development with potential to affect the Cosumnes River Preserve. Potential light and glare impacts to land within the Cosumnes River Preserve would not differ from those of other surrounding lands, and no additional analysis or mitigation is required.

Response to Comment TNC-9

The comment refers to the potential for development pressure on lands adjacent to the proposed SOIA Area. As discussed in RDEIR Section 2, Project Description, the SOIA Area represents territory adjacent to the service area of a jurisdiction where services might reasonably be expected to be provided in the next 20 years, and the City has sized the proposed SOIA Area to accommodate projected growth by the City over that time frame. Therefore, there would not be substantial pressure to develop additional land outside the proposed SOIA Area. Refer also to Section 6.2 of the RDEIR, which found the proposed SOIA would likely not induce substantial growth outside of the proposed SOIA Area. Potential land use pricing effects and any potential physical environmental effects that could result from increasing land values are speculative at this time.

Response to Comment TNC-10

See Master Response 1 and Response to Comment FOSH-1-72 regarding the adequacy of mitigation. Regarding the comment that mitigation land will only be available at a premium, Mitigation Measure AG-1 requires the preservation of agricultural land at a 1:1 ratio regardless of the cost of mitigation land.

Response to Comment TNC-11

The comment states that suburban sprawl in the proposed SOIA Area will increase VMT, which will affect already poor air quality conditions in the region. RDEIR Section 3.3, Air Quality, analyzes air quality impacts, including increases in VMT resulting from development of the proposed SOIA Area, as well as for mitigation measures aimed at reducing those impacts.

Response to Comment TNC -12, TNC -13

See Master Response 8 for a discussion of the adequacy of the RDEIR's biological baseline.

Response to Comment TNC-14

The RDEIR contains discussions of the use of the proposed SOIA Area and surrounding lands by Swainson's Hawks and greater sandhill cranes for foraging, roosting, breeding, and nesting. Pages 3.4-1, 3.4-5, and 3.4-39 and Table 3.4-3 discuss the use of the proposed SOIA Area and surrounding areas by these species. The proposed SOIA's consistency with the SSHCP is analyzed in Impact LU-3, which determines the impact would be significant and unavoidable after implementation of Mitigation Measure BIO-1a.

Response to Comment TNC-15

The comment contends that the biological resource information in the RDEIR is misleading. See Master Response 8 for a discussion of the adequacy of the RDEIR's biological baseline.

Response to Comment TNC-16

The comment states portions of the biological resources section is incomplete or incorrect. Table 3.4-3 is consistent with Exhibit 3.4-2b in regard to vernal pool fairy shrimp. The icons utilized in Exhibit 3.4-2b are large, and the center of the icons identifies the animal locations. Because of the large size, the icon for vernal pool fairy shrimp overlaps the boundary of the proposed SOIA Area. However, the location is outside of the proposed SOIA Area. In addition, the exhibit is based on CNDDB data of previously recorded occurrences. These occurrences are often on site-specific data and are based on the observers' accuracy of recording the sighting. The exhibit does not ensure or preclude a species for any site with suitable habitat.

Concerning the period of identification given in Table 3.4-3, the table accurately reflects species identification periods. In the example of vernal pool invertebrates, those species are found in seasonally ponded swales, vernal pools, and ephemeral freshwater habitats, which are subject to appropriate weather conditions. In addition, pursuant to the appropriate protocol for identifying species (USFWS Vernal Pool Banchiopods Presence/Absence Survey Guidelines, issued April 19, 1996), identification of the species can be conducted in consecutive wet and dry season surveys. As such, the disclosed identification period outlined in the table is appropriate and does not change the findings of the RDEIR.

Response to Comment TNC-17

The comment states many of the mitigation measures are weak. Master Response 1 addresses the level of analysis of the RDEIR and the enforceability of mitigation measures, and responds to comments regarding deferred of mitigation in the RDEIR. See Master Response 8 for a discussion of buffers and Stone Lakes National Wildlife Refuge and Cosumnes River Preserve.

Response to Comment TNC-18

The comment notes there are critically important habitats in the region that could be impacted by this and other projects and requests that LAFCo consider the regional significance of the proposed SOIA. As discussed in Master Response 2, the RDEIR considers the impacts of the proposed SOIA in the context of growth in the region.

Response to Comment TNC-19

The comment states that the GHG analysis in the RDEIR is inconsistent with the region's MTP/SCS. See Response to Comment ECOS-2-102.

Response to Comment TNC-20

The comment states that the SOIA needs to be evaluated for consistency with AB 32 and any other applicable GHG emission reduction plan as well as for the extent of project energy demand. See Response to Comment ECOS-2-102.

Response to Comment TNC-21

The comment provides questions regarding water supply, groundwater recharge, and agricultural use of treated effluent. See Master Response 4 related to water supply, including the American River Place of Use and Zone 40. Regarding groundwater recharge, as discussed on RDEIR page 3.9-7, the majority of the SOIA Area has poor groundwater recharging capabilities, with high to moderate recharge capabilities found in a large area on both sides of the Cosumnes River and a small portion around the Sacramento River. As noted on RDEIR pages 3.9-29 and 3.9-30, the most significant groundwater recharge in Sacramento County occurs along the stream channels of the American and Cosumnes rivers. The portion of the proposed SOIA Area adjacent to the Cosumnes River is within a floodplain (see Exhibit 3.9-2 on page 3.9-11), which would limit development potential in that area. The RDEIR acknowledges that development within the SOIA Area would increase impervious surfaces and reduce groundwater recharge; however, based on the poor recharging capabilities of a majority of the SOIA Area and limited development potential within the floodplain, the proposed SOIA's effect on recharge would not be substantial.

Response to Comment TNC-22

The comment recommends that all areas within the 100-year floodplain be removed from the project area. This is a comment on the project and not a comment on the adequacy of the analysis in the RDEIR. As discussed in Master Response 1, the RDEIR analyzes the SOIA Area as proposed. The comment also notes groundwater withdrawal could reduce flows in the Cosumnes River. The RDEIR acknowledges impacts to groundwater resources, but as discussed in Master Response 4, groundwater

withdrawal would be required to comply with the safe yield established for the basin, which would reduce the potential for new impacts related to reductions in river flows.

Response to Comment TNC-23

The comment requests that Mitigation Measure USS-1 be expanded and strengthened, but does not provide direction or comments about how to expand or strengthen the mitigation measure. Based on the analysis in the RDEIR and substantial evidence in the administrative record, LAFCo has determined that Mitigation Measure USS-1 is appropriate, implementable, and the best available mitigation for the impacts identified.

Response to Comment TNC-24

The comment requests stronger mitigation related to water supply, including a requirement that development within the proposed SOIA Area be designed to provide a net improvement of groundwater conditions. CEQA requires that projects mitigate for their reasonably foreseeable direct and indirect impacts and that mitigation is "roughly proportional to the impact of the project" (CEQA Guidelines Section 15124.4(a)(4)(B)). Due to the nature of an SOI, mitigation that requires improvements to water supply beyond existing conditions would not be proportional to project impacts. Furthermore, water service is expected to be provided by SCWA, which utilizes both groundwater and surface water.

Response to Comment TNC-25

The comment states that the policy consistency analysis in RDEIR Section 3.10, Land Use, bases its policy consistency conclusions on the basis that the proposed SOIA does not include development, but that the analysis considers land use assumptions to understand the possible environmental impacts that may result from future annexations. Based on this, the comment suggests that direct and indirect impacts associated with urbanization should be addressed now. The RDEIR has not delayed analysis of the potential impacts of development of the proposed SOIA: as noted in the comment, the RDEIR has included development assumptions for the SOIA Area and evaluated those throughout the RDEIR (see RDEIR Sections 3.2 through 3.16).

Response to Comment TNC-26

The comment states that since future urbanization would result in direct and indirect impacts, and the proposed SOIA conflicts with several policies of the Sacramento County General Plan. See Master Response 3.

Response to Comment TNC-27

The comment states that the project conflicts with the SACOG 2035 MTP/SCS, the South Sacramento Habitat Conservation Plan, Cosumnes River Preserve Management Plan, and LAFCo policies. See Master Response 3 and Master Response 8.

Response to Comment TNC-28

The comment questions the need for bringing more land into the City's SOI at this time. Refer to Master Response 7 regarding the need for the project.

Response to Comment TNC-29

The comment points out that a portion of the proposed SOIA Area is within the 100-year floodplain. The statement on page 3.9-9 is amended to clarify that the land east of Highway 99 is outside of the 100-year floodplain. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

> The Cosumnes River is a free-flowing, undammed river and presents a major flood hazard along its boundaries. However, the SOIA Area east of Highway 99 is located outside of the Cosumnes River 100-year floodplain.

Response to Comment TNC-30

The comment states no part of the proposed SOIA Area should be in protected conservation or mitigation lands. The proposed SOIA does not include development of protected conservation or mitigation lands. The comment also states that the proposed widening of Franklin Boulevard, Bruceville Road, and the Kammerer Road project to accommodate the proposed SOIA would result in impacts. The required road improvements based on existing plus project conditions are disclosed on RDEIR pages 3.15-31 and 3.15-32. The required road improvements based on cumulative plus project conditions are disclosed on RDEIR page 3.15-37. The physical impacts of these improvements are considered in the technical analyses in the RDEIR.

Response to Comment TNC-31

The comment notes that the impacts identified in the RDEIR set the bar very high for a statement of overriding considerations. The comment does not address the adequacy of the RDEIR. See also Response to Comment GRASP-2.

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FORMATION COMMISSION

Friends of the Swainson's Hawk

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May 21, 2013

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

Supplemental Submittal for the Friends of the Swainson's Hawk, Inc. on the Recirculated Draft Environmental Impact Report of City of Elk Grove Proposed Sphere of Influence Amendment [LAFC # 09-10] SCH No. 2010092076,

Dear Mr. Lockhart:

In Friends of the Swainson's Hawk's previous submittal they cited a report titled The Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (*Buteo swainsoni*) in South Sacramento County, April 2007 by Estep Consulting.

I am submitting the report as a supplement to the comments already submitted. The report presents clear evidence that the RDEIR underestimates the impact of the SOI approval on the Swainson's Hawk population of Sacramento County. 1

If you have any questions please contact me at melindabradbury@sbcglobal.net or phone: 916-212-6589.

Sincerely,

Melinda Dorin Bradbury

Melinda Dorin Bradbury
Biological Consultant to
Friends of the Swainson's Hawk

Friends of the Swainson's Hawk, Melinda Dorin Bradbury (FOSH-2)

Response to Comment FOSH-2-1

The comment presents the report titled "The Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (*Buteo swainsoni*) in South Sacramento County," April 2007 by Estep Consulting. See Master Response 8 for a discussion of the adequacy of the baseline data in the RDEIR. As identified under RDEIR Impact Bio-1, impacts to special-status species were determined to be significant and unavoidable. The comment does not specify how the RDEIR "underestimates" this impact as stated by the comment.

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FORMATION COMMISSION

May 21, 2013

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

RE: Recirculated Draft Environmental Impact for Proposed City of Elk Grove Sphere of Influence Amendment (LAFCo File No. 09-10)

Dear Mr. Lockhart:

This letter provides the comments of the Stone Lakes National Wildlife Refuge Association (Association) on the Elk Grove Proposed Sphere of Influence Amendment Recirculated Draft Environmental Impact Report (RDEIR). The Association is a nonprofit organization dedicated to preserving and protecting the Stone Lakes National Wildlife Refuge (Stone Lakes NWR). Among other activities, the Association has worked to ensure that Stone Lakes NWR is protected from adverse impacts relating to changes in flows and water quality due to surrounding development in coordination with local, state and federal agencies.

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

The following comments are very similar to our comment letter on the Draft EIR, dated November 21, 2011 because the recently released RDEIR fails to address many of our initial comments.

Description of Stone Lakes NWR and its Relation to Project Area Is Inaccurate and Incomplete

The Stone Lakes NWR is inaccurately described in a number of instances in the RDEIR. The description of surrounding land uses in sections 2.1.2, 3.10.2 and elsewhere identifies the presence of the Stone Lakes NWR to the west but neglects to identify grazing land within the NWR boundary to the north between Franklin Blvd and Interstate 5 that is under permanent conservation easement. Similarly the land south of the project area between Franklin Blvd and Interstate 5 is within the legislative boundary of the NWR, although it is not under easement. 1

It is important to note that that portion of the SOIA west of Franklin Blvd is surrounded on three sides by the legislative boundary of the Stone Lakes NWR because the project is inconsistent with LAFCo Policy IV.C.3.b stating that LAFCo will not approve applications with boundaries which result in 2

peninsulas of incorporated territory or otherwise cause distortion of existing boundaries (See discussion below). 2 (cont.)

Inadequate Discussion on Impacts to Migratory Waterfowl

The RDEIR Analysis of Impact BIO-4, Wildlife or Fish Movement, page 3.4-47 et seq, virtually ignores potential impacts on migratory waterfowl, particularly those that use cropland for winter forage. The analysis is limited to this one sentence: "the SOIA area as well as other agricultural areas in the south county can be used as a wintering resting place for migrants of the Pacific Fly-way." There is no discussion of what species are using the SOIA area for foraging, how foraging areas relate to roosting area, and what the impact of the loss of several thousand acres of foraging habitat might be. There has been no effort to incorporate the information provided in our November 21, 2011 comment letter. Rather the analysis references City Policy CAQ-7, a totally irrelevant policy on clustering that will not yield useful foraging area, and MM Bio-1, an unenforceable condition that does not ensure the creation of substantive replacement habitat. 3

Observations derived from management activities at Stone Lakes NWR reveal the important relationship between seasonal wetlands and adjacent agricultural lands. Stone Lakes NWR supports land management units containing seasonal wetland complexes adjacent to large tracts of private and public uplands farmed in wildlife compatible crops such as wheat, corn or alfalfa and grasslands and wet meadows that are grazed or hayed. Shorebirds, geese and waterbirds--including long billed curlews, black bellied plover, greater white fronted geese and sandhill cranes--will move daily between seasonal wetlands, where they roost at night, to adjacent uplands to forage throughout the day. These upland areas are generally free from disturbance and hazards (light, noise, loose pets, roads and power lines) are minimal—factors that increase the quality of the habitat for foraging. 4

Conversion of upland foraging habitat to urban or industrial development threatens the success of wintering birds. As suitable habitat diminishes and becomes fragmented, wintering birds are constricted to smaller areas located farther apart. Removing viable uplands near managed wetlands increases the distance migratory birds have to travel each day to forage, thereby taxing their energy reserves and exposing them to additional hazards.

We understand that the Environmental Council of Sacramento (ECOS) and others are commenting abundantly on the inadequate treatment of sandhill cranes in the impact analysis of the RDEIR. We would add that the USFWS manages and protects three greater sandhill crane (GSHC) roost sites on the Refuge. One of the most compelling arguments for cranes is the impact from loss of foraging habitat. Data from crane specialist Gary Ivey shows that the GSHC forages within a six kilometer radius of their roost sites as compared to lesser sandhill cranes, which will travel as far as fifteen kilometers from their roost sites. Foraging intensity increases in proximity to roost sites. Most of the lesser roost sites in the upper Delta are at Cosumnes and Staten Island Preserves. The change in land management from the 5

current agricultural crops--including corn, wheat, alfalfa and hay--that support dairy and cattle to housing and urban infrastructure will require the GSHC to increase its foraging range and may displace or cause roost sites to be abandoned. The GSHC is very territorial and sensitive to disturbance and changes in both roost and foraging sites. The wintering population, estimated at around 6,000 birds, needs both habitats to survive the winter in the northern Delta. Other species that share the same habitat criteria are long billed curlews and black bellied plover (Communication from Bart McDermott, Stone Lakes Refuge Manager). 5 (cont.)

There are also other potential impacts to migratory waterfowl of urban development within the SOIA area beyond loss of foraging area that have not been evaluated in the RDEIR. As noted elsewhere in these comments, as well in our comments responding to the NOP for the DEIR, the approval of the EG SOIA would lead to urbanization around the I-5/Hood Franklin Road interchange. As the first interchange entering the Sacramento urban area for northbound traffic on Interstate 5 there is a high probability for intensive development of travel commercial uses, including hotels, truck stops and related travel commercial facilities. The DEIR fails to examine the impact of intensive travel commercial development on migratory waterfowl, including, but not necessarily limited to the potential increased avoidance of the refuge wetlands by migratory waterfowl and increase in bird strikes associated with multi-story buildings. 6

Inadequate Discussion of Special Status Species

Stone Lakes NWR Association agrees with and supports the comments of other respondents, including ECOS, Friends of Swainson's Hawk (FOSH) and The Nature Conservancy, that the RDEIR discussion of special status species remains inadequate. The analysis relies entirely on the California Natural Diversity Database (CNDDB). This database is out of date and recognized as incomplete. The RDEIR preparers do not appear to have consulted Audubon Christmas counts, Cosumnes River Preserve and Stone Lakes NWR surveys, and South Sacramento Habitat Conservation Plan data. Nor is there any indication that they have contacted any wildlife professionals who work and study the area. All discussed species must be re-examined using the more complete resources available. 7

Exhibit 3.4-2a map shows location of recorded occurrences of several special status plants close to and near the project areas. They are Boggs Lake hedge hyssop, Heckard's pepper grass, Sanford's arrowhead, dwarf downingia, legenere, slender Orcutt grass and watershield (Northern Hardpan vernal pool and valley oak riparian habitats are also identified). Yet only one of these species are identified in Table 3.4-1, Summary of Special-Status Plant Species Review, and discussed with respect to their potential for presence within the SOIA area. This omission should be corrected. 8

Description of Wetlands and Wetland Impacts in Biological Resources Section Is Incomplete and Inadequate

The RDEIR description of wetlands under Biological Resources beginning at page 3.4-1 includes Exhibit 3.4-1 derived from National Wetlands Inventory data that identifies freshwater emergent wetlands in the SOIA area totaling 162.4 acres and that freshwater ponds total 44.6 acres. The majority of the emergent wetlands acreage—on the order of 130 acres—is west of Franklin Road. There is no further discussion of the wetlands depicted in this map. The document then includes within Table 3.4-1 a more detailed identification of "Wetland and other Waters Present in the SOIA Area" that totals 150.6 acres. There is no spatial depiction as to where these resources are and how the classifications compare with those of the National Wetlands Inventory. Both sets of data are important to assessing the impacts of project approval on wetlands in the SOIA area. The RDEIR needs to identify the acreage listed in Table 3.4-1 on a map of the SOIA area and explain how the two maps and classification systems interrelate. 9

The RDEIR notes on page 3.4-5 that the freshwater emergent wetlands in the southern portion of the project area that is west of Franklin Blvd comprise a natural drainage that drains Watershed C in the City of Elk Grove that flows into South Stone Lakes in the Stone Lakes NWR. The DEIR must describe the nature and character of this wetland and identify its relationship to the hydrology of the Stone Lakes drainage. 10

The discussion on wetlands impacts on page 3.4-47 is superficial and inadequate. In addition to wetlands impact comments submitted by ECOS, FOSH and others, hereby incorporated by reference, the following impact requires analysis: there is no consideration as to whether development of the SOIA area both east and west of Franklin Blvd, in conjunction with the planned route of the SE Connector can occur without requiring significant channel modifications and the loss of riparian habitat within Sacramento County's designated Stone Lakes Natural Preserve. (See above comment on the Land Use Impacts Section). The presumption that MM Bio-1 will provide substantive mitigation is insufficient. The pertinent mitigation issue is whether the riparian habitat can be avoided. 11

Please also see the exhibit submitted with our November 21, 2011 comment letter pertaining to the AKT Wetland Preserve Unit, which shows the vernal pool resources on the AKT property under conservation easement within Stone Lakes NWR. Note the presence of significant vernal pool resources in and adjacent the SOIA area. The DEIR must discuss these resources and how the potential urban development of the SOIA area could impact the vernal pools and their management by the Stone Lakes NWR. 12

The Analysis of Land Use Impacts Relative to the Stone Lakes NWR Remains Incomplete

The land use impact analysis in Section 3.10 at page 3.10-69 includes discussion relevant to impacts on the Stone Lakes NWR. However, it limits the discussion to the "minor encroachment onto refuge boundaries" which "may conflict with the Refuge's Comprehensive Conservation Plan". The RDEIR concludes that implementation of Mitigation Measure BIO-1a will reduce this impact to less than significant.

However the RDEIR does not consider or acknowledge that annexation and ultimate development of the SOIA area would impact the ability of the Refuge to implement its mandate to protect and enhance wildlife resources elsewhere within the legislative boundary of the Refuge. The project would increase land values for surrounding land within the Refuge boundary, reduce opportunity to acquire fee title and conservation easements, and increase urban use conflicts with resource management activities. It is these larger-scale impacts that create the greater potential conflict with the Comprehensive Conservation Plan. Mitigation Measure (MM) Bio-1a will not address any of these impacts and therefore does not reduce them to less than significant. 13

Analysis of Sacramento General Plan Consistency is Incomplete

The Environmental Council of Sacramento (ECOS) and Friends of Swainson's Hawk (FOSH) have submitted comments regarding the evaluation of project consistency with the Sacramento County General Plan. Stone Lakes NWR Associations incorporates these comments by reference.

In addition, the General Plan Land Use Diagram designates the riparian habitat between Interstate 5 and Franklin Blvd as a Nature Preserve, a portion of which, as identified in Exhibit 2-7 of the RDEIR, is within the project boundary. The Land Use Element of the 2011 Sacramento County General Plan defines Natural Preserve thusly: 14

> Natural Preserve: The purpose of this designation is to identify critical natural habitat for priority resource protection. The designation includes riparian Valley Oak woodland and permanent or seasonal marshes with outstanding wildlife value, the extent of which has declined greatly throughout the Central Valley during the 20th Century. This designation shows Natural Preserve on both public and privately owned land. Preserve boundaries do not include intensively farmed areas.

The Conservation Element of the Sacramento County General Plan (page 36) elaborates further under the objective of establishing natural preserves:

> Objective: Establish and manage a preserve system with large core and landscape level preserves connected by wildlife corridors throughout Sacramento County to protect ecological functions and species populations.
>
> Intent: Several preserve areas are identified on the County's Land Use Diagram including Stone Lakes Preserve, the Sacramento Valley Vernal Pool Prairie Preserve, Cosumnes River Preserve, and Deer Creek Hills Preserve. These preserves set aside valuable ecological resources and, in some cases, provide recreational opportunities. Established preserves also help protect these resources from encroaching urbanization. The section below addresses the need to support the continued creation of preserves in the County and how best to handle their ongoing management. Preserves are identified as Resource Conservation Areas on the General Plan Land Use Diagram.

14 (cont.)

It is clear from the County General Plan Map that the riparian land along Shed C drainage between Interstate 5 and Franklin Blvd is part of this larger Stone Lakes Preserve.

The RDEIR must describe and identify this component of the General Plan Land Use Diagram and discuss to what extent approval of the project and subsequent annexation for development would be consistent with the Stone Lakes Preserve identified therein. This discussion must consider whether the completion of the planned Southeast Connector together with urban development both within the narrow extension of the SOIA between the legislative boundaries of the Stone Lakes NWR and to the east can occur without requiring significant modification to the channel, including loss of existing riparian habitat.

Errors and Omissions in Land Use Policy Consistency Analysis

The DEIR Land Use Policy Consistency Analysis concluded that the project was consistent with LAFCo Policy IV.C.3.b and c (page 3.10-47, where it was misidentified as Policy III.C.3). Stone Lanes NWR Association's November 20, 2011 comment letter on the DEIR asserted that the analysis was deficient and that the project as proposed is inconsistent with the policy. The RDEIR simply eliminates this and other LAFCo policies from the document altogether. This is a key policy issue that cannot be avoided by simply eliminating it from the environmental document. Our comments in our November letter are herewith duplicated.

15

> "…(T)he part of the SOIA Area between Franklin Boulevard and Interstate 5 (I-5) is inconsistent with LAFCo Policy IV.C.3.b, which states that LAFCo will not approve applications with boundaries resulting in peninsulas of incorporated territory or otherwise cause distortion of existing boundaries. That portion of the SOIA area between Franklin Boulevard and I-5 is a

peninsula bounded on the north by the Stone Lake NWR boundary with land under perpetual easement to the FWS for management as part of the Refuge and on the south by agricultural land in a 100-year floodplain that is also part of the Congressionally approved boundary of the Stone Lakes NWR.

"The SOIA peninsula between Franklin Boulevard and I-5 is also inconsistent with LAFCo Policy IV.C.3.c which obligates LAFCo to not approve applications with boundaries drawn for the exclusive purpose of encompassing revenue-producing territories. The Southeast Connector expressway will run the length of the peninsula from I-5 to Franklin Blvd to Highway 99 and ultimately to Highway 50 in El Dorado County, and will greatly increase traffic along the Connector. Elk Grove included the peninsula within the proposed SOIA so that Elk Grove may later annex it and line the connector and/or Hood-Franklin Road with intense revenue-producing retail and commercial development between I-5 and Franklin Blvd. Otherwise, developing the peninsula makes no sense due to infrastructure costs, constrained area, the 100-year floodplain, and incompatibility with the neighboring Refuge and agricultural uses. 15 (cont.)

"It is telling that the area between I-5 and Franklin Blvd was not included in the Urban Study Area of the Elk Grove City General Plan, but that it was included in the SOIA application to "serve as a gateway from I-5 to the City" (DEIR, page 2-29). Note that Elk Grove and Laguna Blvd exits off I-5 already serve as a gateway to the City.

The land use implications of placing "a gateway from I-5 to the City" adjacent to Stone Lakes NWR and sensitive biological resources must be disclosed in the DEIR. Due to the significant impacts that would result from such a decision, comprehensive alternatives to avoid or mitigate the resulting impacts are required. (CEQA Guidelines 15126.2, 15126.4, 15126.6.)"

Inadequate Discussion of Impact on Town of Franklin

The RDEIR addresses the potential impact of the long established town of Franklin only in the context of not dividing communities (page 3.10-15). But the analysis fails to consider the potential impacts of entirely surrounding a historical rural community with intensive urban development. To conclude that the inclusion of the town of Franklin in the SOIA area for the purpose of urban development would have no impact on the town of Franklin defies credulity. 16

Scenic Vista Analysis Fails to Include Visual Impacts on Stone Lakes Refuge Visitor Center:

The RDEIR discusses aesthetic impacts in Section 3.1.Section 3.1.6 on page 3.1-7 evaluates the projects impacts on scenic vistas. The report notes: "A scenic vista is generally considered a view of an area that has remarkable scenery or is a resource that is indigenous to the area." Potential impacts on scenic vistas are identified as views of the valley from roadways such as Kammerer Road and Bruceville Road and views of the valley from the valley floors—i.e. existing residences--or from surrounding elevations would become urban rather than rural.

The analysis fails to note that the new Visitor Center for Stone Lakes National Wildlife Refuge, an outdoor trail and gathering area for Refuge visitors that has been completed since the preparation of the initial DEIR, constitutes an important scenic vista approximately ½ mile west of the proposed SOIA area located just south of Hood Franklin Road. The foreground of this vista includes wetlands and foraging areas for migratory wildfowl. The Stone Lakes Visitor Center represents an investment of public resources to introduce Elk Grove and Sacramento area residents to a wetlands setting and the role of refuges in protecting habitat for migratory waterfowl. The aesthetic impact on the Refuge Visitor Center is heightened by the high probability that the highway intersection at Hood Franklin Road, which is proposed to be the western terminus of the Southeast Connector between Interstate 5 and Highway 50 in El Dorado and would become the first major urban intersection in the Sacramento region for northbound traffic, will be developed with intensive travel commercial uses, including 4 to 6 story hotels. The analysis must identify this scenic vista and evaluate the impact of the reasonable worst-case scenario involving a six-story hotel (as was approved at Elk Grove Blvd, although it was built with only four floors) along the east frontage of Interstate 5 within the proposed SOIA area. The analysis should include a true perspective visual mockup of the developed skyline as viewed from the Refuge Visitor Center. Pursuant to completion of this analysis, the level of significance determination must be reassessed. 17

Mitigation Measures AES-3 and AES-4 Are Unenforceable

LAFCo only has the ability to enforce conditions at the time of approval of annexation. Any land use entitlements that involve conditions regarding aesthetics or any other aspect of the entitlement will not be finalized until after LAFCo has approved annexation and ceded any ability to enforce the mitigation measure. 18

AES-3 states that "At the time of submittal of any application to annex territory within the SOIA area, the city of Elk Grove will impose the following conditions on all discretionary projects…." The same language introduces Mitigation Measure AES-4. As worded there is no way to hold Elk Grove

responsible for implementing these measures since they will occur subsequent to LAFCo approval of an annexation request.

18 (cont.)

Unenforceable Mitigation Measures Must Not Be Accepted as Valid Mitigation.

Growth Inducement Impacts on West Side of Freeway Are Not Identified and Discussed

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

19

Alternatives Analysis Does Not Recognize Potential for Reduced Impacts on Stone Lakes

The impact analysis for each of the two proposed alternatives to the project does not recognize the reduced impact on Stone Lakes National Wildlife Refuge. The first alternative would not remove waterfowl foraging habitat from the foraging area of waterfowl roosting at the Refuge and the second would remove less waterfowl foraging habitat. The analysis should quantify the difference.

20

The impact analysis for each of the two proposed alternatives to the project also does not discuss the reduced impact of urban uses immediately adjacent the Refuge and the greater ability for the Refuge to implement habitat improvements on lands both within and adjacent the refuge.

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Cumulative Impact Analysis Is Inadequate

This comment letter hereby incorporates the comments of ECOS pertaining to the inadequacy of the cumulative effects analysis (Section 4). To cite just one example, the cumulative effects on agricultural resources and loss of foraging habitat are inadequately evaluated. The RDEIR mentions the impact that the Southeast Connector will have on farmland but does not include impacts from other projects in the list, particularly the 20,000 acres of land that will be made available for urban development in the newly adopted Sacramento County General Plan, the potential loss of prime and statewide significant farmland if the Joint Vision is Improved and the loss of farmland resulting from construction of the BDCP's tunnel project. The DEIR includes no cumulative agricultural land loss data of these projects in conjunction with the losses resulting from the proposed project. The reviewer of the document can get no sense of magnitude of the combined effect of planned and proposed development on Sacramento County agriculture and on the migratory birds that depend upon the habitat for foraging. 21

* * *

In closing, and in the interest of providing the LAFCo Board with the best and most complete information for making an informed decision on this threshold land use decision, we urge that the preparers of the environmental document incorporate the above comments and recommendations in the Final REIR for the Elk Grove SOIA. Stone Lakes NWR and the surrounding open space and agricultural areas are part of what makes Elk Grove and the surrounding areas a desirable place to live. The SOIA should not undermine these values, especially when land near Stone Lakes NWR is not actually needed for foreseeable growth.

Sincerely,

Ellen D. Carlson

Ellen Carlson, President
Stone Lakes NWR Association

CC: Bart McDermott, Refuge Manager Stone Lakes NWR
Osha Meserve, Counsel for Stone Lakes NWR Association

Stone Lakes National Wildlife Refuge, Ellen Carlson (SLNWR)

Response to Comment SLNWR-1

The comment states that RDEIR Sections 2.1.2 of the Project Description and 3.10.2 of the Land Use section do not describe portions within the Stone Lakes National Wildlife Refuge located to the north and south of the proposed SOIA Area between Franklin Boulevard and Interstate 5 as surrounding land uses.

The text in on RDEIR page 2-4 is amended as follows:

> *North*
>
> The project site is bounded by the City of Elk Grove to the north. Residential uses dominate the western portion of the City, and rural residential and small-scale agricultural uses prevail in the eastern portion of the City to the north of the proposed SOIA Area boundary. City of Elk Grove land use designations north of the project site include Commercial, Medium Density Residential, Southeast Policy Area, Low Density Residential, and Estate Residential. The Laguna Ridge Specific Plan lies approximately 0.5 mile north of Kammerer Road.
>
> The Southeast Policy Area has no pending land use entitlements. A 2006 development application for the Southeast Policy Area was withdrawn in 2010. Any future planning for the Southeast Policy Area will need to be consistent with the General Plan's Land Use Element. Adjacent to the north is the approved Sterling Meadows project, comprising 984 single-family units and 200 multi-family units. The Lent Ranch Marketplace Special Planning Area lies to the north, with frontage along SR-99.
>
> Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is under permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not under easement.

The description of the SLNWR on RDEIR page 3.4-6 is amended as follows:

> **South**. Land uses in this area are similar to the adjacent agricultural land uses within the project site. County of Sacramento land use designations south of the project site include Agricultural Cropland. In addition, land within the legislative boundary of the Stone Lakes National Wildlife Refuge known as the 'Cooperative Wildlife Management Area', but not under conservation easement, is located south of the project between Franklin Boulevard and Interstate 5. The Cooperative Wildlife Management Area is where the US Fish and Wildlife Service first seeks to enter into

agreements and memoranda of understanding with landowners or purchase conservation easements.

Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is under permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not under easement.

Response to Comment SLNWR-2

The comment points out that a portion of the proposed SOIA Area between Interstate 5 and Franklin Boulevard is surrounded on three sides by the Stone Lakes National Wildlife Refuge because the project is inconsistent with LAFCo Policy IV.C.3.b. See Response to Comment FOSH-1-55. The comment then refers to another comment in the letter. See Response to Comment SLNWR-15.

Response to Comment SLNWR-3

The comment indicates that Impact BIO-4 ignores potential impacts on migratory waterfowl and waterfowl migration. If the proposed SOIA is approved, buildout of the proposed SOIA Area will result in impacts to foraging habitat for migratory waterfowl but will not impede the movements given the amount of adjacent croplands. Impacts associated with development of the entire proposed SOIA Area are addressed in the discussion of Impact BIO-1.

Response to Comment SLNWR-4

See Master Response 8 for a discussion of the proposed SOIA, Stone Lakes National Wildlife Refuge, and Cosumnes River Preserve.

Response to Comment SLNWR-5

The comment relates to the treatment of sandhill cranes in the RDEIR. Discussion of the function of the proposed SOIA Area as foraging habitat during flood events and its importance in the life history of overwintering greater sandhill cranes is presented in Master Response 8.

Response to Comment SLNWR-6

No land use plan or entitlements are associated with the proposed SOIA. In addition, the timeline for future development is unknown. Therefore, the potential of additional buildout at Interstate 5/Hood Franklin Road and its impact on wildlife is speculative. Please see Master Response 2 for a discussion of the RDEIR approach to cumulative impacts.

Response to Comment SLNWR-7

The comment refers to the use of the CNDDB for the analysis. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR.

Response to Comment SLNWR-8

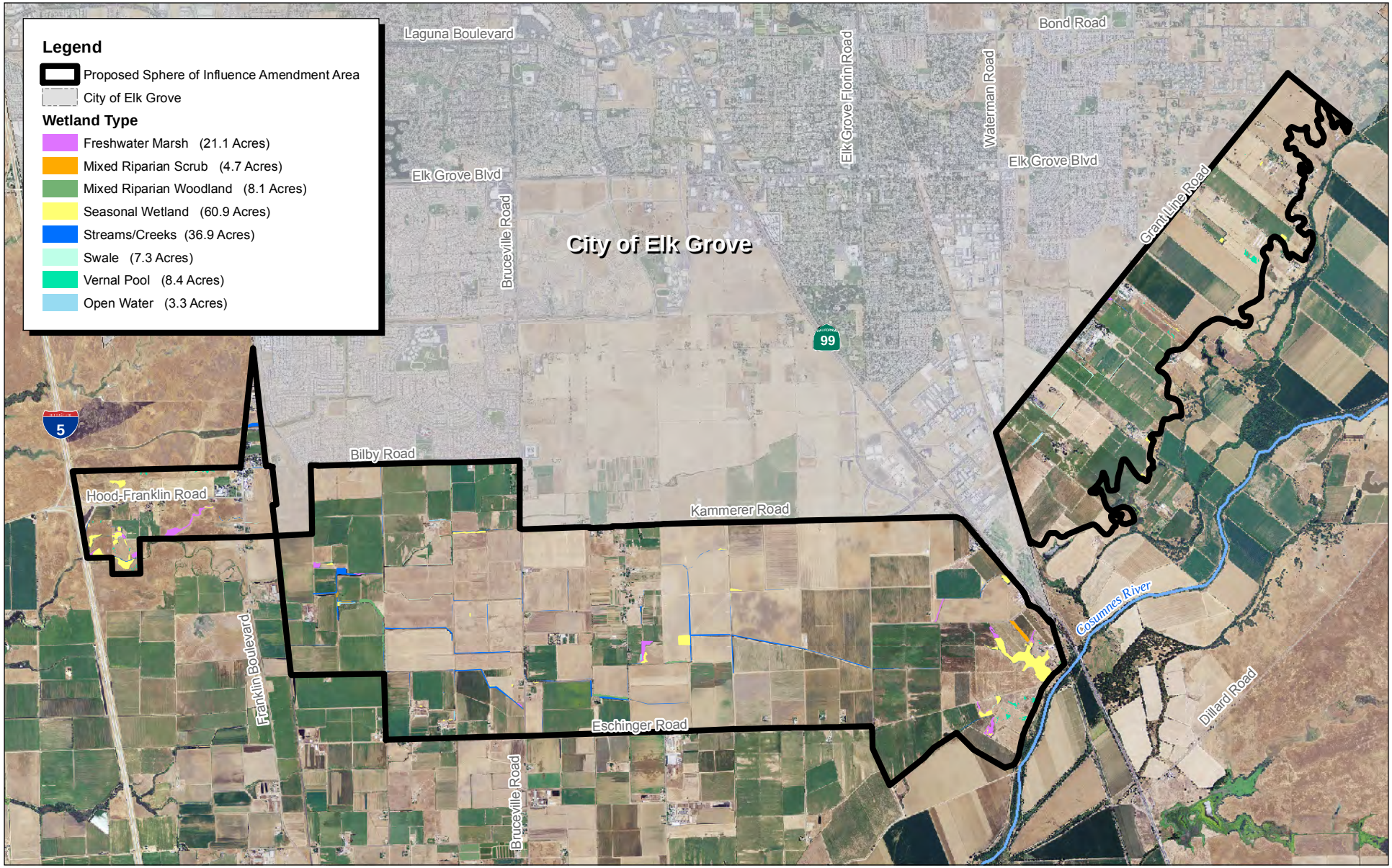
The comment refers to plant species recorded near the proposed SOIA Area. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR.

Response to Comment SLNWR-9

The comment notes a discrepancy between the data shown in RDEIR Exhibit 3.4-1 and Table 3.4-1. Exhibit 3.4-1 and Table 3.4-1 on RDEIR pages 3.4-4 and 3.4-5, respectively, are revised as shown below.

Table 3.4-1: Summary of Wetland and Other Waters Present in the SOIA Area

Type	Acreage
Freshwater Marsh	21.1
Mixed Riparian Scrub	~~4.6~~ 4.7
Mixed Riparian Woodland	8.1
Open Water	3.3
Seasonal Impoundment	48.4
Seasonal Wetlands	12.5
Streams/Creeks	36.9
Swale	~~7.2~~ 7.3
Vernal Impoundment	2.5
Vernal Pool	5.9 8.4
~~Vernal Swale~~	~~0.1~~



Source: Sacramento County NAIP, 2009, South Sacramento HCP 2012

NORTH

1 0.5 0 1 Miles

Michael Brandman Associates

32330002 • 09/2011 | 3.4-1_wetlands.mxd

Exhibit 3.4-1
Wetlands Within The Proposed Sphere of Influence Amendment Area

Response to Comment SLNWR-10

The comment requests a discussion of the nature and character of the wetlands in the proposed SOIA Area relative to the Stone Lakes National Wildlife Refuge. The wetlands discussion on RDEIR page 3.4-5 adequately describes the nature and character of the wetlands: "The majority of the pond and wetland areas appear to be associated with agricultural activities, including water storage and irrigation runoff. The freshwater emergent wetlands in the southern portion of the proposed SOIA Area that is west of Franklin Boulevard comprises a natural course that drains Watershed C in the City of Elk Grove and eventually flows in to the South Stone Lakes and the Stone Lakes National Wildlife Refuge."

Response to Comment SLNWR-11

The comment indicates that Mitigation Measure BIO-1 is insufficient to mitigate for impacts to wetland habitat lost as a result of the proposed SOIA and SouthEast Connector. Pursuant to *Oakland Heritage Alliance v. City of Oakland* (2011) 195 Cal.App.4th 884, mitigation measures are deemed appropriate if practical considerations prevent a lead agency from establishing more specific standards early in the process. In this case, there are no land use changes proposed as a part of the proposed SOIA. Any specific change that could require channel modifications cannot be determined at this time, and analysis of such effects would be considered speculative. The provision that requires appropriate permitting is a performance standard which LAFCo will apply to ensure the mitigation measure will effectively devise mitigation plans that satisfy the criteria. Please see Master Response 1.

Response to Comment SLNWR-12

The comment indicates that there are vernal pool resources in and around the proposed SOIA Area and the proposed SOIA could lead to future urbanization of the area; impacts of development on existing riparian areas would potentially be significant due to the riparian habitat within the proposed SOIA Area. If the proposed SOIA is approved, future annexation and development within the proposed SOIA Area will be subject to subsequent CEQA review to evaluate specific development projects in compliance with federal, state, and local regulations pertaining to the protection of riparian habitat consistent with Mitigation Measure BIO-2.

Response to Comment SLNWR-13

The comment disagrees with the conclusion of Impact LU-3 in Section 3.10, Land Use, of the RDEIR in that the implementation of Mitigation Measure BIO-1a would reduce issues regarding minor encroachments onto refuge lands. The comment also states that implementation of the proposed SOIA would ultimately affect the ability of the refuge to protect and enhance wildlife resources by reducing its ability to acquire conservation easements and increasing the possibility for urban use conflicts. See Master Response 8 and Master Response 9 for information about Mitigation Measure BIO-1a. Master Response 1 also explains that land use changes are not proposed as part of the SOIA, but that land use assumptions are made in the Project Description of the RDEIR to provide a more informed environmental analysis of the possible future impacts.

Response to Comment SLNWR-14

The comment refers to comments regarding policy consistency with the Sacramento County General Plan provided by the Environmental Council of Sacramento (ECOS) and Friends of Swainson's Hawk (FOSH). See Master Response 1 and Master Response 3.

The comment also describes policies from the Sacramento County General Plan that provide for preserve areas and describes a portion of the proposed SOIA Area between Interstate 5 and Franklin Boulevard that is shown as a Protected Resource Protection Area. Master Response 8 addresses impacts on preserve areas.

Lastly, the comment states that the RDEIR should consider the effects of the SOIA together with the SouthEast Connector project. The potential for physical environmental impacts resulting from the project combined with those from the SouthEast Connector project, as well as other future projects, is described in Section 4.0, Cumulative Effects, of the RDEIR. See also Master Response 2.

Response to Comment SLNWR-15

The comment states that LAFCo Policy IV.C.3.b and c were misidentified in the Draft EIR (2011) as being consistent with the SOIA, but that the RDEIR eliminated the policy. The comment includes a previous comment sent on that issue in 2011 that addresses potential issues associated with the portion of the SOIA Area located between Interstate 5 and Franklin Boulevard, but bordered by the Stone Lakes National Wildlife Refuge to the north and south. See Response to Comment FOSH-1-55.

Response to Comment SLNWR-16

The comment implies that the analysis of the RDEIR is lacking because it only addresses the town of Franklin in the context of physically dividing a community. Guidance from Appendix G of the CEQA Guidelines suggests that a project be evaluated in the context of whether a project would "physically divide an established community," and it is one of the thresholds of significance used in the RDEIR Land Use section. Therefore, the analysis of Impact LU-1 (which is found on page 3.10-22 and not page 3.10-15 as the comment states) is appropriate to address that threshold of significance.

Because the town of Franklin would be located within the SOIA area, analysis of land use impacts that would occur within and surrounding Franklin are included in the RDEIR's analysis of impacts, including land use impacts within the SOIA Area. Furthermore, as stated in the analysis of Impact LU-2 on page 3.10-22, there are no changes in land use designations or zoning, and those will remain consistent with the Sacramento County General Plan. See also Master Response 1.

Response to Comment SLNWR-17

The comment is related to impacts on scenic vistas. Impact AES-1 recognizes the potential implications to the scenic vistas of the Central Valley. Upon approval of any future requests for annexation, the newly annexed property would be within the City's jurisdiction and subject to applicable City General Plan policies and regulations. General Plan Policy LU-35 and associated action items ensure that new development complies with the City's Design Guidelines. Compliance with these General Plan policies and associated action items would ensure development is consistent

with the character of the developed portion of the City. Although the RDEIR does not detail every location in which views could change, it acknowledges in Impact AES-1 that the existing character of the proposed SOIA Area would change as the area is developed, and scenic vistas could be adversely affected by the proposed SOIA. This would be a potentially significant impact and there are no feasible mitigation measures available, so this impact would remain significant and unavoidable.

Response to Comment SLNWR-18

The comment states Mitigation Measures AES-3 and AES-4 are not enforceable because Elk Grove will be responsible for implementation after LAFCo approval. Conditions of approval are enforceable by LAFCo. Please refer to Master Response 1 regarding adequacy of mitigation and Section 4, Errata, of this Final EIR for revisions to Mitigation Measures AES-3 and AES-4.

Response to Comment SLNWR-19

The comment addresses the potential growth-inducing impacts of the SouthEast Connector and the proposed SOIA. The Capital SouthEast Connector is not a part of the proposed SOIA and thus is not included in the RDEIR analysis. For a discussion of potential growth-inducing impacts, please refer to Responses to Comments ECOS-2-136 and ECOS-2-137.

Response to Comment SLNWR-20

The comment indicates that the project alternatives do not recognize reduced impacts on Stone Lakes National Wildlife Refuge and requests that the impacts be quantified. The differing level of impacts to the Stone Lakes National Wildlife Refuge is discussed in each of the alternatives analyses. Regarding the Alternate SOI Boundary Alternative, the RDEIR provides, "Impact to wetlands would be worse than the proposed project as it would extend into areas northeast of the City that have been identified as having good wetland and vernal pool habitat identified in the South Sacramento Habitat Conservation Plan effort. However, this alternative would avoid extension of the SOIA Area into or near the Stone Lakes National Wildlife Refuge. Therefore, this alternative would have fewer impacts related to biological resources than the proposed project." (RDEIR, page 5-14). For the Enhanced Regional Alternative, the RDEIR provides, "The Enhanced Regional Alternative contains both freshwater emergent wetlands and freshwater ponds, but the proposed SOIA area includes wetlands that would not be affected under this alternative. Therefore, impacts to wetlands would be less than the proposed project. This alternative would also avoid extension of the SOIA Area into or near the Stone Lakes National Wildlife Refuge. Therefore, this alternative would have fewer biological resources impacts than the proposed project." CEQA requires the EIR to include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project (CEQA Guidelines Section 15126.6(d)). The RDEIR provides a comparative analysis of the alternatives with the proposed SOIA, which satisfies the requirements of CEQA.

Response to Comment SLNWR-21

The comment refers to comments made by ECOS. Refer to Responses to Comments ECOS-2-146 through ECOS-2-157. Refer to Master Response 2 regarding the adequacy of the cumulative analysis in the RDEIR.

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May 23, 2013

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MAY 23 2013
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

SENT BY MAIL AND EMAIL (Don.Lockhart@SacLAFCo.org)

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

RE: Recirculated Draft Environmental Impact Report for Proposed City of Elk Grove Sphere of Influence Amendment (LAFCo File No. 09-10)

Dear Mr. Lockhart:

This letter provides supplemental information in support of the May 21, 2013 comment letter submitted by the Stone Lakes National Wildlife Refuge Association ("Association") on the Elk Grove Proposed Sphere of Influence Amendment Recirculated Draft Environmental Impact Report ("RDEIR"). In particular, the attached information supports the allegations of the Association regarding the inadequacies of the cumulative impacts analysis of the proposed Sphere of Influence expansion in combination with the Bay Delta Conservation Plan ("BDCP"). An overview of the BDCP is provided in the attached "BDCP EIR-EIS Overview" Fact Sheet. (See Exhibit A.) The Fact Sheet makes clear that the BDCP is a cumulative project with related impacts that should have been substantively considered in the RDEIR. (See CEQA Guidelines, § 15130.) As explained in the Fact Sheet on page 9, Alternative 4 Dual Conveyance with Pipeline/Tunnel is the preferred project alternative. For purposes of further describing the potential for related impacts with the Sphere of Influence expansion, I have also included Sheets 1-3 of a Mapbook included in Chapter 3 of the Administrative Draft EIR/EIS for the BDCP, posted in May 2013. (See Exhibit B, available at: http://baydeltaconservationplan.com/Library/DocumentsLandingPage.aspx.) This information is similar to the information that was also readily available in February 2012 with respect to BDCP impacts on Stone Lakes National Wildlife Refuge. 1

Together, the Elk Grove SOI Expansion and the BDCP, threaten to encroach upon important habitat used by species that the Stone Lakes National Wildlife Refuge was created to protect and enhance. On the west, a massive water conveyance facility will convert nearly 5,000 acres of farmland, while on the east, Elk Grove proposes to expand into farmland that also serves as important foraging habitat for migratory and other birds. To the extent that the lack of analysis in the RDEIR was based on a presumption that the BDCP was not yet a "probable future project," the exhibits to this letter makes clear that 2

this is not the case and that adequate information is available for LAFCo to address these cumulative impacts. Moreover, alternative SOI Boundaries that do not include land west of Highway 99 should be adopted to lessen the identified significant impacts on the biological and other resources associated with Stone Lakes National Wildlife Refuge. 2

Please feel free to contact me if you have any questions about the information contained in this letter.

Very truly yours,

SOLURI MESERVE
A Law Corporation

By: Osha R. Meserve

Enclosures:

Exhibit A: "BDCP EIR-EIS Overview" Fact Sheet
Exhibit B: Sheets 1-3 of a Mapbook (Chapter 3 of the Administrative Draft EIR/EIS for the BDCP, posted May 2013)

cc: Stone Lakes National Wildlife Association, Watershed Committee

EXHIBIT A

BDCP
BAY DELTA CONSERVATION PLAN

May 2013 BDCP Consultant Administrative Draft Environmental Impact Report/ Environmental Impact Statement

May 2013

BDCP: Balancing California's Water Supply Needs with Ecosystem Restoration in the Sacramento-San Joaquin River Delta (Delta)



The BDCP is intended to restore and protect water supply, water quality, and ecosystem health through:

- Modifying or building new water delivery facilities and the coordinated operation of the State Water Project and the federal Central Valley Project.
- Conserving, protecting, restoring, and enhancing habitats for native fish, wildlife, and plants within the Delta.
- Implementing an adaptive management program and taking specific actions to address other ecological stressors to covered aquatic species in the Delta.

The proposed Bay Delta Conservation Plan (BDCP) is a comprehensive conservation strategy designed to address critical environmental and water delivery issues in the Sacramento-San Joaquin River Delta (Delta) with an ecosystem-based approach.

The BDCP is a Habitat Conservation Plan (HCP) and Natural Community Conservation Plan (NCCP) developed in compliance with the federal Endangered Species Act (ESA) and the California Natural Community Conservation Planning Act (NCCPA). The plan will be implemented over a 50-year-period. As a planning document, the BDCP describes the proposed actions to improve the condition of habitat and species in the Delta, reduce adverse effects of water diversions, and provide a reliable water supply.

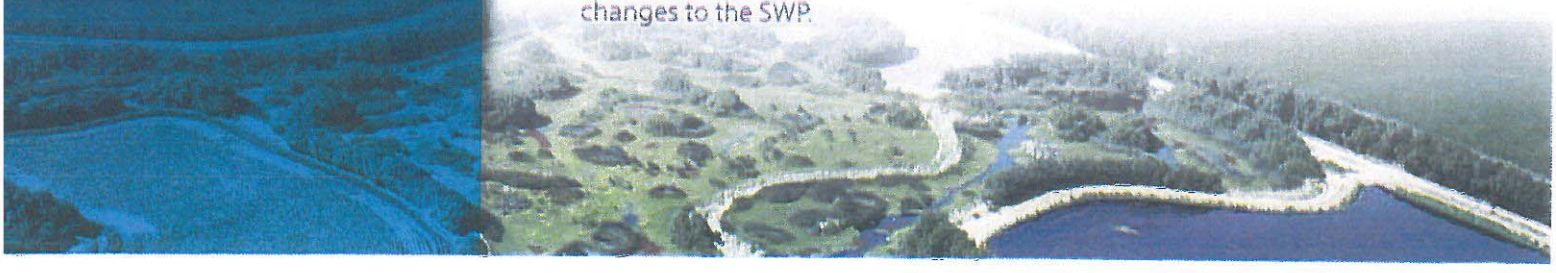
The BDCP is a conservation plan that, under state and federal endangered species laws, seeks long-term take permits for the operation of the State Water Project (SWP).

BDCP Environmental Review Process

While conservation plans like the BDCP are meant to be beneficial to the environment, specific actions in the plan can have an impact on natural (biological) and human environments. These impacts must be evaluated and actions identified to mitigate them. State and federal environmental laws require a review of potential impacts of the BDCP before it can be approved and implemented.

The BDCP Environmental Impact Report/Environmental Impact Statement (EIR/EIS) is being prepared in compliance with the California Environmental Quality Act (CEQA) and the National Environmental Policy Act (NEPA). The current Administrative Draft of the BDCP EIR/EIS has been prepared by the consultants ICF International and has been released concurrent with federal agency review. It is not a federal document at this time.

The BDCP, the EIR/EIS, and supporting documentation will provide the basis for informed decision-making, including applications for issuance of endangered species incidental take permits for facility and operational changes to the SWP.



The BDCP is designed to help to restore the health of fish and wildlife species that use the Delta, and improve water supply reliability while minimizing impacts to Delta communities and farms. The BDCP supports the co-equal goals of habitat restoration and reliable water supply set forth in the Sacramento-San Joaquin Delta Reform Act of 2009.

The BDCP Consultant Administrative Draft EIR/EIS considers 15 alternatives (called "action alternatives") and one "no action" alternative. The alternatives analyzed in the EIR/EIS include a broad combination of water delivery configurations, capacities, operations, and habitat restoration targets. The EIR/EIS alternatives are the result of public scoping sessions conducted in 2008 and 2009, the Sacramento-San Joaquin Delta Reform Act, ongoing public discussions, and input from responsible/trustee state agencies and NEPA cooperating agencies.

Project-level and Program-level Analyses

The EIR/EIS BDCP alternatives are evaluated at two levels of specificity:

- Program level
- Project level

Program-level analyses

The broad environmental effects of Conservation Measures (CM) 2 through 22 are evaluated at the program level. The impacts, benefits and mitigation measures included in the EIR/EIS for CMs 2 through 22 are based on conceptual design information for the restoration and conservation strategies for aquatic and terrestrial habitat and other stressors. Some of these CMs will require additional environmental review before being implemented. For example, Conservation Measure 2, Yolo Bypass Fishery Enhancement, will require environmental analysis before operations to increase the frequency of floodplain inundation can begin.

Project-level analyses

The BDCP EIR/EIS provides project-level analysis for CM 1—modified or new conveyance facilities. The CM1 alternative, other conveyance alternatives, and a No Action alternative have been evaluated with specificity regarding facility location, facility size, site-specific mitigation, water supply and potential funding agreements.

The BDCP EIR/EIS provides comprehensive review and analysis of:

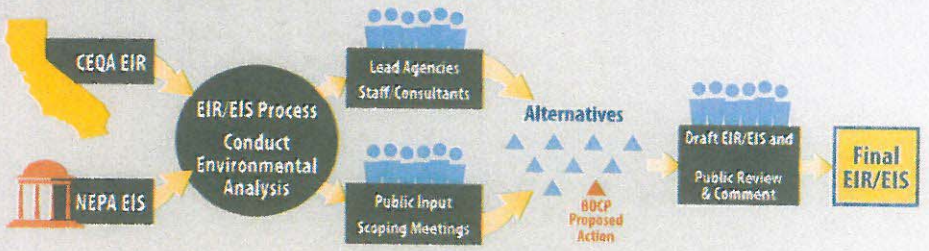
- Flow criteria, rates of diversion, and other operational criteria necessary for improving the Delta ecosystem and fisheries under a reasonable range of conditions, subject to adaptive management
- A reasonable range of Delta conveyance alternatives
- The potential effects of climate change, possible sea level rise up to 55 inches at year 2100 (sea level rise of 18 inches is used for analysis of 2060 conditions), and possible changes in precipitation and runoff patterns
- The potential effects on migratory fish, aquatic, terrestrial and human resources
- The potential effects on Sacramento River and San Joaquin River flood management
- The resilience and recovery of Delta conveyance alternatives in the event of catastrophic loss caused by earthquake, flood, or other natural disaster
- The potential effects of Delta conveyance alternatives on Delta water quality

Climate change:

This EIR/EIS analyzes three fundamental questions relating to climate change.

1. What is the impact of the BDCP alternatives on climate change (i.e., how will greenhouse gas (GHG) emissions from construction and operation of activities associated with the project alternatives contribute to elevated GHG concentrations in the atmosphere)?
2. How will the impacts of the BDCP alternatives on the study area for each resource (the area in which impacts may occur) be affected by climate change (i.e., are future changes in climate likely to exacerbate project impacts)?
3. How will the BDCP alternatives affect the resiliency and adaptability of the Plan Area (the area covered by the BDCP) under the effects of climate change?

BDCP Environmental Review Process



How to Navigate the EIR/EIS

Why is an EIR/EIS Necessary?

The BDCP environmental review documents will:

- Identify environmental effects
- Evaluate a reasonable range of alternatives that could avoid or minimize impacts
- Develop mitigation (ways to reduce or avoid environmental impacts)
- Provide information for public review and comment
- Disclose to decision-makers the project impacts, mitigation, and public comments

The BDCP Consultant Administrative Draft EIR/EIS includes 35 chapters.

Chapters 1-4 Background and Approach	• The project area • Description of purpose and need for proposed action • Alternatives to address the purpose and need • The analytical approach
Chapters 5-28 Resource Areas	• Environmental setting/affected environment • Regulatory setting • Methods for analysis • Environmental consequences
Chapters 29-35 Other Considerations	• Climate change • Cumulative environmental impacts • Public outreach efforts

Chapters 5 through 30 are organized into the following sections:

- Environmental Setting/Affected Environment – Describes the existing conditions used for determining the impacts under CEQA and NEPA.
- Regulatory Setting – Describes the laws, regulations, and policies that affect the resource or the assessment of impacts on the resource.
- Methods for Analysis – Describes the methods used to identify and assess the potential impacts that would result from implementation of each alternative.
- Environmental Consequences – Evaluates the direct and indirect impacts associated with each alternative, organized by resource area.
- Technical data and studies are presented in technical appendices.

Mitigating Potential BDCP Impacts

The term "mitigation" is specifically applied in the EIR/EIS as measures used to reduce environmental impacts, after considering all of the environmental commitments described for each resource in Chapters 5 through 30. Specific mitigation measures are proposed when necessary to avoid, reduce, minimize, or compensate for adverse environmental effects of the BDCP alternatives. Mitigation meets CEQA's specific requirement that, whenever possible, agency decision-makers adopt feasible mitigation to reduce significant impacts to a less-than-significant level. Although NEPA does not impose a similar obligation on federal agencies, this practice is consistent with NEPA's intent that mitigation be discussed in sufficient detail to ensure that environmental consequences are fairly evaluated.

The feasibility of mitigation is ultimately determined by agency decision-makers. Under CEQA, the EIR/EIS addresses whether the mitigation presented would reduce the impact to a less-than-significant level, based on the threshold of significance presented in each resource chapter.

Additional mitigation options and opportunities are being discussed with lead and cooperating agencies.

Significant and unavoidable impacts listed in the April 2013 Consultant Administrative Draft EIR/EIS may be reduced to a less-than-significant level by the time the Public Draft EIR/EIS is issued later this year.

Environmental Impacts

The BDCP EIR/EIS includes an independent impact analysis for each resource area and mitigation is proposed to reduce impacts on the environment. The full analysis for each resource area is presented in the Consultant Administrative Draft EIR/EIS Chapters 5 through 30.

The EIR/EIS evaluates the effects of the BDCP on both the natural (biological) and the human environment. This evaluation will address impacts to, among others:

- Water Resources
- Air Quality
- Water Quality
- Climate Change
- Socioeconomic Conditions
- Land Use
- Agricultural Resources
- Cultural Resources
- Historical Resources
- Archaeological Resources
- Biological Resources
- Geology, Seismicity, Minerals, and Soils
- Transportation/Navigation
- Recreation
- Noise
- Visual Resources
- Hazardous Materials
- Utilities and Public Services
- Environmental Justice



Alternatives Overview

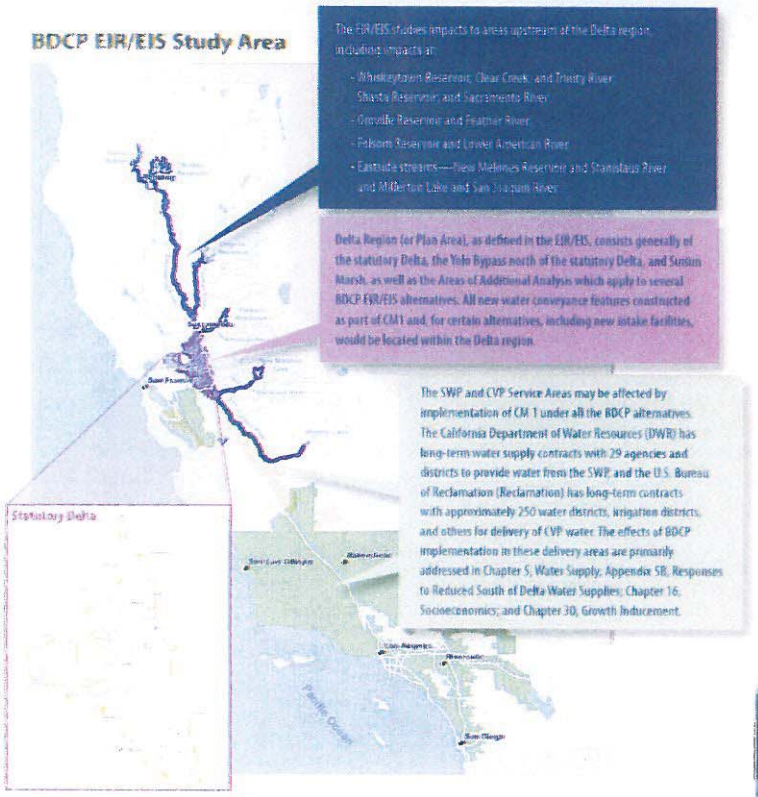
No Action Alternative

The BDCP includes evaluation of a No Action Alternative, which describes future circumstances without implementation of the proposed BDCP actions. The No Action assumptions represent continuation of the existing plans, policies, operations, and conditions that represent continuation of trends in nature. More information is provided in Appendix 3D, Defining Existing Conditions, the No Action/No Project Alternative, and Cumulative Impact Conditions.

More than 100 alternative solutions were considered in the EIR/EIS process. Four main variables define each of the 15 action alternatives carried through in the BDCP EIR/EIS:

- Water Delivery Facilities (BDCP CM 1)
  - Water conveyance (delivery) alignments and design
  - Operational guidelines (See scenarios A–H descriptions on next page)
  - Water delivery capacity (from 3,000 to 15,000 cubic feet per second)
- Habitat Restoration and Measures to Reduce Effects of Covered Activities and Other Stressors on Covered Species (BDCP CMs 2 through 22)
  - Target habitat restoration/enhancement acreages

BDCP EIR/EIS Study Area



The EIR/EIS studies impacts to areas upstream of the Delta region, including impacts at:

- Whiskeytown Reservoir, Clear Creek, and Trinity River
- Shasta Reservoir and Sacramento River
- Oroville Reservoir and Feather River
- Folsom Reservoir and Lower American River
- Eastside streams—New Melones Reservoir and Stanislaus River and Millerton Lake and San Joaquin River

Delta Region (or Plan Area), as defined in the EIR/EIS, consists generally of the statutory Delta, the Yolo Bypass north of the statutory Delta, and Suisun Marsh, as well as the Areas of Additional Analysis which apply to several BDCP EIR/EIS alternatives. All new water conveyance features constructed as part of CM1 and, for certain alternatives, including new intake facilities, would be located within the Delta region.

The SWP and CVP Service Areas may be affected by implementation of CM 1 under all the BDCP alternatives. The California Department of Water Resources (DWR) has long-term water supply contracts with 29 agencies and districts to provide water from the SWP, and the U.S. Bureau of Reclamation (Reclamation) has long-term contracts with approximately 250 water districts, irrigation districts, and others for delivery of CVP water. The effects of BDCP implementation in these delivery areas are primarily addressed in Chapter 5, Water Supply; Appendix 5B, Responses to Reduced South of Delta Water Supplies; Chapter 16, Socioeconomics; and Chapter 30, Growth Inducement.

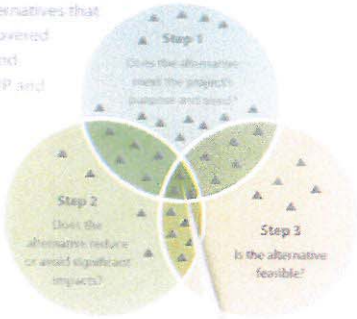
The Alternatives Screening Process

The 15 action alternatives analyzed in the EIR/EIS were developed over a 6-year period in collaboration with state and federal fish and wildlife agencies, public water agencies, nongovernment organizations, agricultural interests, and the general public. To satisfy CEQA and NEPA requirements, the state and federal lead agencies are required to study and make available for public review and comment a reasonable range of alternatives for consideration that meet the project's purpose and need while reducing or avoiding adverse impacts.

The BDCP alternatives were selected using a multi-step screening selection process, including consideration of the responsible and cooperating agencies' comments during scoping and on preliminary draft documents. Alternatives were also screened against the Sacramento-San Joaquin 2009 Delta Reform Act requirements to ensure compliance with Water Code 85320.

Screening Level One: Focused on identification of alternatives that would allow for the conservation and management of covered species, protection and restoration of aquatic, riparian and terrestrial habitats, and restoration and protection of SWP and CVP water supply reliability.

This first screening process resulted in the development of initial conveyance concepts and operational considerations.



Screening Level Two: Focused on identification of those alternatives that would meet the project purpose and need while avoiding or substantially reducing potential adverse impacts.

Through the second screening process, 21 alternatives representing a synthesis of the conveyance concepts and operational concepts were developed.

Screening Level Three: Focused on identification of those alternatives that were technically feasible and practical in terms of design, construction, and cost. Because CEQA and NEPA require only that a reasonable range of alternatives be considered, alternatives were narrowed down to eliminate duplicative analyses.

Ultimately, 15 action alternatives and the No Action Alternative were carried forward for evaluation in the EIR/EIS. Each action alternative includes conservation components such as creation and restoration of habitat, activities to reduce other stressors such as water quality improvements, and reduction of predation.



EIR/EIS Alternatives Analysis

The 15 action alternatives and the No Action Alternative selected for review in the EIR/EIS include various combinations of water conveyance configurations, capacities, operations, and habitat restoration, and their effects on biological resources, hydrology, and the human environment. The alternatives studied in the EIR/EIS include a variety of conveyance alignment and other specifications resulting from public scoping sessions conducted in 2008 and 2009, the Sacramento-San Joaquin Delta Reform Act of 2009, and stakeholder and agency involvement over the last 6 years.

EIR/EIS Alternatives*

ALTERNATIVE	ALIGNMENT OPTION[3]	CONVEYANCE TYPE[3]	INTAKES[4]	NORTH DELTA DIVERSION CAPACITY (cfs)	OPERATIONAL SCENARIO	HABITAT RESTORATION[1]
No Action Alternative	N/A	Through-Delta	N/A	Current Operations	N/A	8,000 acres of restored aquatic habitat[2]
Alternative 1A	Pipeline/Tunnel	Dual	1 through 5	15,000 cfs	A	
Alternative 1B	East	Dual	1 through 5	15,000 cfs	A	
Alternative 1C	West	Dual	Wilkins (W) 1 through W5	15,000 cfs	A	
Alternative 2A	Pipeline/Tunnel	Dual	1 to 3, 6 and 7, or 1 through 5	15,000 cfs	B	Approximately 145,000 acres of restored and protected habitat (see below)
Alternative 2B	East	Dual	1 to 3, 6 and 7, or 1 through 5	15,000 cfs	B	
Alternative 2C	West	Dual	W1 through W5	15,000 cfs	B	
Alternative 3	Pipeline/Tunnel	Dual	1 and 2	6,000 cfs	A	
Alternative 4	Pipeline/Tunnel	Dual	2, 3, and 5	9,000 cfs	H	
Alternative 5	Pipeline/Tunnel	Dual	5	3,000 cfs	C	Up to 105,000 acres of restored and protected habitat
Alternative 6A	Pipeline/Tunnel	Isolated	1 through 5	15,000 cfs (No South Delta intakes)	D	
Alternative 6B	East	Isolated	1 through 5	15,000 cfs (No South Delta intakes)	D	Approximately 145,000 acres of restored and protected habitat (see below)
Alternative 6C	West	Isolated	W1 through W5	15,000 cfs (No South Delta intakes)	D	
Alternative 7	Pipeline/Tunnel	Dual	2, 3, and 5	9,000 cfs	E	Approximately 145,000 acres of restored and protected habitat (see below), additional 20 miles of Channel Margin habitat and 10,000 acres of seasonally inundated floodplain
Alternative 8	Pipeline/Tunnel	Dual	2, 3, and 5	9,000 cfs	F	
Alternative 9	Through-Delta Separate Corridor	Through-Delta	Delta Cross Channel and Georgiana Slough channel modifications	15,000 cfs	G	Approximately 145,000 acres of restored and protected habitat (see below)

The EIR/EIS alternatives and operational scenarios described reflect revisions made to the EIR/EIS since the Feb/Jan/2012 preliminary draft.

Up to 145, 000 ACRES OF RESTORED AND PROTECTED HABITAT

- Natural Floodplain – Up to 10,000 acres
- Tidal Habitat – Up to 65,000 acres
- Channel Margin – 29 levee miles
- Riparian Habitat – Up to 5,000 acres
- Grassland Habitat – Up to 10,000 acres
- Other Habitats – Up to 5,000 acres
- Managed Wetlands – 6,500 acres
- Cultivated Lands – >45,000 acres

Water Operations Scenarios

Scenario A would include specific criteria guiding water supply parameters at a variety of locations and facilities. This includes criteria for: north Delta diversion bypass flows; south Delta channel flows; Fremont Weir/Yolo Bypass operations; Delta inflow and outflow; Delta Cross Channel gate operations; Rio Vista minimum instream flows; Delta water quality and residence time; and in-Delta agricultural, municipal, and industrial water quality requirements.

Scenario B includes additional south Delta modifications from Scenario A. This scenario would add an operable barrier at the Head of Old River, Fall X2, and additional south Delta protections.

Scenario C would adopt the operational guidelines of Scenario A north of the Delta. South of the Delta, this scenario would be consistent with the existing 2008-2009 Biological Opinions.

Scenario D would be modified from Scenario A to eliminate use of south Delta intakes and add criteria surrounding Fall X2.

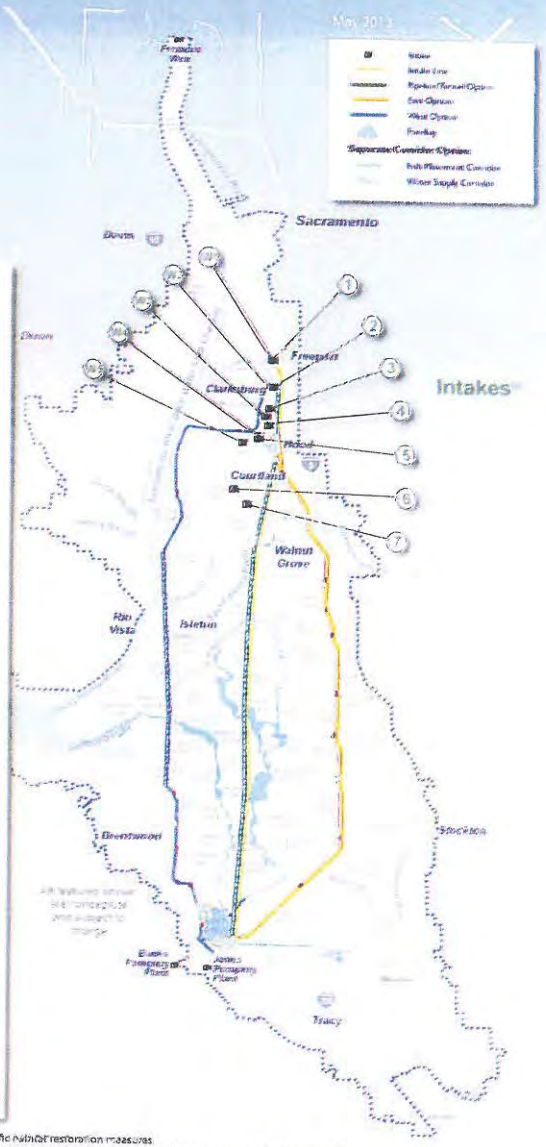
Scenario E would be modified from Scenario A to increase north Delta diversion bypass flow and would include other modifications to south Delta channel flow criteria, Fremont Weir operations, Rio Vista minimum instream flow criteria, and Delta inflow and outflow criteria.

Scenario F increases Delta outflow up to 1.5 million acre-feet annually, as requested by the State Water Resources Control Board and other interest groups.

Scenario G would be similar to those described under Scenario A, but would be modified to conform to the conveyance components of the separate corridors option.

Scenario H would be modified from Scenario A to include the decision tree process and CM1 operations. This is the operational scenario included in the proposed BDCP project under CM1.

More information on the Decision Tree process and adaptive management is provided in the Draft BDCP and in the CM 1: Facilities and Operations Brochure available online at www.BayDeltaConservationPlan.com



[1] The BDCP planning process is working with various stakeholders to define more specific habitat restoration measures. These individual restoration projects may be the subject of separate, site-specific environmental review processes as the BDCP is approved and implemented.
[2] Per several federal and state requirements and 2008-2009 Biological Opinions issued by U.S. Fish and Wildlife Service and National Marine Fisheries Service.
[3] Alignment and conveyance options may include a combination of isolated and/or pipeline/tunnel features that may be lined, unlined, and/or elevated, west, through, or under the Delta.
[4] Intake locations are analyzed for maximum impacts and may be refined; more information is provided in Appendix 3F.

Alternative 4: Dual Conveyance with Pipeline/Tunnel (BDCP Proposed Project)

CEQA and NEPA have different requirements when it comes to selecting a preferred alternative. Under NEPA, the federal lead agencies have not selected a preferred alternative at this time, and a preferred alternative need not be identified in the Draft EIR/EIS.

Under CEQA, Alternative 4 has been tentatively identified as the "Preferred Alternative" by the California Department of Water Resources and is the same as the proposed BDCP as described in the Draft BDCP released in 2013. However, this alternative is subject to change as DWR receives and considers public and agency input on the environmental analysis. The present version of Alternative 4 represents a tremendous amount of scientific work and analysis to identify a proposed BDCP that is grounded in solid science and reaches what DWR considers to be an optimal balance between ecological and water supply objectives.

Alternative 4 (BDCP Proposed Project) includes:

New Water Conveyance Facilities

- Three intakes (2, 3, and 5), together capable of diverting up to 9,000 cfs
- State-of-the-art fish screens that would protect passing fish
- A forebay for temporarily storing the water diverted from the river
- Two 40-foot inside diameter tunnels to carry water 35 miles to the existing pumping plants in the south Delta. From there, water would be moved into existing aqueducts that supply much of the state
- Operating criteria designed to protect fisheries

Habitat Protection and Restoration

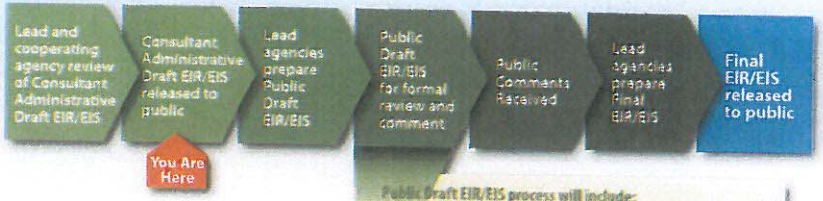
New Floodplain in the South Delta	10,000 acres
Tidal Habitat	65,000 acres
Channel Margin	20 levee miles
Riparian Habitat	5,000 acres
Grassland Habitat	10,000 acres
Other Habitats	5,000 acres
Managed Wetlands	6,500 acres
Cultivated Lands	~45,000 acres

- Enhanced Floodplain Habitat in the Yolo Bypass

Detailed descriptions of Alternative 4 are provided in the Draft BDCP, Chapter 3, Conservation Strategy, available at www.baydeltaconservationplan.com.

The details of Alternative 4 (BDCP Proposed Action) could change from the description above if Alternative 4 itself is refined, because another alternative is determined to be preferable, or because the lead agencies develop a new alternative with some features from some existing alternatives.

Public participation process



Public Draft EIR/EIS process will include:

- Educational workshops in the Delta
- In-Delta office hours
- Formal public hearings
- Documents available at local libraries and community centers
- Online information available at BayDeltaConservationPlan.com
- Public comment accepted via e-mail and standard mail
- Landowner liaison to answer questions

Who's Involved

The California Department of Water Resources (DWR), seeking federal permits under state and federal endangered species laws to implement and operate the proposed BDCP.

DWR, acting in lead agency for compliance with CEQA, and Reclamation, the U.S. Fish and Wildlife Service, and the National Marine Fisheries Service, acting as lead agencies for compliance with NEPA, are preparing the joint EIR/EIS.

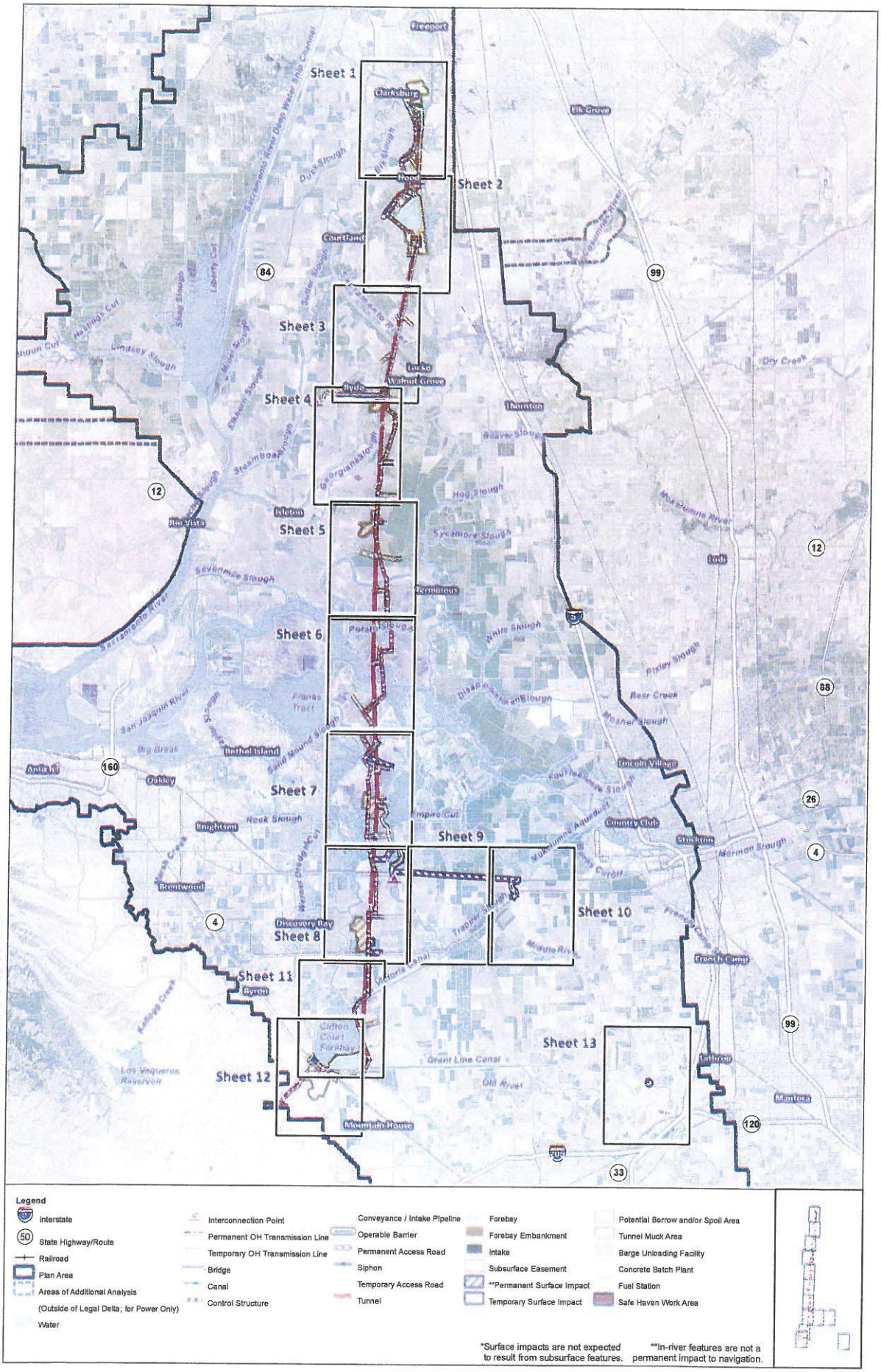
Additionally, the EIR/EIS is being developed with more than a dozen federal, state, and local resource agencies participating in a cooperating or coordinating capacity. The U.S. Environmental Protection Agency, U.S. Army Corps of Engineers, California Department of Fish and Wildlife, California Natural Resources Agency, and the State Water Resources Control Board will analyze BDCP proposed actions, and alternatives to those actions, in fulfillment of multiple local, state, and federal permitting requirements. Ultimately, state and federal agencies will be responsible for approving the authorizations needed to implement the BDCP.



For more information, or to submit comments,
visit ***www.BayDeltaConservationPlan.com,***
call ***1-866-924-9955,***
or email info@BayDeltaConservationPlan.com.

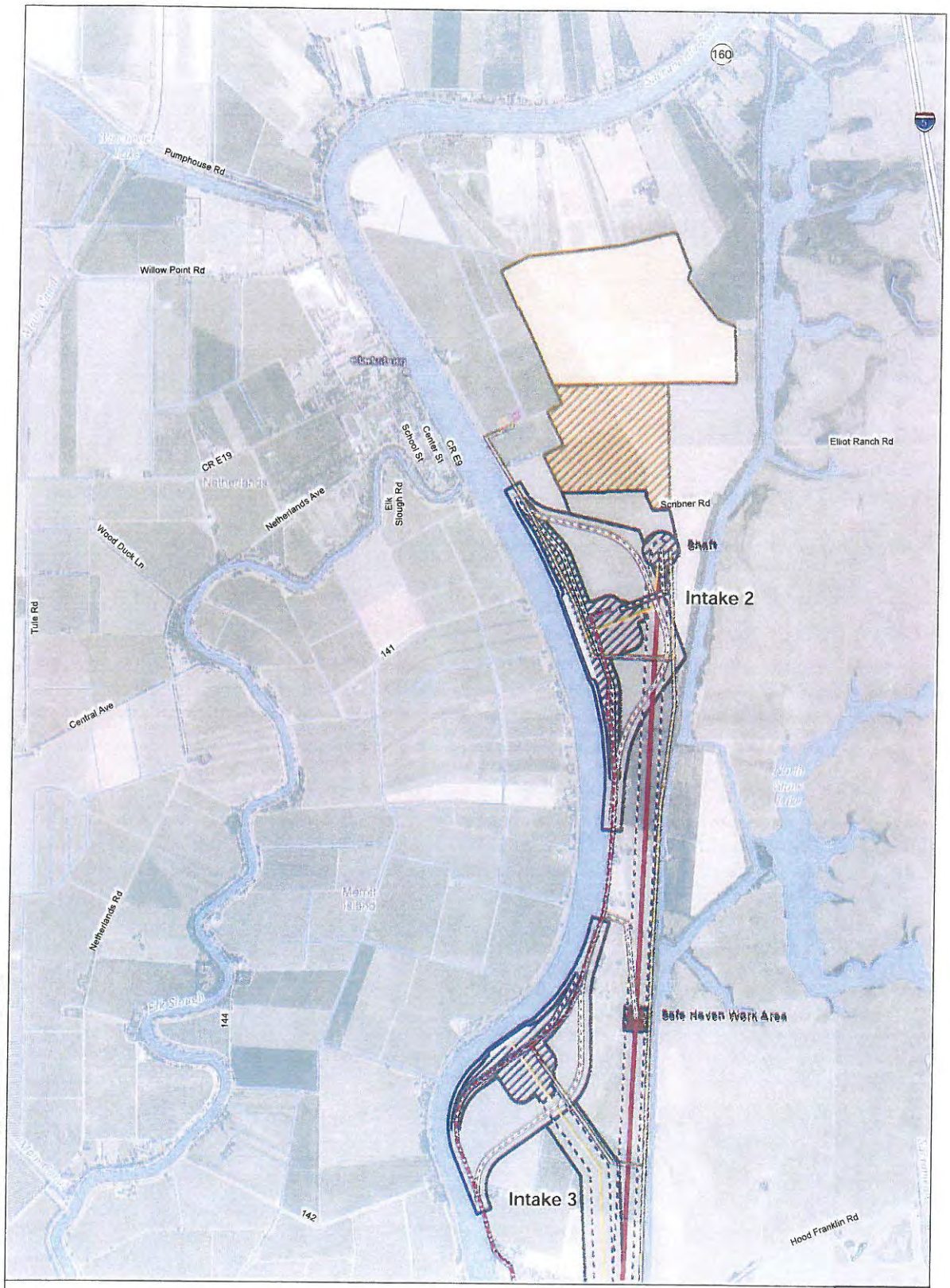


EXHIBIT B



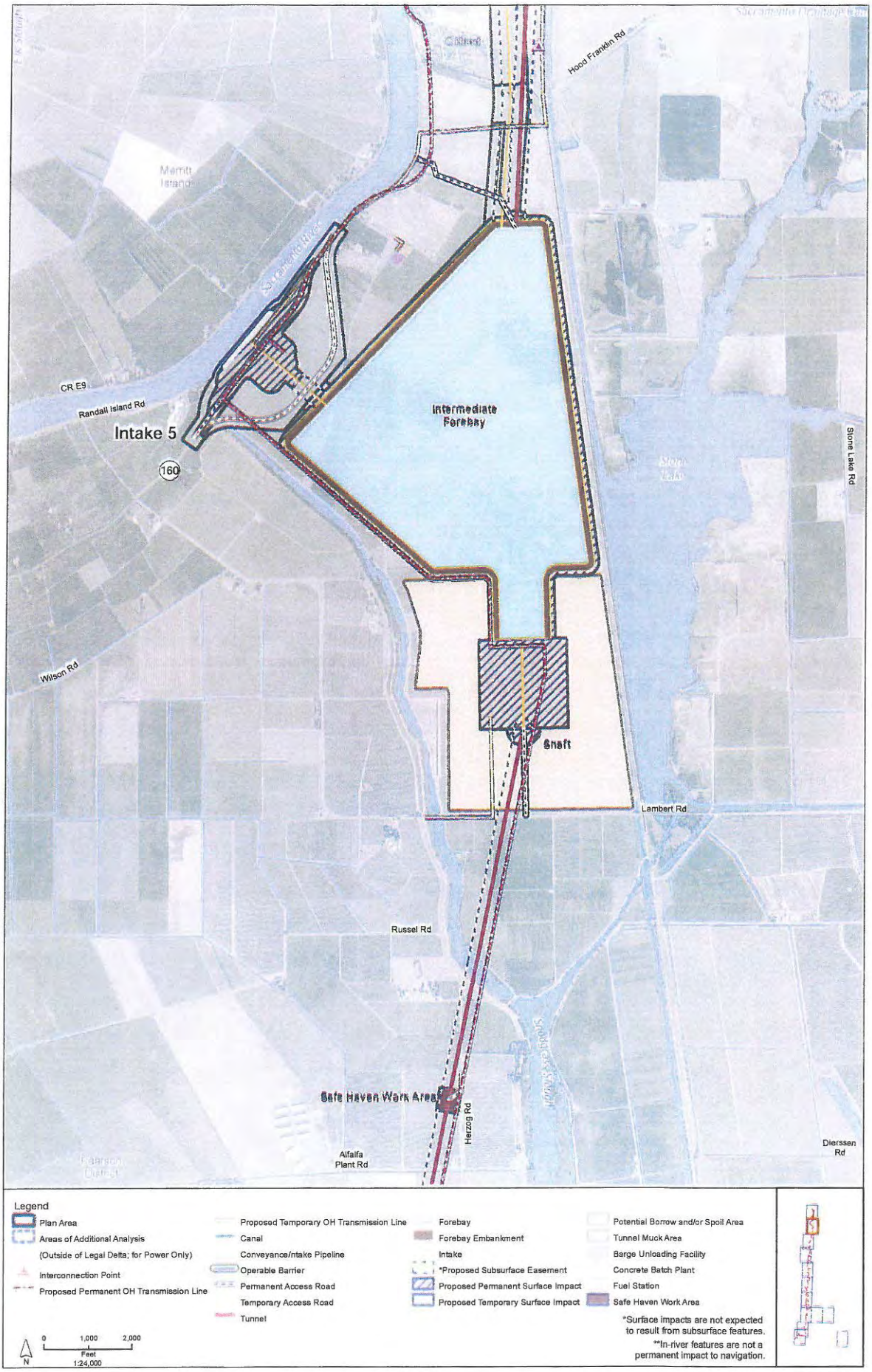
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Version Date: 25 Feb 2013

Figure M3-5: Index
Pipeline/Tunnel Alignment (Alternative 4: North-South Transmission Line)



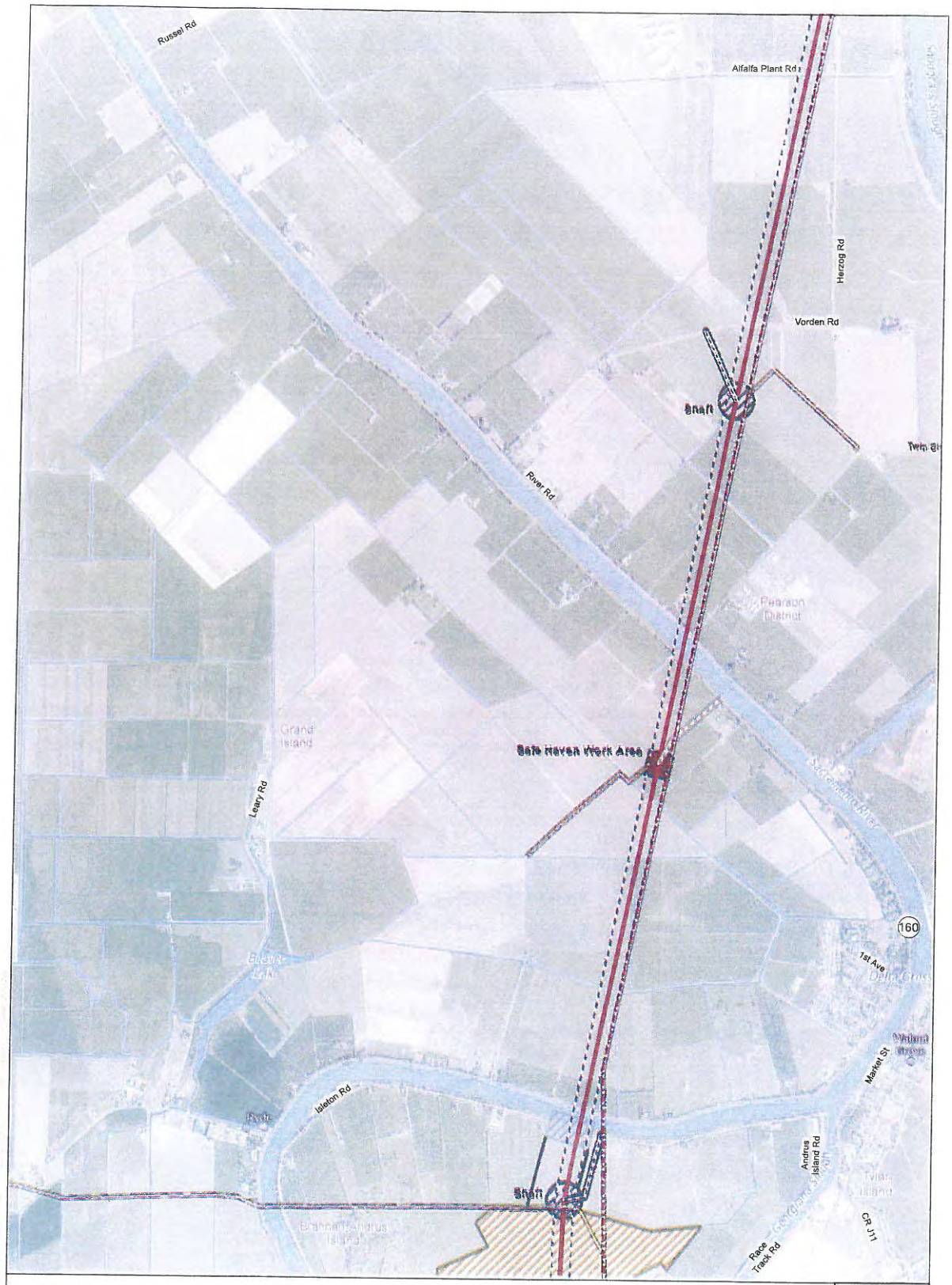
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Version Date: 28 Feb 2013

Figure M3-5: Sheet 1 of 13
Pipeline/Tunnel Alignment (Alternative 4: North-South Transmission Line)



ADMINISTRATIVE DRAFT
Version Date: 28 Feb 2013

Figure M3-5: Sheet 2 of 13
Pipeline/Tunnel Alignment (Alternative 4: North-South Transmission Line)



ADMINISTRATIVE DRAFT
Version Date: 28 Feb 2013

Figure M3-5: Sheet 3 of 13
Pipeline/Tunnel Alignment (Alternative 4: North-South Transmission Line)

Soluri Meserve, Osha Meserve (SOL) (LATE)

Response to Comment SOL-1

The comment states the Bay Delta Conservation Plan should have been considered in the cumulative analysis in the RDEIR. Refer to Master Response 2 regarding projects considered in the cumulative analysis.

Response to Comment SOL-2

The comment provides potential impacts that could result from the Bay Delta Conservation Plan and states that it should have been considered in the cumulative analysis in the RDEIR. Refer to Master Response 2. The comment also states a preference for an alternative that does not include land west of State Route 99. Alternative 1, Alternate SOI Boundary Alternative, does not include land west of State Route 99 (RDEIR, pages 5-12 through 5-16).

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SACRAMENTO VALLEY CHAPTER

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Sacramento, CA 95814
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Re: Comments on Elk Grove Sphere of Influence Amendment Recirculated Draft Environmental Impact Report

Dear Mr. Lockhart,

These comments are submitted on behalf of the Environmental Council of Sacramento (ECOS), the Sierra Club Sacramento Group, and the California Native Plant Society (CNPS) in regards to the Elk Grove Sphere of Influence Amendment (EG-SOIA or Project) Recirculated Draft Environmental Impact Report (RDEIR). ECOS is a coalition of environmental and civic organizations with a combined membership of more than 12,000 citizens throughout the Sacramento Region. The Sierra Club Sacramento Group, a chapter of one of the oldest national environmental organizations in the country, has long been committed to responsible urban growth. The CNPS is dedicated to protecting California's unique habitats and its many endemic species. Both organizations are members of and partners with ECOS. ECOS' mission is to achieve regional and community sustainability and a healthy environment for existing and future residents. These comments have been submitted by volunteer members of ECOS, Sierra Club and CNPS, and as such, will vary with the style and approach of individual preparers.

The RDEIR states in several places that it is not intended to be tiered from and that no construction is planned for under this RDEIR. However, the RDEIR does serve as: (1) a document to inform the public and LAFCo as to whether Elk Grove's SOIA request should be approved; and if so what conditions must be applied to future annexation requests; and (2) as an informational foundation for future programmatic and project level EIRs that may result from this process. With those functions in mind, this letter will identify numerous errors and omissions in the RDEIR, organized with respect to sections on project description, biological and agricultural resources, water supply, air quality, greenhouse gasses, land use policy, growth inducement and cumulative impacts. We begin however with a general comment on the recommended mitigation measures in the Executive Summary. 1

Executive Summary

Mitigation Measures Are Unenforceable Once Annexation is Approved

The RDEIR includes many mitigation measures, all of which impose some requirement on the City of Elk Grove that must be met at the time of application to annex territory within the Sphere of Influence Amendment Area. These measures are listed in Attachment A. Those that set forth a clear requirement on the City to impose on future development are highlighted in yellow. These measures are worded variously. Some require that the City of Elk Grove impose conditions on discretionary projects. Some simply require that Elk Grove will acknowledge that it will do something. One, notably AG-1, simply requires Elk Grove to prepare a plan to mitigate agricultural impacts. 2

The problem with most of these mitigation measures is that once LAFCo approves the annexation request, it loses jurisdiction to ensure that the City will actually meet the terms of the mitigation measure. In other words, none of the mitigation measures comes with a monitoring and enforcement program. This amounts to deferred mitigation. 3

This concern may addressed by incorporating the following wording into mitigation measures:

> At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall enter into a binding agreement with LAFCo, or otherwise provide legally enforceable assurances to LAFCo that will ensure the implementation of.....the substance of the mitigation measure. 4

In the comments that follow we have highlighted some mitigation measures that particularly concern us.

Project Description

In the Project Description section of the RDEIR, the preparers attempt to justify the SOIA and its future urbanization based on a perceived need for additional residential and employment-generating land. In fact, in Table 2-4 they reference the MTP/SCS to give the false impression that the MTP/SCS is in agreement with their projections. The projections used in this RDEIR to justify the SOIA are not consistent with the projections contained in the MTP/ SCS and to claim as much is a gross misrepresentation of the facts. The MTP/SCS did not show any need for additional residential or employment-generating lands outside the current City limits. 5

Land Use Assumptions

In the Land Use Assumptions section of the draft document takes a different tact, and bases the perceived need for additional land for urbanization on the City's General Plan policy LU-10 which *"seek(s) to designate sufficient lands in all employment-generating categories to provide a minimum 1:1 correspondence between Elk Grove's working population and jobs."* While this may be an admirable goal, it is likely to be unachievable. Considering Elk Grove's development patterns to date, as well as the market study undertaken in 2011 which clearly indicated a lack of competitiveness with such employment-generating areas such as Roseville and Folsom. However, if correcting their jobs to population balance is a legitimate goal, then this application 6

should only be looking at lands for employment generating uses, not for 5,825 acres of additional residential lands. 6 (cont.)

Biological Resources

The Biological Resources section of the RDEIR fails as an informational document meant to inform LAFCo decision makers and the public about the impacts on biological resources of the SOIA approval. Please refer to the letter submitted by Donald Mooney, November 21, 2011, which addresses the relevant legal standards and the flaws in the Elk Grove SOIA DEIR SCH No. 2010092076. The flaws identified by Mooney in the DEIR released in 2011 are also present in this recirculated draft. 7

As explained in greater detail below, the incomplete, misleading, and at times obfuscating analysis provided in the RDEIR constitutes a bad faith effort (CEQA 15003(i) and 15151), and it does not substantially support its conclusions with evidence (CEQA 15064(f)(5).

Environmental Setting and Surrounding Uses

The foundation for this flawed presentation lies in the relationship between the "Environmental Setting" and "Surrounding Uses" sections. The "Environmental Setting" section describes the basic land types to be found in the SOIA area, and then includes a grossly incomplete list of species that one might find in that land type. The "Surrounding Uses" section mentions the existence of the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, but it no way discusses their biological interdependence with and direct relationship to the SOIA lands. What results from this treatment is the perception that there are some different land types in the SOIA area with some species that use them, and that there are some lands nearby that were conserved. The irrelevant map of special status plant species, and a grossly incomplete map of special status wildlife, give the impression that there is not much to worry about. 8

The RDEIR makes no attempt to encompass the significant geographical and biological relationship between the SOIA area, the lands of the Stone Lakes National Wildlife Refuge (SLNWR) and the Cosumnes River Preserve (CRP). The SOIA area represents an extremely important foraging area for species from both SLNWR and CRP, and additionally serves as a very important buffer to absorb direct and indirect impacts on these protected lands from urban activities. The removal of any part of this important foraging and buffering area will have demonstrable impacts on both SLNWR and CRP. These are not analyzed or considered within the RDEIR. The important species survey data collected in both of these important protected areas is not even utilized to determine the presence of listed species in the SOIA area. 9

A complete analysis should note that CRP and SLNWR are active floodplains: Cyclically, every seven to ten years they are inundated by the Cosumnes River, the last free flowing river out of the West side of the Sierra Nevada Mountain-range. And since the vast majority of the conservation in this area falls within an active floodplain, upland foraging lands are critical to the continued survival of this ecosystem. The SOIA area is such an upland foraging area, but this was not analyzed or even mentioned in the RDEIR. 10

The process of annexation is likely to occur in a piece meal fashion and the biological assessments and EIRs that will inform that process will address those pieces, not the removal of the entire SOIA area. This RDEIR is the only opportunity to consider the impact of removing the entire SOIA area from the local ecosystem, and to account for the cumulative impact of that removal upon the listed species found there. 11

This RDEIR fails to analyze the impact of the removal of the entire SOIA lands from the local ecosystem. Its analysis is consistent with that which would be expected for individual annexations. Its reliance on current ordinances, general plan land use and mitigation requirements, and participation in the South Sacramento Habitat Conservation Plan (SSHCP) or the creation of a new HCMP do not justify the "take" of such a huge and significant swath of habitat because those ordinances and general plan land use and mitigation requirements did not produce an EIR that identified the impacts of that SOIA and eventual annexation. Further, the mitigation measures provided in this RDEIR are unenforceable by LAFCo and cannot be relied upon to reduce impacts. 12

As well, the SSHCP has had significant unresolved issues with the SOIA application because of its impact on the "feasibility of acquisition" which reflects the likelihood of being able to successfully acquire the necessary amount of mitigation land, in this case in the Western portion of the SSHCP plan area. This fundamental problem was not mentioned even once, but the SSHCP was mentioned repeatedly as an important example of the substantive efforts being undertaken to address the issue of biological resources. The incomplete, misleading, and at times obfuscating analysis provided in the RDEIR in this context constitutes a bad faith effort (CEQA 15003(i) and 15151), and it does not substantially support its conclusions with evidence (CEQA 15064(f) (5). 13

Introduction 3.4.1

"Descriptions and analyses in this section are based on a site reconnaissance performed by MBA Biologist/Regulatory Specialist Dale Hameister on October 11, 2010, with respect to the current regulatory framework."

As is made clear in the RDEIR wetland's section, the vast majority of the nearly 8,000 acres that constitute this SOIA application are privately held and thus not readily accessible to "site reconnaissance." Given the huge area to be examined, the fact that most of it was inaccessible, and the fact that only a single day was used for the site reconnaissance, it is inconceivable that either a thorough or particularly useful contribution was added by this effort. To the degree that the one day, extremely limited, site reconnaissance was substantively relied upon, many conclusions that resulted could not be substantially supported with that evidence (CEQA 15064(f) (5). 14

It is also very troubling that detailed expert comment letters describing biological resources were submitted in the review process on the prior DEIR for the application, and these were ignored in the RDEIR Biological Resources section. These include comment letters by Shawn Smallwood, Friends of the Swainson's Hawk, Sacramento Audubon Society, ECOS, and The Nature Conservancy. 15

Environmental Setting 3.4.2

In the Agricultural cropland section, the list of species expected to occur is quite incomplete and seasonally skewed. It does not include any of the winter complement of migratory waterfowl that use cropland for winter forage. It is also so far from being exhaustive that the inclusion of the few species listed creates the sense that this habitat is hardly to barely utilized by wild species, which is far from the reality of the situation. 16

The same is also true of the Irrigation ditches, Irrigated Pastures, and Wetlands sections that follow. From a practical perspective, this erratic incomplete listing of typical species in a given habitat type is more confusing than helpful. In the context of CEQA this constitutes a bad faith effort (CEQA 15003(i) and 15151)) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5). 17

Wetlands

The description of table 3.4.1 on page 3.4 -5 states there are "approximately 150.6 areas of wetlands..." it is our assumption that "acres" was intended rather than "areas" since the total of the listed wetland types equals 150.6 acres.

As stated above, the species "expected" to be found in these wetland habitats is incomplete. Literally, dozens of species would be expected because of the variety of wetland types. The fact that only a few are indicated suggests a paucity of usage which is the opposite of the reality and constitutes a bad faith effort (CEQA 15003(i) and 15151)) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5). 18

Surrounding Land Uses

This section mentions the existence and proximity of the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, but only as a geographical fact. No discussion is included of the: habitat relationships (the SOI area as buffer and foraging area for species using those core protected areas), cumulative public investment, uniqueness, etc. Again, this constitutes a bad faith effort (CEQA 15003(i) and 15151). 19

Special Status Species – Plants and Wildlife

This section is incomplete, misleading, and consistently misuses the CNDDB. It allows the reader to believe that the CNDDB data referenced is a record of absence (i.e. that if a species does not show up in the CNDDB, then it is not present on these lands) by failing to reproduce the clear disclaimer made in the CNDDB on this point. This constitutes a bad faith effort (CEQA 15003(i) and 15151). 20

There is significant data available for species occurrence that was not utilized for this section such as: the Audubon Christmas counts, Cosumnes River Preserve surveys, EBIRD, as well as resources from the Stone Lakes National Wildlife Refuge surveys, to list a non-exhaustive few. A more exhaustive review of this available date will verify the presence of many species this section covers. Failure to use this available data constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5). 21

The use of Map 3.4 – 2A can easily be seen as misleading since it shows no occurrence data for 22

special status species in the SOIA and extraordinarily low occurrence nearby. One would expect no or very low occurrence data because the SOIA lands as well as private lands immediately to the South are in private hands and there would be no reason for those private landowners to get a Biological Assessment of the biological resources on their property unless they were in the process of trying to get their land rezoned and urbanized. A close examination of the map indicates that the occurrences mapped are predominately in areas that were developed, are about to be developed, or are part of protected preserves looking to conserve their biological resources. Without this explication, someone who is not a field biologist or a land use specialist would assume that there was a very small likelihood of occurrence in the SOIA area, and there is nothing presented to support this conclusion. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5).

22 (cont.)

Map 3.4 – 2A is also quite misleading in that it includes plants that are not covered in table 3.4-2: Summary of Special-Status Plant Species Review, and table 3.4-2 include many plants that are not included in the map. There is no explanation or substantiation for this inconsistency and as such is misleading. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151)) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5).

23

Map 3.4 – 2b is incomplete and relies largely on the CNDDB in an inappropriate way to the apparent exclusion of the numerous available sources already mentioned. As an example of how incomplete the map is, it shows four points for Swainson's hawks inside the SOIA area and five that border it. A recent survey commissioned by the City of Elk Grove of nests inside the SOIA documented many more active nests than indicated (Estep 2008). These data were submitted by Friends of the Swainson's Hawk at the NOP and DEIR stages and have consistently been ignored.

24

Again: this constitutes a bad faith effort (CEQA 15003(I) and 15151)) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5).

All of tables 3.4-2 and 3.4-3 suffer from the same inappropriate use of the CNDDB and as such are both inaccurate and largely unfounded. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5).

25

There are numerous examples of erroneous assertions in table 3.4-3. White tailed kites and Northern harrier can easily be seen year round in the SOIA area and likelihood of presence should be considered high. Greater Sandhill Cranes can be seen in large numbers during the Fall and Winter and should have a high likelihood of presence, and Ferruginous hawks can definitely be identified in the winter and should have at least a moderate likelihood. All of the species' likelihood for presence need to be re-examined in the light of more complete local data as suggested previously

26

The periods of identification included in the table seem to indicate recorded incidences largely concentrated on nesting, and many of the listed species do not nest in the area, and some that

27

do can be see year round. For an example of the richness of species present in the SOIA area and evidence of how far from accurate the table is, refer to K. Shawn Smallwood's November 21st, 2011 letter to LAFCo where he chronicles the species he saw during a 65 minute visit in November of 2011, and a 90 minute visit in August of 1999. Though far from complete, his list of observed species clearly indicates how much more incomplete table 3.4-3 is. His review indicated 235 species that are "possibly, probably, or certainly occurring ...indicating a biological richness that warrants a much more rigorous environmental review than was provided." Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5). 27 (cont.)

As well, table 3.4 -3 did not take into consideration the substantial difference between conditions on the ground seasonally. As an example of this it was determined that there is no appropriate habitat for peregrine falcons, but if the periodic localized flooding in agricultural areas inherent in very wet winters were considered, there would be available habitat. And, given the numbers of foraging birds utilizing this periodic habitat there would be more than sufficient food. If all of the available local data sources were examined it would be clear that this is a typical situation and peregrine falcons would be a least moderately likely to be present under those circumstances. All of table 3.4-3 needs to be re-examined in this context and with a more complete set of locally available data. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5). 28

The RDEIR Biological Resources section is flawed because it fails to account for the significant populations of threatened species relying on the SOIA lands. It simply notes presence or presumed absence of species without addressing the core issue of what will happen to the species dependent upon the SOIA lands. 29

South Sacramento Habitat Conservation Plan

This section states: "The SSHCP study area includes the City of Elk Grove and the proposed SOI project area." It fails to mention that the SSHCP is not a land planning document, and merely responds to land use plans that are presented to it. No mention is made of the serious controversy within the SSHCP regarding the SOIA area stemming from its potential to create an unsupportable impact on the SSHCP ability to adequately mitigate in the Western portion of the Plan area. 30

Friends of the Swanson's Hawk (FOSH) submitted a letter, from the California Department of Fish and Wildlife to the manager for the SSCHCP effort, to LAFCo as documentation of this conflict. This letter has been completely ignored by the preparers of the RDEIR. (Department of Fish and Game letter of March 25, 2010, to Michele McCormick, copy to Eric Tattersall, and Peter Brundage). 31

One of the consistent issues with the SOIA application and the SSHCP is that it dramatically undermines the "feasibility of acquisition," which reflects the likelihood of being able to successfully acquire the necessary amount of mitigation land. The SSHCP has to be able to assure that it can successfully implement the conservation strategy which is the heart of the Plan. Eight thousand acres of additional development means that at least 8,000 acres more are required for mitigation, adding up to a 16,000 acre hit to the available "inventory" in the 32

Western portion of the Plan area. The "feasibility of acquisition" is expressed as a percentage of the available "inventory" that must be purchased to meet mitigation needs – the higher the percentage the harder it is to meet the acquisition needs. A "feasibility" of 50% means that half of all suitable land in the "inventory" side of the Plan area would need to be purchased to comply with the conservation strategy. Since lands will only be purchased from willing sellers, the likelihood for success is extraordinarily small.

32 (cont.)

When the SOIA was first introduced, the "feasibility of acquisition" was at an impossible percentage of over 70%. Because the California Department of Fish and Wildlife (CDFW) requested a 35,000 acre increase in the "inventory" side of the Plan area, that percentage was knocked down to 30%. The desired percentage according to CDFW is 15%. Elk Grove has been consistently unwilling to entertain a reduction in the size of the SOIA to resolve this problem. There was no analysis of Elk Grove's impact on the SSHCP, and stating that there is no impact because it is not completed is obviously untrue based on this explication.

33

Allowing Elk Grove to work on their own HCP would have the additional impact that they would be attempting to mitigate within the same "inventory" that the SSHCP was using, destroying the SSHCP's ability to implement its conservation strategy. Mitigation should include requirement that federal and state take permits for all species covered by the SSCHCP be obtained prior to annexation to ensure consistency with the SSCHCP.

34

3.4.4 - Methodology

Literature Review

As already stated repeatedly, **the data used for this RDEIR was woefully incomplete** and the analysis as well as the representation of the condition on the ground in SOIA area has suffered as a result. It is particularly ironic that it is claimed here that the DIER relies on the existing draft of the SSHCP when the maps that were included from information from the SSHCP were outdated and incomplete. Even the older maps from past drafts of the SSHCP include more complete mapping for species incidence. Please refer to previous comment about the Smallwood letter as an indicator of how incomplete the efforts to establish the baseline in the SOIA were. As stated: "(t)he literature review provided a baseline from which to evaluate biological resources potentially occurring within the SOIA Area, as well as the surrounding area." As such the RDEIR is flawed from its foundation on up and constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5). The RDEIR did not utilize substantial data submitted in public review of the SOIA DEIR, November, 2011, by experts of scientific observations in the SOIA area.

35

Reconnaissance Level Survey

Please refer to earlier comments about the one day effort by MBNA for their reconnaissance level survey. There is no indication of how long Dale Hameister spent there, beyond "daylight hours," and no species sighting lists were provided from his visit. As well, since no private lands were investigated, access would have been extremely limited. Compare this survey to that discussed in the Smallwood letter and it is clear that the MBNA reconnaissance level survey was wholly inadequate and is further evidence of a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5).

36

Thresholds of Significance

As already stated, the SOIA has had a significant impact on the SSHCP. Though the SSHCP has yet to be completed and implemented, it is disingenuous to use this technicality to claim no impact since the SSHCP could very well be impossible to implement because of the SOIA for the reasons already discussed. Again this constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f)(5). 37

Wetlands

"No USFWS designated critical habitat occurs within the project area. However, the onsite drainage canals connect directly to drainages to the west, which includes designated critical habitat for the Delta smelt."

In the wetlands section it is indicated that there are likely 5.9 acres of vernal pools, 2.5 acres of vernal impoundment, and 0.1 acre of vernal swale. Any or all of these could have the presence of listed species and be designated "critical habitat." As stated in the wetlands section: "A jurisdictional delineation was not conducted for the project area because most of the SOIA Area is in private ownership." It is a bad faith effort (CEQA 15003(i) and 15151) not to fully explain that it is not known if there is "critical habitat" because the needed investigations to determine this have not been done, and given the vernal pool and other wetland resources in the SOIA area, there very well may be "critical habitat." 38

Greater Sandhill Crane and Swainson's hawk definitely, not potentially, occur in the SOIA area, refer to the Smallwood letter and our consistent criticism of how incomplete the data sources were that were used. It is interesting that so much emphasis is placed on the Elk Grove Swainson's Hawk ordinance here and no mention is made of the fact that if the SSHCP is implemented there would a minimum of 1:1 mitigation for every undeveloped acre in the SOIA area regardless of lot size. 39

Swainson's Hawk Impacts

"Future development within the SOIA Area would be subject to its own CEQA review and would comply with the City's conditions as well as follow the recommendation developed by the Swainson's Hawk Technical Advisory Committee (TAC) (2000) to maximize the potential for locating nesting Swainson's hawks, and thus reducing the potential for nest failures as a result of project activities/disturbances."

As already stated, additional CEQA review will not allow for an examination of the impact of the removal of the entire SOIA area from the ecosystem, as well as other cumulative impacts resulting from the entire area urbanizing. The impacts to Swainson's Hawks are determined in this RDEIR to be significant and unavoidable, and given the extent of this impact it is more appropriate to focus on whether "jeopardy" will occur at this point, than rely on a future project by project review process that will only consider the impact of individual projects in the SOIA area. 40

ECOS and the Sierra Club want to be on the record supporting the comments provided by Friends of the Swainson's hawk for this RDEIR and the prior DEIR. 41

Greater Sandhill Crane Impacts

The Greater Sandhill Crane is briefly mentioned as potentially occurring in the SOIA area. As we have already asserted, the Greater Sandhill Crane routinely uses this area for foraging, particularly birds that roost in the Stone Lakes National Wildlife Refuge. Add to this the Smallwood letter which clearly indicates presence for Greater Sandhill cranes, Ebird listings, survey data from both Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve, and Christmas counts, to list a few of the data sources available, and it becomes irrefutable that Greater Sandhill Cranes regularly use the SOIA area for forage. 42

Greater Sandhill crane use foraging habitat within a 5-6 kilometer diameter of their roosting sites (Gary Ivey, unpublished research for PhD).. Greater Sandhill crane in our area forage extensively in harvested row crop fields and irrigated cropland. They consume the residual waste grain and whatever small animals they can find. Freshly flooded fields also result in the flushing out of small animals which makes them popular forage sites as well. 43

Further substantiation for the change in the status of "potential for presence" to HIGH is found in the fact there are recorded occurrences of Greater Sandhill Cranes in the SOI expansion area. Dr. John Trochet worked for the Nature Conservancy and Gary Ivey in 2005 between January and March and documented greater Sandhill crane usage of the SOI expansion area during a flood event (Ivey, "Mitigating Loss of Sandhill Crane Habitat in South Sacramento County, March 25, 2005). Though the Greater Sandhill Crane does at present use this area during "normal" water conditions, these upland areas like the SOI expansion area are even more critical for the long term health of the Greater Sandhill Crane population because they allow for foraging areas above water during the frequent periodic flood events in the lower Cosumnes basin. 44

The SOI expansion area has provided critical upland foraging habitat for the Greater Sandhill Crane during the frequent flood events in the lower Cosumnes basin. Beyond the fact that portions of the added "inventory" to the SSHCP are at or below sea level, no investigation or scientific determination has been made as to the impact of removing so much upland foraging habitat for the Greater Sandhill Crane, given its importance during flood episodes. Most of the preservation of Sandhill Crane habitat has been within the floodplain, and significant areas that are not technically within the floodplain, such as Staten Island, are at risk of catastrophic failure during significant flood events if their antiquated levees fail – this nearly happened to the Staten Island levees during such an event in the last decade and it was only emergency repairs that kept it from becoming a lake. Greater Sandhill Crane can't swim. A significant flood episode with inadequate upland foraging habitat remaining could have catastrophic consequences for the Greater Sandhill Crane. Before so much upland foraging habitat is removed for urban/suburban/commercial development within the SOIA expansion area, a scientific study needs to be undertaken to determine how significant the impacts on the crane are. This needs to be one of the listed mitigations for the Greater Sandhill Crane. In the absence of this verification of the severity of the impact, the threshold for significance needs to be listed as "potentially significant and unavoidable" and it would not be possible to claim that it could be mitigated to "less than significant." This is also an issue that needs to be addressed by the SSHCP if this expansion is approved and its eventual development after annexation is to be given incidental take coverage. 45

It is unacceptable deferral to claim that this issue can be resolved at the time of annexation/s as this will likely be the only opportunity to consider the totality of the landscape being considered for development. The SSHCP had always assumed, until the SOI application by Elk Grove, that all of the land in the SOI expansion area would be part of the "receiving" side of the SSHP. This relatively new change of use has not been either fully or properly vetted within the SSHCP. It is in fact a point of major of contention. Concerns have been frequently expressed that adjusting the math between the "take" and the "receiving" side of the SSHCP by increasing the plan area to the west of I-5 does not constitute a scientifically defensible position. This is one of a list of contentious issues that need to be worked out. It is not at all accurate to say that the SOI expansion is not in conflict with the SSHCP. We would like to reiterate that the preceding examination of how the DEIR handled the Greater Sandhill Crane is presented to demonstrate not just the deficiencies in the RDEIR as pertains to the crane, but also as indicative of the poor handling of species in general and the potential impacts in general within the RDEIR. Much more will need to be done than integrating these crane specific comments. All other species will need to be re-examined in the light of more complete data resources, and the impacts on them will need to be determined looking at the totality of habitat removal due to the eventual complete annexation and urbanization of the SOIA. Anything less would be a bad faith effort at informing the public and decision makers about the environmental impacts on these species (CEQA 15003(i) and 15151). A failure in this regard would also mean the conclusions are unsupportable and without "substantial evidence" (CEQA 15064(f) (5)). 46

Giant Garter Snake Impacts

Impacts to Giant Garter Snake are not discussed in this RDEIR nor are mitigation measures presented to deal with the impact to them. The last draft of the SSHCP has mitigation for GGS that includes protecting Laguna Creek. The last draft of the SSCHCP includes GGS impact on page 5-33 of the draft document on their web site.

"For purposes of the SSHCP, direct impacts for Giant Garter Snake are calculated based on the projected loss of Stream/Creek, Freshwater Marsh, and Valley Grassland within 300 feet of impacted stream reaches located within Zones 3a, 4, 5, and 12. Outside of the UDA, impacts to suitable habitat are calculated in Zones 8, 9, and 11 based on the projected construction footprints of infrastructure projects that occur within 300 feet of an impacted stream reach. Projected urban growth within the Cities of Elk Grove, Galt, and the unincorporated County will affect 1,400 acres of habitat for giant garter snake." 47

The failure to include discussion about this important listed species and the significant impacts to it constitutes a bad faith effort (CEQA 15003(I) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5).

Mitigation Measures

MM BIO-1A

Lettering below directly references that found in the RDEIR document:

A.) Doing the reconnaissance level survey at annexation is too late to consider the cumulative impact of the loss of the entire SOIA area to the regional ecosystem. This is a clear example of not taking the SOIA RDEIR seriously. The full extent of the reconnaissance level survey for the 48

RDEIR was the one day effort by MBNA and as has been clearly established the baseline for biological resources in this RDEIR is woefully incomplete and misleading and constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5). 48 (cont.)

B.) Leaving avoidance of special status species to the project level is too late to consider the cumulative impact of the loss of the entire SOIA area to the regional ecosystem. This is a clear example of not taking the SOIA RDEIR seriously. The full extent of the reconnaissance level survey for the RDEIR was the one day effort by MBNA and as has been clearly established the baseline for biological resources in this RDEIR is woefully incomplete and misleading and constitutes a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5). 49

C.) There is no assurance that Elk Grove will remain a partner in the SSHCP. In fact they have threatened in the past to pull out if their SOIA was not included. And given their intractability with the "feasibility of acquisition" issue, it is not a stretch to question whether they will stay with the SSHCP if they have to reduce the footprint of their SOIA to satisfy the conservation strategy of the SSHCP. 50

The mitigation measure is inadequate because an HCMP with agency consultation results in unenforceable and inadequate mitigation for biological impacts. Specifically:

- There is no assurance that this plan will have a regional scope comparable to the SSHCP
- It relies on project-by-project impact analysis that facilitates sub standard mitigation (such as the application of fees in place of real guaranteed mitigation)
- It does not require that the agencies approve the HCMP and issue take permits for listed species
- There is not enough "inventory" available to mitigate for the loss of the SOIA lands
- An HCMP would need to mitigate in the same footprint as the SSHCP, making it impossible to implement the SSHCP
- An HCMP is not enforceable by either the wildlife agencies or LAFCo

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Elk Grove can drop out of the SSHCP at any time with this mitigation measure and prepare an unenforceable and inadequate HCMP if LAFCo approves the SOIA with the mitigation in the RDEIR. Since the SSHCP requires wildlife agency approval and regulatory permits for impacts on protected wildlife species, and the RDEIR HCMP option does not, this measure significantly weakens the ability of the SSCHCP to be adopted and implemented. Elk Grove can do its consultations, make its HCMP, and then ignore it completely after annexation in favor of doing things differently. **THIS IS A FATAL FLAW IN THIS MITIGATION BECAUSE IT RENDERS IT USELESS BECAUSE IT CANNOT BE ENFORCED.** 52

CEQA Guideline 15126.4(a) (1) (B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." In this instance, formulation of mitigation measures for biological impacts is clearly deferred to the future development of a "habit conservation management plan" whose contents are presently unknown. Notably, this mitigation measure contains NO 53

performance standard. The requirement that such a plan be developed "in consultation with" USFWS and CDFG does not require that the plan and its mitigation strategy be approved by those agencies

53 (cont.)

D. The specifics listed here about the HCMP are irrelevant since the HCMP can- not be enforced by LAFCo or by wildlife regulatory agencies.

MM BIO – 1B

This is an equally unenforceable mitigation. All specifics can be complied with and then Elk Grove can annex and go a completely different route and LAFCo will have no regulatory nexus and will able to doing about it.

54

MMBIO – 1C

This is an equally unenforceable mitigation. All specifics can be complied with and then Elk Grove can annex and go a completely different route and LAFCo will have no regulatory nexus and will able to doing about it.

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Level of Significance after Mitigation

"The HCMP should result in mitigation of impacts to less than significant levels though the details of the HCMP have not been developed to the degree necessary to draw conclusion. Because of this, even with mitigation, the impact is considered significant and unavoidable."

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Without state and federal take permit requirements for the HCMP, the HCMP is not enforceable and CANNOT be relied upon. As such, there is NOTHING to support that it "should result in mitigation of impacts to less than significant levels."

We do agree that that "even with mitigation, the impact is considered significant and unavoidable."

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The HCMP cannot be relied upon because it is unenforceable, and the SSHCP is as of yet not finished, meaning that there is a distinct contradiction between the proposed conservation strategy of the SSHCP and that of the SOIA, the levels of significance remain the same even AFTER the proposed mitigations.

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Riparian Habitat and Sensitive Natural Communities

MM Bio -2 is the minimum required mitigation by the governmental agencies that would need to provide permits. Again, a standard project by project approach is offered as justification for the potential loss of the entire SOA area with no attempt to deal with the ramifications of that loss. And again, this mitigation measure is not enforceable. Elk Grove can do its consultations, get its permits, and then shift gears after annexation in favor of doing things differently. Therefore, the level of significance is unchanged by this mitigation measure, and the impacts remain potentially significant.

59

Wetlands

MM Bio – 2 is also relied upon to mitigate for impacts to wetlands. MM Bio - 2 is the minimum required mitigation by the governmental agencies that would need to provide permits. Again, a standard project by project approach is offered as justification for the potential loss of the entire SOA area with no attempt to deal with the ramifications of that loss. And again, this

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mitigation measure is not enforceable. Elk Grove can do its consultations, get its permits, and then shift gears after annexation in favor of doing things differently. Therefore, the level of significance is unchanged by this mitigation measure, and the impact remains potentially significant. 60 (cont.)

HOW DOES LAFCo PROPOSE TO ENFORCE THESE MITIGATION MEASURES AND ENSURE THAT SIGNIFICANCE LEVELS ARE ACCURATELY PRESENTED?

Wildlife and Fish Movement

Again the RDEIR downplays the significance of the RDEIR area by statements like: "agricultural areas in the south county can be used as a wintering resting place for migrants of the Pacific Fly-way." The area is heavily used and is an important tile in the mosaic of South Sacramento County migrating bird habitat. 61

And again, mitigations are relied upon that have already been established as unenforceable and do not rise to the level of responding to the loss of the entire SOIA area, but rather rely upon outdated and minimal project by project efforts. Therefore, the level of significance is unchanged by these mitigation measures, and the impact remains potentially significant. 62

Conflicts with Local Biological Policies or Ordinances

Breaking the County of Sacramento's Urban Services Boundary is a major conflict with local biological policies or ordinances. Beyond being a demarcation of ultimate urban growth, it serves to protect valuable biological resources from being destroyed by urban development. No mention, analysis, or even recognition of this important local policy was included in the biological resources chapter of this RDIER. 63

MM Bio – 5 is also unenforceable for the same reasons as discussed for all previous mitigation measures in this RDIER, and it does not rise to the level of responding to the loss of the entire SOIA area, but rather relies upon outdated and minimal project by project efforts. Therefore, the level of significance is unchanged by this mitigation measure, and the impact remains potentially significant. 64

Conservation Plan

As has been made abundantly and repeatedly clear, the SOIA could destroy the ability of the SSHCP to implement its conservation strategy. To rely upon the fact that the SSHCP is not completed, and to completely ignore this dramatic contradiction is a BLATANT example of a bad faith effort (CEQA 15003(i) and 15151) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5). The omission of this critical background history is inexcusable. 65

Important questions to LAFCo regarding biological resources not addressed in the RDEIR:

1. What powers can LAFCo exercise to ensure that the severe impacts to biological resources are fully and properly mitigated? Since LAFCo has no authority after annexation, how will LAFCo enforce mitigation measures?

2. Those on the South Sacramento County Habitat Conservation Plan (SSHCP) Steering Committee acknowledge that there is a conflict between the Elk Grove SOI proposal and a feasible habitat plan. The EIR consultant claims there is no conflict because there is no HCP adopted as yet.

a. How will LAFCo ensure that Elk Grove's SOIA does not adversely affect the "feasibility for acquisition" in the Western portion of the SSHCP?

b. How will LAFCo ensure that Elk Grove deals with its habitat impacts in a regionally responsible fashion if it does not require Elk Grove to either be part of the SSCHCP or obtain state and federal take permits for any annexation in the SOIA area?

c. How will LAFCo ensure that "jeopardy" does not occur to any listed species in the SOIA area if it does not require Elk Grove to either be part of the SSCHCP or obtain state and federal take permits for any annexation in the SOIA area?

3. The impacts to surrounding refuges and preserves should be examined and analyzed but are ignored in this RDEIR. How will these impacts be addressed?

a. Given LAFCo's mandate to preserve open space, what responsibility does LAFCo have to protect the Stone Lakes National Wildlife Refuge and the Consumnes River Preserve that will be adversely impacted by the approval of the SOIA?

b. What weight should LAFCo give to the huge financial investments that went into the creation of the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve when it considers the open space component of its mandate?

Based on the serious outstanding issues, concerns, and problems addressed in this analysis of the biological resources, LAFCo must deny this SOIA request.

Agricultural Impacts

Locally Important Farmland Is Not Explained. Table 3.21 identifies that 1938.7 acres, or 25% of the SOIA is locally important farmland. However, the document on page 3.2-3 does not identify specifically what farmland of local importance means. The following definition must be included in the Final Draft of the RDEIR, along with an explanation that the definition includes lands that were classified as prime and statewide in importance but are no longer irrigated:

> "Sacramento County Locally Important Farmlands are those lands which do not qualify as prime, statewide, or unique designation but are currently irrigated crops or pasture or non-irrigated crops; lands that would be prime or statewide designation and have been improved for irrigation but are now idle; and lands which currently support confined livestock, poultry operations, and aquaculture." (Source: Sacramento-San Joaquin Delta Important Farmland 2008 Map)

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The Sacramento County definition of Locally Important Farmland was developed by a committee of farmers and agricultural experts and adopted by the Board of Supervisors over 20 years ago. This commenter participated in the development of the definition.

The most important part of the definition is "lands that would be prime or statewide designation and have been improved for irrigation, but are now idle." The definition includes this category of land because the California State Farmland Mapping Act requires ongoing irrigation as part of the definition of Prime and Statewide Important Farmlands. If these lands cease to be irrigated then they are no longer defined as prime or statewide in significance. While declining water tables, water allocation cutbacks and salt buildup in soils are common reasons to cease irrigation elsewhere in California, they are not significant factors in Sacramento County. In this County, the primary reason that lands are no longer irrigated is that they are fallowed in anticipation of urbanization. The advisory committee that developed Sacramento County's definition of locally important farmland believed that it was important to capture the loss of agricultural productivity due to the fallowing of land—for whatever reason—as part of the definition, so that it could be tracked over time and recognized that these lands are likely to still have significant agricultural value despite their being dropped from the state inventory of important farmland.

67

It is worth noting that the data in Table 3.2.2 shows significant declines in prime and statewide significance farmland between 1988 and 2010, but a 22,000 acre **increase** in farmland of local importance over the same period. It is reasonable to conclude that most of this acreage comprises land in the path of urban development that has been fallowed in anticipation of conversion to urban uses. The presence of 1939 acres of locally important farmland within the SOIA surrounded by lands of statewide significance as evident in Exhibit 3.2-1 supports this conclusion.

68

The Significance Farmland Loss Is Not Given Full Credence. The RDEIR makes no attempt to note the magnitude of the loss of farmland resulting from the urbanization of the SOIA. The 7390 acres of land that will in all likelihood be converted to urban uses with SOIA approval amounts to 20% of the net loss of agricultural lands over the 22 year period between 1988 and

69

2010. While much of the losses over that time period were incremental and the result of prior General Plan commitments to urbanization, the Elk Grove SOI application represents a **single decision** amounting to a loss equivalent to 20% of the converted acreage over the last 22 years. 69 (cont.)

Proposed Mitigation Measure AG-1 is Inconsistent with Elk Grove Policy. Mitigation Measure AG-1 concerns the acquisition of easements on existing agricultural land elsewhere in Sacramento County to mitigate for the loss of agricultural land inside the SOIA. However, Elk Grove's own policy, CAQ-3 specifically excludes this mitigation as appropriate. CAQ-3 reads as follows: 70

> **"Policy CAQ-3:** The City of Elk Grove considers the only mitigation for the loss of agricultural land to consist of the creation of the new agricultural land in the Sacramento region equal in area, productivity, and other characteristics to the area that would be lost due to development. The protection of existing agricultural land through the purchase of fee title or easements is not considered by the City to provide mitigation, since programs of this type result in a net loss of farmland."

This presents the situation where LAFCo, if it approves the SOI, would be imposing a mitigation measure that would require a jurisdiction to act in conflict with its own General Plan policies. We suppose that one option is for LAFCo to require that Elk Grove repeal this policy prior to pursuing annexation of the property. But the more important question for LAFCo decision-makers is: Why should LAFCo approve an SOI request that not only conflicts with LAFCo's charge to protect agricultural lands and open space and involves a very large loss of farmland, BUT is also directly in conflict with the applicant's own policy? 71

If LAFCo deigns to approve the project in spite of this reality, then it should at least consider an alternative mitigation measure that would strive for consistency with Elk Grove's Policy CAQ-3 and actually provide superior mitigation of agricultural impacts. While the creation of new farmland would entail significant challenges and likely have other impacts--notably loss of wildlife habitat—there are opportunities for restoration of former farmland that could be deemed consistent with the intent of Policy CAQ-3. Consider the following:

> **Alternative Mitigation Measure AG-1**: Prior to approval by LAFCo of any SOIA lands for annexation, Elk Grove shall submit a plan consistent with its Policy CAQ-3 in effect at the time of SOI approval, along with a funding mechanism, for the restoration and return of former farmland to productive agricultural acreage in Sacramento County equal in productivity to lands that would be converted to non-agricultural uses within the SOIA. The plan shall demonstrate minimal impact on wildlife habitat loss. The plan and funding mechanism must come with legally binding and/or financial assurances that the plan will be implemented 72

This measure would take advantage of the large acreages of land that were once irrigated and farmed but are now fallow and designated as Farmlands of Local Importance. The implementation of this alternative is much more feasible if a significantly scaled back SOIA were approved by the LAFCo Board since there are almost 2000 acres of Locally Important Farmland in the western part of the SOIA. Another alternative would be a mitigation measure that requires a certain percentage of the farmland loss associated with the project to be mitigated 73

by restoration of former farmland and the balance mitigated by the acquisition of easements to protect existing farmland. 73 (cont.)

Proposed Mitigation Measure AG-1 is Unenforceable and Incomplete. The prior comment notwithstanding, there are significant shortcomings of proposed Mitigation Measure AG-1. Most important, along with many other mitigation measures in the RDEIR, is unenforceable once LAFCo has approved annexation of lands within the SOIA, because the mitigation measure defers implementation until after annexation and after LAFCo has ceded jurisdiction. The mitigation measure, if it is to be retained, must require that legally and financially binding assurances that this measure will be implemented be in place prior to approval by LAFCo of annexation of any land within the SOIA. 74

In addition, as noted above, Locally Important Farmland, by definition, includes high quality agricultural land and must be included within the scope of mitigation. This is consistent with the policy of Sacramento County regarding mitigation for the loss of farmland outside the USB.

Mitigation Measure AG-1 Will Minimally Reduce Conversion of Agricultural Land to Urban Uses. The analysis of impact AG-2, titled, "The project may conflict with existing zoning for agricultural use or a Williamson Act contract" includes the following statement on page 3.2-18:

> "Implementation of Mitigation Measure AG-1, as noted above, would reduce the conversion of farmland, including Williamson Act contract land, by setting aside lands in permanent conservation easements."

This statement, though accurate on its face, is very misleading. Mitigation for agricultural impacts of urban development projects elsewhere in Sacramento County have amply demonstrated that lands protected with easements are mostly those lands which are a considerable distance from urban development, have the lowest likelihood of being converted to non-agricultural uses and therefore have the lowest easement acquisition cost. It is probable that only a small percentage of easements acquired to implement measure AG-1 will actually reduce the amount of land that is converted to urban uses in Sacramento County—it will primarily protect land that would be highly unlikely to be developed anyway. 75

Mitigation Measure AG-1 would be significantly stronger and provide more relevant mitigation if the following requirement is added to the last sentence of the first paragraph of the measure: "The farmland/wildlife habitat land to be preserved **must be within 3 miles of the Elk Grove SOI, located outside of the 200-year floodplain, and** have adequate water supply to support agricultural use." 76

Notwithstanding other issues raised in these comments with respect to AG-1, this is a feasible and environmentally superior mitigation measure.

The Discussion of Factors that LAFCo Must Consider When Determining Project Impact on Other Agricultural Lands Is Inadequate. Impact AG-3 addresses potential project impacts that would result in conversion of Farmland to nonagricultural use. It approaches this analysis by looking at five factors that LAFCo must consider when determining whether the project will significantly affect the physical and economic integrity of other agricultural lands. This analysis is lacking in several regards. First it should acknowledge that there are growth inducing impacts of the project that are evaluated elsewhere in the document and that they have direct bearing on the agricultural impact. 77

Second, the project area is part of a larger area of South Sacramento County where small dairies, pasture lands and crop production related to supporting dairy cattle have historically predominated. The RDEIR does not recognize this, nor does it discuss how the project might eliminate sufficient dairy related agriculture to jeopardize viability of similar operations to the south of the project area. This analysis is relevant because of the policy requirement that LAFCo consider the impact on the **economic integrity of other lands**. 78

Third, with respect to Factor 3 and the potential for urban service extension to impact agricultural conversion, the analysis dismisses relevance with the statement that the project does not involve any changes to land use nor propose specific public facilities. We have noted elsewhere that this is an unacceptable dodge inconsistent with analysis elsewhere in the document. The fact is that the provision of urban services to this area could very easily involve interceptor and trunk sewer sizing, street capacity, expressway offramps and water distribution capability that would facilitate some development beyond of the project area. This is particularly pertinent west of Highway 99 where no physical barriers exist to further growth to the south. This is a mitigable impact that can be reduced by proactive measures to acquire development rights at the edge of the SOI. 79

Finally, with respect to Factor 4, the presence of natural or man-made barriers that would buffer nearby agricultural lands from the effects of SOIA development, the analysis incorrectly cites the presence of the Stone Lakes NWR as a barrier. It is in fact not a barrier since much of the land within the Refuge boundary is not protected and could be subject to approval of non-agricultural uses. 80

Mitigation Measure AG-3 Does Not Address the Underlying Issues Raised by the Analysis. AG-3 simply requires that the City submit a plan that demonstrates implementation of physical features—screening, fencing, landscaping and setbacks--that would minimize conflicts at the contact point between urban uses and agricultural land at or within the SOI boundary. Given the missing analysis of this impact as discussed above, the conclusion that such mitigation would reduce the impact to less than significant is not supportable. 81

WATER SUPPLY

Overview

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

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

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On the first point, the SOIA Area west of Highway 99 could potentially annex to the SCWA Zone 40 area, water distribution tie-ins are reasonably close, and water could be pumped from the aquifer. The remaining issues are more complicated and here the analysis in the RDEIR falls considerably short of appropriately informing the City 83

and LAFCo of the environmental consequences of increased water demand associated with putting the SOIA Area on the path of urban development. Without this surface water supply, the impact on ground water would certainly be more significant than is fully analyzed in the RDEIR for the SOIA area, but the potentiality of the surface supply is based on multiple presumptions. The RDEIR states that " SCWA staff has envisioned general future service requirements for the SOIA Area,"(3.16-27), which seems in conflict with the SCWA's letter to the City of Elk Grove which explains that " a detailed analysis (based on future land use and associated water demands) would be needed to be completed..." (SCWA, March 5th 2012). The RDEIR also presumes that the Freeport facility will have the capacity for supplying the SOIA, and that Zone 40 can be expanded for this purpose (which ECOS would like to note that no new diversions are to be committed from Freeport until the completion of the South Sacramento Habitat Conservation Plan, as per Dept. of Fish and Wildlife Biological Opinion--and the completion of SSHCP is endangered by the potential development of the SOIA area itself).
Considering Sacramento County's own estimation of shortfall for the full build-out of the 2011 County General Plan and the multiple other currently proposed projects in the South and East County that have not been analyzed in the RDEIR, ECOS feels that not enough information has been provided for LAFCo to be able to determine the full impacts on the region's water supply.

83 (cont.)

Environmental Impact of Increased Water Use

The RDEIR responds to ECOS' November 21, 2011 comments on the DEIR by 1) providing 2012 crop data for almost all of the acreage in the proposed SOIA after accounting for the 1925 acres of locally important farmland that has most probably been fallowed pending urbanization; 2) providing average water use data for these crops; and 3) estimating the total water requirements of a likely urban development scenario for the SOIA. ECOS presumes the values and assumptions used in the RDEIR to be reasonably accurate, but reserves the right to provide further comment pending more comprehensive review. The analysis concludes that the urban development would consume on the order of 5800 additional acre feet of water than is currently been withdrawn from groundwater or pumped from the Cosumnes River to irrigate crops in the SOIA. Although this analysis falls short of the detailed analysis recommended in our prior comments and does not separate out current and future water demand for lands east and west of Highway 99, it represents a reasonable approximation of the likely increase in water development that would result from urban development.
ECOS would also like to note a simple but often overlooked fact that water committed to municipal and industrial purposes cannot be withdrawn or sanctioned in the way agricultural uses can be in dry years, and that potentiality is not fully analyzed by the RDEIR.

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Cumulative Water Demand and Water Forum Agreement Consistency

As noted above, the ability of water providers to meet the cumulative demand of growth from approved land use plans consistent with existing agreements, notably the Water Forum Agreement, is critically important to understanding the impact of SOIA Area expansion on a potentially limiting factor affecting the region's growth, and it is here that the RDEIR fails to meet the requirements of a good faith effort to provide essential information.

85

The SCWA is the water provider for much of the rapidly growing area within the City of Rancho Cordova, Elk Grove and unincorporated south Sacramento County. SCWA is a signatory to the groundbreaking Water Forum Agreement, a document that allows the region to meet its needs in a balanced way by ensuring adequate water to meet in-stream flow habitat requirements and maintain safe yield groundwater withdrawals in the long term. The Agreement establishes a safe groundwater yield of 273,000 Acre Feet per Annum (AFA) from Central Sacramento County Groundwater Basin and allocates up to 78,000 AFA surface water from the Sacramento River for SCWA use. 86

The EIR for the Sacramento County General Plan Update (adopted November 9, 2011) examined the environmental impacts associated with the incorporation of the Jackson Highway and Grantline East Growth Areas, together comprising approximately 20,000 acres, in the County's plan for urban growth through 2030. The document identified the SCWA as one of three water purveyors that have an inadequate supply of water to meet demand for new growth (Summary of Impacts, page 1-13). For SCWA Zone 40 the demand for water at build-out, including the new growth areas, would exceed the projected supply by 4913 AFA (Sacramento County General Plan Update FEIR, page 6-47). 87

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

The newly adopted General Plan does not include the Jackson Highway and Grantline East Growth Areas within its Urban Policy Area identifying lands planned for development by 2030. However, it does include criteria which, if met, would allow development of these areas to proceed prior to 2030. In fact, one application for development has already been accepted and is undergoing environmental review, two other requests for entitlements have been presented to the County for acceptance and a third is anticipated in the near future. It is therefore likely that planned growth in the SCWA Zone 40 area and within the USB will lead to water demands which exceed the projected safe yield water supply. 88

The portion of the Elk Grove SOIA application east of Highway 99 is inside the USB, but the area west of Highway 99 is beyond the USB. Growth in that area was not included within the ultimate water demand projected by the Water Forum. It is therefore reasonable to conclude that the annexation and development of the Elk Grove SOIA Area will lead to additional water demand, which when combined with water demand associated with approved general plans inside the USB and pending applications for development under the new growth management criteria of the Sacramento County General Plan, could very well exceed the projected safe yield water supply for the Central Sacramento County Groundwater Basin. 89

This possibility represents a threshold decision for Sacramento LAFCo in considering the approval of Elk Grove's request. It is essential that the RDEIR's analysis for the project provide a clear understanding of how the potential urban development of the area would impact the SCWA's capacity to provide sufficient surface water and maintain safe groundwater yields. 90

The RDEIR still falls short of providing this analysis. It provides data from the SWCA Urban Water Management Plan that indicates that 2030 water demand will be within the annual water supply (pages 3.16-2 and 5). The document notes on page 3.16-27 that "Future development of the SOIA Area will require adequate planning for long-term growth. The proposed SOIA will provide direction to municipal water service providers about the location and extent of the City's anticipated growth. This will allow providers to conduct long-term planning to ensure adequate services and infrastructure are available." Page 3.16-24 includes the following: "The [2010 SCWA UWMP] Plan provides a flexible plan of water management alternatives, which can be implemented and revised as availability and feasibility of water supply sources change in the future." These statements imply that it is just a matter of planning to provide the necessary water. It does not address at all the question of whether SCWA *can* provide water to the required water to the SOIA, *in addition to other development that is part of approved general plans, in a manner that assures maintenance of safe groundwater yields*. Hotter, dryer years in a climate change future will likely require revised assumptions on the adequacy of existing surface water supplies to sustain the groundwater table. Additional surface water supplies are extremely difficult to obtain in California's water-short environment. It may be necessary to revise downward the safe groundwater yield as the region continues to monitor groundwater levels. To say that the agency will figure it all out later when they update their master plan amounts to deferred mitigation, and deprives the lead agency with essential information to make a threshold water decision that could compromise the region's ability to implement the Water Forum Agreement and sustainable urban growth. 91

The matter of surface water also needs to be more thoroughly examined, since delivering surface water is the SCWA's primary strategy for providing water to meet demands while maintaining safe groundwater yield, and by extension is an important means of mitigating adverse impacts on groundwater. However it is not entirely clear that the SCWA can deliver any surface water to the area. All, if not most, of the project area is outside the American River Place of Use. This raises the question as to whether American River water pumped through the Freeport Diversion facility can be utilized outside the place of use. The RDEIR estimates that even with out the SCWA water constrained to the American river Place of Use (POU) that SCWA's supplies would exceed demand for the SOIA area (3.16-29) but considering the relatively small margin of error and the County's own estimation of shortfall for the full build-out of the County General Plan (and the current proposed developments in the area), we find this estimation to be insufficient. The RDEIR needs to better assess whether there are constraints on delivering surface water to the SOIA Area to mitigate for increased groundwater pumping for urban uses. (See *Vineyard Area Citizens for Responsible Growth, Inc. v. City of Rancho Cordova* (2007) 40 Cal. 4th 412, 432 (—CEQA requires some discussion of possible replacement sources or alternatives to use of the anticipated water, and of the environmental consequences of those contingencies. 92

Proposed Mitigation Measure USS-1 addresses the above concerns by requiring the City to demonstrate that there is adequate water availability to accommodate growth prior to annexation

Prior to LAFCo approval of annexation of any portion of the City of Elk Grove SOIA territory, the City must demonstrate that through the Plan for Services as required by Government Code section 56430, or its successor, to allow the Commission to 93

determine that: (1) the requirement for timely water availability, as required by law, is met; (2) its water purveyor is a signatory to the Water Forum Successor Effort, (3) the amount of water provided will be consistent with the geographical extent of the SOIA territory and the groundwater sustainable yield described in the Water Forum Agreement. water will be provided in a manner that ensures no overdraft will occur; and (4) existing water customers will not be adversely affected. The Plan for Services shall be sufficient for LAFCo to determine timely water availability to the affected territory pursuant to Government Code Section 56668, subdivision (k), or its successor.

93 (cont.)

ECOS believes that leaving this critical decision until after substantial investment of political and financial resources towards creating a plan for urban development have been expended will inevitably compromise the assurances being sought by the mitigation measure. The collapse of Folsom's plan for providing surface water to its SOIA shortly after LAFCo approved annexation and ceded jurisdiction leaves us extremely wary of the likely effectiveness of MM USS-1.

94

ECOS maintains that it is essential for LAFCo to reach a sound determination of the adequacy of water to achieve safe yields for the region prior to any expansion of Elk Grove's SOI. ECOS feels that this can only be done with further analysis of ground water impact in consideration of all the currently proposed and anticipated development in the County, including: a further analysis of the capacity of SCWA's supplies, a further analysis and allocation of the capacity of Zone 40; a further analysis and allocation of the capacity of the Freeport Facility; and considering the recognized cone of depression in the vicinity of Elk Grove (3.9-31), an actual revisiting of the Sustainable Yield for the central ground water basin, as has been conducted for the Northern Basin in 2011, resulting in a reduced sustainable yield agreement.

95

Air Quality

The Sacramento region is classified as a Severe Ozone Nonattainment Area with a recently self-imposed 2019 attainment date extension. The attainment date was extended, alongside a bump up in requirements, since the previous attainment date could not be met. Attainment of the federal ozone standard in the Sacramento region will not be an easy task, nor will maintaining that standard once it is attained. Compliance with the Metropolitan Transportation Plan (MTP) and the State Implementation Plan (SIP) is integral to this attainment and maintenance and the development of property included in the SOIA is not included in either planning document. The RDEIR downplays the significance of this inconsistency with the SIP and does nothing to assist with the attainment and ultimately the maintenance of these federally mandated health-based air quality standards.

The RDEIR indicates that *"the conceptual growth that may result from future development under the proposed SOIA, primarily urban in nature, demonstrates a substantial increased potential for population growth and increased VMT" (218,000 additional trips per day and 1,389,000 daily VMT).* The RDEIR needs to specifically acknowledge that these additional trips and VMT will have a serious impact on the ability of the region to reach attainment of federal air quality standards and to maintain those standards if attainment is ever achieved. The RDEIR also needs to address the serious implications of not meeting the federally imposed attainment date, rather than dismissing it with merely an indication the additional controls would be required.

96

The report goes on to claim that SACOG will basically take care of these additional trips and VMT through the MTP/SCS process by stating, *"It is anticipated that the policies and the strategies of the MTP/SCS, would assist with the accommodation of an efficient transportation system within and around the SOIA Area."* However, it is not SACOG's responsibility to assist growth that is ill conceived and far beyond SACOG's projected demand, and to imply that the MTP/SCS would assist in efficient transportation within and around the SOIA is inappropriate and erroneous. That paragraph of the RDEIR goes on to state that, *"it is acknowledged that growth in the SOIA area was identified in the MTP/SCS"*, which it obviously was not. Inconsistency with the Sustainable Communities Strategy will be addressed in the Climate Change section of our comments. 97

The RDEIR does eventually conclude that this project will have a significant air quality impact, but does little to avoid these significant impacts, and proposes no meaningful mitigation strategy. The mitigation proposed by the RDEIR for air quality impacts resulting from the SOIA is not just infeasible, but is also unlawful deferral of mitigation under CEQA.

> **MM AIR-1**
> *Prior to the submission of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require that all discretionary projects prepare an Air Quality Plan for the SOIA Area. The Air Quality Plan must incorporate policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as North Natomas. In the case of North Natomas, the emissions will be reduced by 35 percent from the potential emissions that could occur without the adopted air quality policies being implemented.*

98

This proposed mitigation measure defers mitigation to future discretionary projects which is unlawful under CEQA, inconsistent with past practices and unacceptable. This mitigation is also not enforceable since LAFCo has no authority over future discretionary projects. Since development of this area is not contained in the SIP, reasonable minds would conclude that 100% air quality mitigation would be necessary to properly mitigate its impacts. The referenced North Natomas Project, and its applied 35% air quality mitigation, occurred about 20 years ago and cannot be considered recent or relavant. When the Folsom SOIA was approved ten plus years ago, LAFCO required the City to submit a 35% Operational Air Quality Mitigation Plan along with any annexation request. However, that was also ten plus years ago and what was considered feasible mitigation at that time is no longer adequate and additional mitigation is considered feasible. New technology and advances in mitigation techniques has made a much higher level of mitigation feasible. Therefore, the following mitigation measure, replacing MM AIR-1, is proposed. 99

> **MM AIR-1X**
> Prior to the submission of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall prepare a 50 percent Operational Air Quality Mitigation Plan. The Operational Air Quality Mitigation Plan, endorsed by the Sacramento Metropolitan Air Quality Management District (SMAQMD), shall accompany any annexation request submitted to LAFCO.

The City of Elk Grove's own General Plan policy CAQ-32 states *....the City shall identify the air quality impacts of development proposals to avoid significant adverse impacts and require appropriate mitigation measures, potentially including—in the case of projects which may conflict with applicable air quality plans—emission reductions in addition to those required by Policy CAQ-30.* This is a project that 100

not only conflicts with applicable air quality plans, but is a project which that could make attainment of the health-based air quality standards difficult or impossible to achieve. 100 (cont.)

The Cumulative Effects Section of the RDEIR states:

> The growth in population, vehicle usage and business activity within the non-attainment area, when considered with growth proposed under the Elk Grove General Plan and throughout Sacramento County, would contribute to cumulative regional air quality impacts. Implementation of the proposed project along with other growth in the area may either delay attainment of the standards or require the adoption of additional controls on existing and future air pollution sources to offset project-related emission increases. The contribution of emissions from subsequent development in the SOIA area would be cumulatively (significant) and is considered significant and unavoidable. 101

The suggestion that additional controls on existing and future air pollution sources be applied to offset project-related emission increases is absurd when additional project-related mitigation is available, feasible and must be applied here.

This SOIA does not only impact Elk Grove and the surrounding environs, because of its significant air quality impacts it impacts the health and the economic viability of the entire region. The air quality analysis and resultant proposed mitigation contained in this RDEIR must be considered inadequate and incomplete without substantial additional mitigation applied at the time of any annexation request.

GREENHOUSE GAS PRODUCTION

The RDEIR does not analyze the impact of the SOIA on the MTP/SCS. In terms of GHG reduction, at its core the MTP/SCS represents a fully analyzed strategy to successfully meet the GHG reduction targets laid in AB 32, and translated to the transportation and development sectors through SB 375. Substantial deviations from the land use strategy indicated in the MTP/SCS will result in increased difficulty in meeting the mandated targets and will have other potential impacts not covered in this RDEIR. The SOIA could: 102

1.) Potentially drive interest away from urban infill projects because of the perception that large amounts of greenfield are available for development.
2.) Potentially impact the ability of other jurisdictions in the SACOG region to meet AB 32 targets because the SOIA has absorbed so much of the allowable GHG generation for the region.
3.) Potentially impact the ability of the region to grow in a way that will allow compliance with the GHG targets.
4.) Potentially impact circulation into Sacramento and surrounding jurisdictions increasing congestive GHG production.
5.) Potentially result in diminution of transportation dollars due to non-compliance with the MTP/SCS and inability of the region to meet its GHG reduction requirements.

The RDEIR states that one of the requirements of the MTP/SCS is to "achieve the greenhouse gas reduction targets assigned to SACOG by the California Air Resources Board." As already indicated, the approval of the SOIA will render this requirement very much more difficult to achieve because of its complete inconsistency with the strategy laid out in the MTP/SCS. 103

The omission of these important impacts in the context of CEQA constitutes a bad faith effort (CEQA 15003(i) and 15151)) and indicates that the findings here are not substantially supported with evidence (CEQA 15064(f) (5). 104

2000 LEVELS BY 2010

This RDEIR states that Elk Grove had the goal of attaining 2000 levels of GHG production by 2010, but makes no mention if it was able to achieve this milestone. Did Elk Grove succeed in reducing GHG in 2010 down to the level generated in 2000? Why didn't the RDEIR analyze what impact the SOIA would have on Elk Grove meeting the GHG targets for 2020? 105

Sustainability Element and Climate Action Plan (SECAP)

The SECAP does not account for the future development in the SOIA. What impact will the SOIA have on the SECAP's ability to effectively address both the causes and the consequences of climate change? How would the SECAP justify the inconsistency between the SOIA and the MTP/SCS? 106

Mitigation Measures

CEQA Guideline 15126.4(a)(1)(B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." 107

The RDEIR at 3.7-26 describes mitigation measure GHG-1. In this instance, formulation of mitigation measures for greenhouse gas impacts is clearly deferred to future consultations with SMAQMD whose contents are presently unknown.

"Analysis assumptions, methodology and emission factors used by the City shall be submitted for review to the Sacramento Metropolitan Air Quality Management District (SMAQMD). In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.

Notably, GHG-1 contains NO performance standard. A key performance standard would be to require the approval of SMAQMD for a strategy to meet any of the three performance criteria offered: efficiency metric, percent reduction, consistency with climate action plan. The requirement that proof of consultation with the SMAQMD be provided to LAFCo to demonstrate compliance with this measure fails to require that the SMAQMD approve the analysis assumptions, methodology and emission factors and the resultant performance criteria. It only requires consultation. 108

Explain how consultation with SMAQMD would result in a GHG reduction plan that reduced impacts to the maximum extent feasible, especially given that out of the gate the SOIA is completely inconsistent with the MTP/SCS.

Since this mitigation measure only requires consultation, how will LAFCo ensure that Elk Grove reduces GHG consistent with SMAQMD policy? And, since the consultations with SMAQMD are 109

on a project by project basis, how will LAFCo ensure that the SOIA GHG emissions do not undermine regional efforts to reduce GHG production consistent with AB 32 and SB 375?

Because of the lack of enforceability of this mitigation measure there can be no reduction in the level of significance and it remains significant and unavoidable. 109 (cont.)

GREENHOUSE GAS REDUCTION PLANS

SB 375 is the transportation and development law that compliments the reduction targets established by AB 32. SB 375 requires that a Sustainable Communities Strategy be developed that, among other things, "achieve(s) the greenhouse gas reduction targets assigned to SACOG by the California Air Resources Board." Since the Elk Grove SOIA is completely inconsistent with the SACOG MTP/SCS, the only way that Elk Grove can claim that it is consistent with the ARB's Scoping Plan is because of the lack of development in our region because of the housing slowdown. It is not the responsible nature of the proposed SOIA but rather the lack of development in general in the region that would allow the SOIA to be able to claim that it is consistent with the Scoping Plan. 110

Given the complete inconsistency with the MTP/SCS, and the fact that MM GHG-1 is unenforceable, the level of significance remains significant and unavoidable.

Land Use and Planning

Overall Approach to Land Use Policy Impact Analysis Is Flawed: The analysis overly strains to make the project consistent with all policies in applicable plans. It reads as if the impact analysis of this section was written by the project applicants. Indeed, with a single exception (SACOG MTP policy), the RDEIR finds that the project is consistent with **every** policy of all applicable plans. And that exception is obscured deep within the analysis. Many of the consistency determinations in the tables state that the project does not involve any changes in planned land uses, that no actual physical development will result from the project and that regardless, CEQA review will mitigate any impacts. 111

Consistency determination based on the fact that no development is proposed is incorrect. Analysis elsewhere in the document consistently examines impacts of likely urbanization. The RDEIR needs to be internally consistent in its approach to evaluating impacts. It cannot have it both ways. The consistency analysis must presume urban development will ultimately result from project approval and evaluate the likelihood that it will be consistent with the policy in question. 112

Furthermore, the assumption that subsequent CEQA review for specific projects will ensure consistency with policies is inappropriate at best, and an illegal deferment of mitigation at worst. It is appropriate only to say that CEQA analysis will occur and may or may not adequately mitigate for future development. 113

Since consistency with many policies depends on the specifics of future development, the adequacy of mitigation and the willingness of decision-makers and staff to follow both the letter and spirit of policies, a more accurate consistency determination for most policies should 114

be "potentially inconsistent" or perhaps "potentially consistent"--the distinction being primarily the level of optimism and cynicism the reviewer brings to the analysis. 114 (cont.)

Finally, some of the policies evaluated in the RDEIR are irrelevant to the analysis as they define actions by the County or by Elk Grove that are not related to or are marginally relevant to development of the SOIA. Including these policies bloviates the analysis and obscures the more relevant policies. Examples, to name a few, are the policies in the SA-3,5 and 15; HM-4,9 and 10 and CO-2 in the Sacramento County General Plan and SA 1,5,13 and 25 in the City General Plan. The perspective of analysis should be "would this policy be consistent if the SOIA is developed?" The preparers of the document err in putting forward extraneous policies that obfuscate the very real and significant policy issues that this project engenders. 115

With this in mind, the range of conclusions the analysis should reach regarding project consistency with policies can be summarized as follows:

- Consistent
- Potentially Consistent/Potentially Inconsistent
- Potentially Consistent with Mitigation (ie mitigation recommended in the RDEIR applicable to annexation)
- Inconsistent
- Irrelevant or Not Applicable

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Specifically with respect to Sacramento County General Plan policy consistency, the analysis needs to reflect a consistent analytical approach, since the County's policies would no longer apply with annexation and development. This does not make them irrelevant. Consistency with County policies must be from the perspective that the project will enable and very likely result of urban development. The relevant question then, is "Would urban development be consistent with the policy in question if there was no change in jurisdiction?" The purpose of this exercise is to reveal how the project measures up against—that is, its consistency with--the General Plan Policies that currently apply to the proposed SOIA.

In sum, the Land Use Impacts Section of the RDEIR must be reevaluated to provide an unbiased and unforced conclusion regarding project consistency with applicable policies. This analysis must not rely on the assertion that no development or land use changes are proposed as part of the project. It must not rely on some future CEQA review to define the determination of consistency. And it must reflect the reality that there is uncertainty as to whether urban development will actually end up being consistent with the policy. Only after this exercise can a realistic conclusion of the significance of the project's impact be reached. 117

There are significant consistency issues with a few of the specific policies. These are identified in the following paragraphs.

Project is Inconsistent with Urban Service Boundary of County General Plan 118

The discussion on page 3.10-23 of the RDEIR notes that the project is outside the Sacramento County General Plan Urban Service Boundary (USB). The EIR finds that the project is consistent with the County Urban Service Boundary. Specifically it states that "Land use designations and

zoning are not proposed to be changed with the SOIA and will remain consistent with the Sacramento County General Plan." This is a highly relevant policy issue and the conclusion cannot be supported by the facts,

118 (cont.)

The USB was adopted as part of the 1993 County General Plan and included within the 2011 County General Plan with only very minor boundary adjustments. The USB was and remains intended as a very long term boundary for the extension of urban services, including water and sewer service. The boundary provided enough vacant land within its confines to accommodate regional growth for many decades. The boundary was in large part a reflection of significant natural resources and environmental constraints on its outer edge: the Cosumnes River floodway, blue oak woodlands to the east, and important farmlands to the south and north with high value to migratory waterfowl and special status species. .The USB therefore represents a Sacramento County wide reflection of the appropriate long term limits of urban growth and a basis for service providers' development of long term service needs/plans. For example, the Water Forum Agreement, a landmark cooperative agreement between multiple service providers that attempts to integrate ground and service water usage to maintain a safe yield of groundwater in perpetuity was based on the Urban Service Boundary. The key point is this: the USB is not just Sacramento County's arbitrary urban limit line. It is a regionally significant demarcation of important open space resources and a boundary for urban service expansion--both key elements of LAFCo's mandate.

119

The RDEIR disingenuously concludes that the project is consistent with the USB policy because there is no development proposed at this time involving changes to planned land uses and zoning. Yet the very purpose of the project is to set the stage for future urbanization. LAFCo's policies require a Master Service Plan regarding the provision of urban services prior to approval of the SOI. Does that not presume urban development? Moreover, assumptions regarding future development and its impacts are applied throughout the RDEIR.

120

The bottom line is that SOI expansion amounts to a very significant extension of the USB west of Highway 99 and must be determined to be inconsistent with the County of Sacramento General Plan Map, as well as policies pertaining to the USB (next paragraph).

Project is Inconsistent with County Policies LU-123 and LU-125 and LU-127 Likewise the project is inconsistent with Policy LU-123 (page 3.10-24). The project would result in development that is inconsistent with the County General Plan as it would require an amendment to the USB and is inconsistent with the goals and policies of the Sacramento County General Plan. Policy LU-125 (page 3.10-25) says, in effect, that the County will not accept applications to amend the County General Plan to urban uses outside the USB. The project will enable urban uses and therefore result in an outcome inconsistent with Policy LU-125. The project is also clearly inconsistent with Policy LU-127 (page 3.10-25) which sets out the exceptional conditions when it would be appropriate to expand the USB.

121

Project Is Inconsistent with County Policy AG-1 and City Policy CAQ-3
Four County General Plan policies: AG-1, AG-5, AG-21 and CO-14 and one City General Plan Policy, CAQ-3, deal directly with the loss of agricultural lands. These are the only policies in the analysis that the RDEIR finds Consistent with Mitigation. The document cites Mitigation

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Measure AG-1 as ensuring consistency with these policies. Measure AG-1 requires that the loss of agricultural lands will be mitigated on a one to one basis at the time of any application to change land uses within the SOIA. Aside from enforceability issues with this mitigation measure (see analysis elsewhere in ECOS' comments), it is important to note that significant agricultural acreage would still be lost with development of the SOIA. 122 (cont.)

It is worth noting that the introduction to Elk Grove General Plan Policy Consistency on page 3.10-44 includes the following sentence: "The land use assumptions discussed in Section 2, indicate that future urbanization of the project area would result in urban land uses that do not conform to agricultural land use designations." Since these designations apply to agricultural lands, the document is acknowledging the project would result in inconsistency with policies to protect agricultural lands. Yet it ignores this with respect to two critical policies. 123

One of the above-referenced County policies, AG-1 (page 3.10-34), states that "the County shall protect prime, statewide importance, unique and local importance farmlands located outside of the USB from urban encroachments." Mitigation does not make the project consistent with this policy. The RDEIR must be changed to show inconsistency with the policy. 124

City Policy CAQ-3 (page 3.10-46) states that the "City of Elk Grove considers the only mitigation for the loss of agricultural land to consist of the creation of new agricultural land in the Sacramento region equal in area , productivity and other characteristics to the area that would be lost due to development...." It specifically precludes the protection of existing agricultural lands through easements. Implementation Measure AG-1 relies on easement mitigation. Therefore the RDEIR must find that the proposed project is inconsistent with policy CAQ-3. 125

There Are Inconsistencies and Omissions Regarding LAFCo Policies

Again, the RDEIR is too facile in reaching a determination of consistency with respect to LAFCo policies, which supports the impartial observation that the entire document lacks an unbiased perspective. 126

First, Policy III.7 on page 3.10-61 says that LAFCo will favorably consider those applications which improve the balance between jobs and housing. The mere "envisioning" of future growth to meet this objective is hardly a basis for determining consistency. Elk Grove has not submitted any information about how it will reach or accomplish this objective. We will argue during public hearings on the SOI application that there is substantive evidence that achieving a jobs housing balance at the extreme south end of the Sacramento Metropolitan Area is a fool's errand. Wishing does not make for policy consistency. An impartial evaluation would acknowledge the challenges to meeting this policy and conclude that consistency is problematical at best. 127

Second, Policy IV.A.2 on page 3.10-62 identifies all the findings and requirements of an approvable SOI application. The RDEIR happily concludes that the project is consistent with these requirements, simply because the application addressed them. A more nuanced analysis would conclude that consistency with this policy remains to be seen and depends on the findings of the same body that will be considering the adequacy and completeness of the 128

document under consideration. We would posit that a more accurate conclusion would so acknowledge and conclude "potentially inconsistent". 128 (cont.)

Finally, there are significant policy omissions from this evaluation. We refer to LAFCo policies IV.C.3.b and c pertaining to indefensible peninsulas. In this regard, we defer to and fully support the comments of FOSH and others pertaining to these policies. It is essential that they be included in the policy consistency evaluation. 129

Conclusion Regarding Consistency with SACOG MTP/SCS Obfuscates and Downplays a Critical Policy Inconsistency

In a mere three-line analysis on page 3.10-68, the RDEIR correctly states that the project "does not have consistency with the MTP/SCS". We would suggest a clear and direct statement—"The Elk Grove SOI Request Is Inconsistent with the Federal and State Mandated Regional Transportation Plan and Strategic Conservation Strategy required by SB375". This is a critically important land use and policy inconsistency of the proposed project, and it is dispensed with three obfuscating lines buried at the end of a long and largely irrelevant analysis of policy consistency. Please reference Attachment B to our comments, an excerpt of the discussion in Appendix E3 of the adopted MTP concerning Elk Grove. This analysis summarizes the assumptions for buildout of each growth area in the City of Elk Grove and clearly identifies available holding capacity to meet the projected housing and job needs to accommodate 2035 growth. The SOI request is inconsistent with the MTP/SCS because the regional agency responsible for population and housing analysis has determined that there is adequate available capacity over the next 22 years to meet Elk Grove's projected growth. 130

This is the first MTP cycle that incorporates the requirements of SB375, and as such it sets a baseline for the region's contribution toward meeting statewide targets for greenhouse gas emission reductions. So then, what are the implications of this inconsistency with the MTP/SCS and how do LAFCo decision-makers understand them? While not all of the answers to this question are totally within the scope of an EIR analysis, the preparers of the document owe in good faith to their clients (whom we perhaps naively perceive to be the LAFCo Board members) some context for the implications of this inconsistency. Three lines of exposition is entirely unacceptable. At the very minimum, the document must clearly call out the inconsistency and identify it as significant and unavoidable. 131

GROWTH INDUCEMENT

Incomplete Information in Population and Housing Section

The RDEIR makes reference on page 3.13-1 to the population and housing projections of SACOG's updated 2035 MTP/SCS:

> "SACOG...has made growth projections for the six-county SACOG region. The projections are based on the most recent national and state projections and on current information on the region's economy and housing. The draft population projections for 2035 are 8.8 percent higher than 2012." 132

The document should identify what the population projection for 2035 is (not just that it is 8.8 percent higher), and how the population projection relates to the numbers in Appendix E-3 of the 2012 MTP SCR

On page 3.13-2, the RDEIR references the numbers identified in Appendix E-3 without identifying them. The document needs to include that the projected 2035 housing units for Elk Grove is 66,010 and the projected 2035 jobs for Elk Grove is 47,629. The RDEIR on the same page includes the statement:

> "As stated above, draft revised projections prepared by SACOG for year 2020 and 2035 show lower population households, employment and dwelling units than those used in SACOG's Metropolitan Transportation Plan 2035."

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It is very difficult to understand which numbers are being referred to in this statement. Since population and household projections for 2035 are a very important factor in assessing need for the SOI and determining consistency with LAFCO policies, it is important that the RDEIR clarify rather than obfuscate any differences in projections.
The document needs to be revised to clearly identify, compare and cite sources for different SACOG projections of population, households, dwelling units and employment.

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Moreover, the Population and Housing Section of the document does not address the differences between SACOG projections and the assumptions and projections used in the Elk Grove Market Study that are cited in section 2 page 25 of the RDEIR. These comments include and incorporate the comments of FOSH regarding the Market Study Analysis.

135

Analysis of Growth Inducing Impacts is Inadequate

The RDEIR fails to adequately examine the growth inducing impacts of the project. The following comments repeat the comments in ECOS' November 18, 2011 comments on the Draft EIR.

The RDEIR states that there are no direct growth-inducing impacts associated with the project and that the only indirect growth-inducing impacts are those within the SOIA area itself:

> "In summary, the proposed project would maintain existing land use designations and zoning and would not result on [sic] the construction of new homes, businesses, roads, or utilities. Therefore, the proposed project would not directly induce substantial population growth and impacts; however, the project may indirectly induce substantial population growth" (page3.13-6).

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The purpose of the SOI request is for the purpose of urbanizing the SOIA, despite efforts of Elk Grove City to suggest otherwise. Analysis throughout the RDEIR looks at the impacts of urbanization of the SOIA. It does not characterize these impacts as "indirect impacts". It is both incorrect and inconsistent for the RDEIR to conclude that the project only leads to indirect growth inducing impacts.

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More importantly, the DEIR does not even consider the more important growth inducing impact beyond the SOIA project area. These should be correctly identified as the indirect impacts of project approval. The potential for these indirect growth inducing impacts is greatest where there are no physical or natural barriers to growth, such as is the case for that portion of the SOIA west of Highway 99. It is a historically demonstrable fact that new development on the fringe of a metropolitan area generates land speculation, ownership changes and economic circumstances that ultimately lead to requests to extend development beyond established boundaries. The current application is itself an example of the growth inducing effects of developing to the edge of the current Urban Service Boundary west of Highway 99. Land in the SOIA has been purchased or optioned by development interests. Over 1900 acres are no longer irrigated and have reclassified from statewide agricultural significance to locally important farmlands (See comments on agricultural impacts). A careful analysis of land sales in the SOIA would indicate not only changing ownership patterns indicative of speculative land purchases, but

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higher per/acre land prices based on the expectation of further growth. These all preceded Elk Grove City's SOI application. 138 (cont.)

There is no analysis of the potential for this project to introduce growth on land adjacent and beyond the proposed SOIA boundary--in spite of the fact that Elk Grove City and Sacramento County have drafted a Memorandum of Understanding that specifically proposes an agricultural residential buffer to mitigate for the project's growth inducing impacts, which in itself a growth inducing impact of the proposal. 139

There is also no analysis of the potential for unincorporated property owners adjacent to the SOI to seek use permit approval for allowable uses on agricultural lands that would not require urban services but would be urban in character, including, but not limited to schools, churches and certain commercial uses. 140

Growth Inducement is also a concern on the west side of the SOIA boundary across Interstate 5 at the southwest corner of the interchange of Hood Franklin Road and the freeway. This property is located at the planned western terminus of the Southeast Connector, a major expressway that would link Interstate 5 and Highway 50 between Elk Grove and Rancho Cordova. The interchange would be the first urban interchange entering the Sacramento urban area for northbound traffic on Interstate 5. Although the property at the southwest corner of the interchange is inside the legislative boundary of the Stone Lakes National Wildlife Refuge, it is not subject to conservation easements or other restrictive covenants (unlike the property at the northwest corner, which is publicly owned), and the USFWS exercises no authority over the property. Inclusion of the land on the east side of the freeway within the SOIA for the purpose of urban development, together with the construction of the Southeast Connector will make it particularly attractive for commercial development, and greatly increase the likelihood of requests to Sacramento County for development of travel related commercial uses that would not need public sewer and water connections. Although the land is within the 100 year flood plain that does not eliminate the potential for growth inducement—after all, the land immediately across the freeway inside the SOIA request is within the 100 year flood plain, and that didn't preclude Elk Grove from seeking its inclusion within an SOI for the purpose of urban development. 141

There is direct precedent for this in the approval by Sacramento County of the Tomato Patch travel commercial development and Sacramento 49er Travel Plaza (a truck stop) north of Interstate 80 at El Centro Road in the community of North Natomas. The south side of Interstate 80 is inside the USB and inside the City of Sacramento and the north side is not. These projects were approved, at least initially with the intent that they would not require extending sewer and water lines, although the property owners did subsequently apply for and receive City approval to extend water service to the properties, regardless of County General plan policy. 142

The RDEIR must discuss the potential of the following indirect growth inducing impacts; 143

1. to induce changes in land value, land ownership and farming on lands close to the SOI boundary that could lead to requests to further expand the Elk Grove SOI;
2. to induce the designation and development of agricultural residential land within unincorporated lands close to the SOI boundary to serve as a "buffer" between urban uses and farmland;
3. to induce the development of uses adjacent to the SOI boundary that serve urban needs but are allowable in agricultural zones with a use permit
4. to induce the development of travel commercial development in the southwest quadrant of Hood Franklin Road/Interstate 5 Interchange.

The Recommended Mitigation Measure is Inadequate

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

> "At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the city of Elk Grove will consult with the Sacramento Area Council of Governments (SACOG)s regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan/Sustainable Communities Strategy and provide LAFCo with evidence of the results of this consultation" (page3.13-6).

The proposed mitigation is inadequate for two reasons. First it simply requires a consultation, not consistency, with the Regional Blueprint and therefore does nothing to actually mitigate, contrary to the requirement that mitigation be fully enforceable (CEQA Guidelines 15126.4(a)(2). The Mitigation Measure should be revised to be enforceable mitigation as follows: 144

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

Secondly, it does not recognize other potential mitigation measures to reduce the indirect growth inducement impacts of the project. The environmental document must consider an environmentally superior mitigation measure that would require that any annexation proposal include provisions for securing the acquisition of development rights for a ½ to 1 mile buffer south of Kammerer Road and for the property at the southwest corner of Hood Franklin Road and Interstate 5. 145

CUMULATIVE IMPACTS

The Cumulative Impacts Analysis of the RDEIR is Inadequate and Incomplete

The EG SOIA is a request to annex 7869 acres for future urban development. Development of this land will significantly increase the holding capacity of the region. The majority of the acreage, an amount never specifically listed in the RDEIR, is west of Highway 99 and outside the County USB. This means that long range plans to provide water, wastewater treatment and other services have not taken into account the potential that this land will become urban and require services, which makes the cumulative impacts of the project particularly important for evaluating and deciding on the merits of the proposed project. 146

In this recirculated draft the list of projects included within the scope of cumulative impacts has expanded to include Folsom's annexation of its SOIA and the draft Bay Delta Conservation Plan. However, the Cumulative Projects list on Table 4-1 remains woefully incomplete. It does not include the recently approved Sacramento County Cordova Hills project, the numerous Jackson Highway projects currently being processed or Joint Vision process for extending the Urban Service Boundary in North Natomas. 147

This SOIA would, among other things, increase the cumulative impact of urbanization on farmland loss in Sacramento County. The RDEIR references Chapter 4 of LAFCo's Policies, Standards and Procedures Manual:

> Chapter 4, General Standards
>
> 5. An EIR completed on a project subject to LAFCo review shall contain a discussion of the following topics:
>
> a. County-wide or cumulative impacts *which concern LAFCo.* 148

The RDEIR goes on to state that "the proposed project's cumulative impacts were considered in conjunction with other proposed and approved projects in Sacramento County that concern or have some level of involvement or authority with LAFCo." However, a distinction based on "involvement or authority with LAFCo" is meaningless in consideration of this project's compliance with CEQA. LAFCo must be concerned with agricultural, open space and biological resources preservation, as well as many other issues, including air quality and climate change. To properly assess cumulative impacts of the SOIA on these criteria, The Cordova Hills project, Jackson Road projects, USB extension in North Natomas, and their contribution to cumulative impacts must be considered. By failing to include these projects in the cumulative effects analysis, the RDEIR seriously underestimates the cumulative effects of the SOIA. 148 (cont.)

The cumulative impact discussion remains overly general and entirely inadequate

The analysis of cumulative impacts makes no attempt to describe or quantify how the identified projects will cumulatively increase environmental impacts. Moreover, for several impacts, the analysis simply says that either the SOI project impacts will be less than significant, or with mitigation measures, will be reduced to less than significant. For example, in section 4.2.9 the DEIR states that mitigation will reduce water quality, groundwater, flooding and drainage impacts to less than significant, and that other projects that result in similar impacts would be required to mitigate for their impacts. It therefore concludes that the project would not have —a related cumulative considerable impact. The same reasoning is applied in section 4.2.7, Greenhouse Gas Emissions, 4.2.11, Mineral Resources and, 4.2.13 Population and Housing. This approach is not acceptable under CEQA, as the discussion of cumulative impacts shall reflect the severity of the impacts and their likelihood of occurrence. (CEQA Guidelines 15130(b).) 149

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

Agricultural Resources

The analysis of cumulative impact on Agricultural Resources (4.2.2) provided in the RDEIR is incomplete. The project mentions the impact that the Southeast Connector will have on farmland but does not include impacts from other projects in the list, particularly the 20,000 acres of land that will be made available for urban development in the newly adopted Sacramento County General Plan, the potential loss of prime and statewide significant farmland if the Joint Vision is Improved and the loss of farmland resulting from construction of the BDCP's tunnel project. The DEIR includes no cumulative agricultural land loss data of these projects in conjunction with the losses resulting from the proposed project. The reviewer of the document can get no sense of magnitude of the combined effect of planned and proposed development on Sacramento County agriculture. 150

Air Quality

The cumulative impact on Air Quality (4.2.3) analysis incorrectly assumes that a 35% reduction in precursor emissions associated with an Air Quality Mitigation Plan would mitigate the air quality impacts to less than significant and be consistent with the SMAQMD's Air Quality Attainment Plan. Likewise, the cumulative impact on Greenhouse Gas Emissions (4.2.7) incorrectly concludes that this and other projects would mitigate their impacts to less than cumulatively significant. How can this conclusion be reached? 151

Biological Resources

This RDEIR did not accurately present which species were present and its analysis failed to consider the full extent of impacts to the species that are present. It offered unenforceable and deferred mitigations to address these incompletely explicated impacts. Therefore, this RDEIR 152

fails to present findings here that are substantially supported with evidence (CEQA 15064(f) (5). As indicated throughout our analysis of the Biological Resources chapter, the impacts are greater than presented and they are inadequately mitigated and these deficiencies could result in potential "jeopardy' to listed species if this application was approved and annexation and urbanization followed in the future. 152 (cont.)

Water Supply

The cumulative impact on hydrology and water quality (4.2.9) is inadequate in that the analysis does not take into account the cumulative impact of the project on water demand and the ability for water providers—particularly the SCWA—to provide water to the project to meet the cumulative demands of the project. (See also comments in water section.) 153

With respect to storm-water runoff, the analysis does not identify whether any of the projects under consideration for their cumulative impacts will also impact the drainage systems within the project area. 154

Induced Growth

The cumulative impact on Population and Housing (4.2.13) reaches a similar conclusion as with the other sections, i.e. —because the proposed project can mitigate all of its population and housing impacts to a level of less than significant, it would not have a related cumulative considerable impact. 155

This is an incredibly narrow and inadequate analysis of a critical threshold question related to the approval of the SOIA, specifically, how does the inclusion of the SOIA relate to regional (or at least Countywide) projections of population and job growth, and how does the approval of the SOI for potential urban expansion affect the cumulative holding capacity of the region (or County) to provide for that growth? 156

The analysis of cumulative impacts on population and housing must look at holding capacity data for unincorporated Sacramento and its cities, as well as the holding capacity of the 20,000 acres included within the scope of the newly adopted Sacramento County General Plan, The Sacramento City General Plan, the recent Folsom annexation, the Galt SOI and the proposed Joint Vision expansion of the North Natomas area USB. The analysis must compare this holding capacity with projected population for the region (or County) and consider the degree to which cumulatively the proposed project contributes to the over-commitment of undeveloped land to urban uses. 157

In closing, and in the interest of providing the LAFCo Board with the best and most complete information for making an informed decision on this threshold land use decision, we urge that the preparers of the environmental document incorporate the above comments and recommendations in the Final REIR for the Elk Grove SOIA.

Thank you for providing an extended opportunity to comment.

Sincerely,

Rick Guerrero,
ECOS President

Carol W. Witham,
California Native Plant Society
Sacramento Valley Chapter President

Sean Wirth,
Sierra Club Sacramento Group
and Motherlode Chapter Conservation Chair

ECOS-2, Rick Guerrero (ECOS-2) (LATE)

Response to Comment ECOS-2-1

This comment is a summary of the comments contained in the letter and is addressed in ECOS-2-1 through ECOS 2-157 below. For responses to comments related to biological and agricultural resources, please refer Responses to Comments ECOS-2-7 through ECOS-2-81. For responses to comments related to water supply, please refer to Responses to Comments ECOS-2-82 through ECOS-2-95. For responses to comments related to air quality, please refer to Responses to Comments ECOS-2-96 through ECOS-2-101. For responses to comments related to greenhouse gasses, please refer to Responses to Comments ECOS-2-102 through ECOS-2-110. For responses to comments related to land use policy, please refer to Responses to Comments ECOS-2-114 through ECOS-2-131. For responses to comments related to growth, please refer to Responses to Comments ECOS-2-132 through ECOS-2-145. For responses to comments related to cumulative impacts, please refer to Responses to Comments ECOS-2-146 through ECOS-2-157.

The comment notes that the RDEIR states that it is not intended to be used for tiering. The text on page 2-39 is amended as follows:

> ~~As stated in Section 1, Introduction, this document is not intended as a programmatic document for use to tier the CEQA analysis for future projects.~~

This revision does not present significant new information requiring recirculation pursuant to CEQA Guidelines Section 15088.5(a).

Response to Comment ECOS-2-2

The comment relates to the adequacy of the mitigation measures in the RDEIR. Please refer to Master Response 1 related to sufficiency of mitigation measures and revisions to mitigation measures.

Response to Comment ECOS-2-3

The comment relates to the adequacy of the mitigation measures in the RDEIR. Please refer to Master Response 1 concerning the sufficiency of mitigation and revisions to mitigation measures.

Response to Comment ECOS-2-4

The comment suggests revisions to mitigation measures to address concerns related to deferred mitigation. Please refer to Master Response 1 concerning the sufficiency of mitigation and revising the mitigation measures.

Response to Comment ECOS-2-5

The comment questions the need for the proposed SOIA. Please refer to Master Response 7 regarding the need for the proposed SOIA. The comment further suggests the RDEIR misrepresents the MTP/SCS by using figures from the MTP/SCS in Table 2-4 as justification for the proposed SOIA. As explained on RDEIR pages 2-25 through 2-26, the land use assumptions set forth on pages 2-25 through 2-28 of the RDEIR, including Table 2-4, are intended to provide a general concept of the

future and potential impacts that may result from future development in the SOIA area. These assumptions were developed by LAFCo staff, in consultation with City staff, for the purposes of understanding possible environmental effects that should be considered with future annexation proposals. Please refer to Master Response 1 regarding level of analysis. The purpose of the land use assumptions is not to justify the need for the proposed SOIA.

Response to Comment ECOS-2-6

The comment challenges the need for the proposed SOIA. Please refer to Master Response 7 regarding the need for the proposed SOIA. The comment opines that the Land Use section of the RDEIR uses Elk Grove General Plan Land Use Policy LU-10 to justify the need for the proposed SOIA. The Land Use section of the RDEIR analyzes the potential land use impact of the proposed SOIA (see Impacts LU-1, LU-2, LU-3, LU-4; RDEIR, pages 3.10-22 through 3.10-67). The Land Use section analyzes whether the proposed SOIA is consisted with General Plan Policy LU-10 and concludes that the SOIA is consistent (RDEIR, pages 3.10-40). The RDEIR does not attempt to justify the policy position of LAFCo and/or the City.

Response to Comment ECOS-2-7

The comment refers to previous comments submitted on the 2011 Draft EIR. See Master Response 9.

Response to Comment ECOS-2-8

The comment states the RDEIR inadequately describes the environmental setting with regard to land uses and species. RDEIR Section 3.4.2, Environmental Setting, provides that the Stone Lakes National Wildlife Refuge borders the proposed SOIA Area to the west and that agricultural uses within the refuge occupy the area immediately next to the proposed SOIA Area's boundary. Exhibit 3.4-2b utilized the CNDDB to identify the recorded occurrences of special-status species in the proposed SOIA Area. Adequacy of the biological baseline data and potential effects to the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve are addressed in Master Response 8.

Response to Comment ECOS-2-9

The comment states the RDEIR does not adequately address the geographical and biological relationship between the proposed SOIA Area and the surrounding uses. Adequacy of the biological baseline data and potential effects to Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve are addressed in Master Response 8.

Response to Comment ECOS-2-10

The comment notes portions of the proposed SOIA Area are floodplains. Discussion of the function of the proposed SOIA Area as foraging habitat during flood events and its importance in the life history of overwintering greater sandhill cranes is presented in Master Response 8.

Response to Comment ECOS-2-11

The comment notes the development of the proposed SOIA Area will occur in a piecemeal fashion and the proposed SOIA RDEIR is the only opportunity to consider the impact of removing the entire proposed SOIA Area from the local ecosystem. The RDEIR considers development of the entire proposed SOIA Area (see Master Response 1). Master Response 2 discusses the RDEIR's approach to cumulative impacts, and Master Response 8 specifically addresses the RDEIR's approach to addressing cumulative impacts to Swainson's Hawk.

Response to Comment ECOS-2-12

The comment states the RDEIR does not justify the "take" of such a significant swath of habitat and the RDEIR does not analyze the effects of annexation of the proposed SOIA. Master Response 1 addresses the level of analysis of the RDEIR, which includes assumptions for development of the entire proposed SOIA Area. Master Response 1 also addresses the enforceability of mitigation measures and responds to comments regarding deferred mitigation in the RDEIR. The proposed SOIA would not result in "taking" of land under any legal definition, although ultimate development of the SOIA Area following an approved SOIA and subsequent annexation(s) could result in "take" of listed species and/or habitat, if appropriate state and federal authorizations are obtained by future project proponents.

Response to Comment ECOS-2-13

The proposed SOIA does not present a land use plan. The comment regarding the assumptions of buildout of the proposed SOIA Area is discussed in Master Response 1.

The SSHCP is not in draft form for public circulation, and the proposed SOIA does not present a land plan. Therefore, it is not feasible to make a determination of the consistency of buildout of the proposed SOIA with the SSHCP. Since buildout of the proposed SOIA Area will occur within the context of an approved SSHCP or habitat conservation management plan (HCMP) (as identified in Mitigation Measure BIO-1) and the CDFW will be engaged in the drafting of either plan, it can be assumed that the buildout of a future developed land plan and subsequent mitigation program will be feasible. See Master Response 8.

Please see Master Response 1 regarding the adequacy of the analyses presented in the RDEIR.

Response to Comment ECOS-2-14

The comment questions surveys conducted for the proposed SOIA Area. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR.

Response to Comment ECOS-2-15

The comment indicates that previous comment letters describing biological resources were submitted in the review process on the prior Draft EIR and were not considered in the RDEIR. Where applicable, comments on the Draft EIR were considered in the RDEIR, though responses to specific comments on the Draft EIR are not provided in the RDEIR. See Master Response 9 regarding

comments on the original Draft EIR. See Master Response 8 for revisions to the RDEIR text to address some of the information presented in the review process and adequacy of the biological baseline presented in the RDEIR.

Response to Comments ECOS-2-16, ECOS-2-17

The comment states the list of species described for cropland habitats is not complete. The species list in RDEIR Section 3.4.2 is not intended to be a comprehensive list of all species that occur in the habitat descriptions. Please see Master Response 8 for addition discussion of the adequacy of the biological baseline of the RDEIR. The importance assigned to the proposed SOIA Area as wildlife habitat is expressed in the findings for Impact BIO-1 in which it is stated that complete buildout the proposed SOIA Area would result in a significant and unavoidable impact to special-status wildlife species with mitigation incorporated.

Response to Comment ECOS-2-18

The comment states the list of species expected in wetlands is incomplete. See Response to Comment ECOS-2-16/17. The description in Table 3.41 on page 3.4-5 is revised as follows:

> Based on the SSHCP landcover database there are approximately 150.6 ~~areas~~ acres of wetland, ponds and riparian areas within the SOIA Area (Table 3.4-1 and Exhibit 3.4-1).

See Master Response 8 for a discussion of the adequacy of the biological baseline of the RDEIR.

Response to Comment ECOS-2-19

Master Response 8 discusses the RDEIR's approach to addressing the relationship of the proposed SOIA Area to the Stone Lakes National Wildlife Refuge and the Cosumnes River Preserve.

Response to Comment ECOS-2-20

The comment states the RDEIR is misleading in that a reader is allowed to believe a species' absence from the CNDDB is a record of absence of that species in the proposed SOIA Area. See Master Response 8 for a discussion of the use of the CNDDB and the adequacy of the biological baseline of the RDEIR.

Response to Comment ECOS-2-21

The comment indicates that previous comment letters describing biological resources were submitted in the review process on the prior Draft EIR. See Master Response 8 for revisions to the RDEIR text to address some of the information presented in the review process and adequacy of the biological baseline presented in the RDEIR.

Response to Comment ECOS-2-22

See Master Response 8 for a discussion of the adequacy of the biological baseline of the RDEIR.

Response to Comment ECOS-2-23, ECOS 2-24, ECOS-2-25, ECOS-2-26, ECOS-2-27
Exhibit 3.4-2a utilizes the CNDDB to identify recorded occurrences of special-status species in the proposed SOIA. Table 3.4-3 was aggregated from multiple sources, including the Draft SSHCP, as sourced in Table 3.4-3. See Master Response 8 for a discussion of the adequacy of the biological baseline of the RDEIR, including that presented for Swainson's Hawk. See Master Response 1 on the adequacy of the RDEIR and CEQA standards, and required subsequent project-level analyses for future projects.

Response to Comment ECOS-2-28
Discussion of the function of the proposed SOIA Area as foraging habitat during flood events and its importance in the life history of overwintering greater sandhill cranes is presented in Master Response 8. Peregrine falcons are not dependent on flooded agricultural fields in the proposed SOIA in past and current status.

Response to Comment ECOS-2-29
Please see Master Response 8 for a discussion of the adequacy of the biological baseline of the RDEIR. The importance assigned to the proposed SOIA Area as wildlife habitat is expressed in the findings for Impact BIO-1 in which it is stated that complete buildout of the proposed SOIA Area would result in a significant and unavoidable impact to special status wildlife species with mitigation incorporated.

Response to Comment ECOS-2-30, ECOS-2-31, ECOS-2-32, ECOS-2-33
See ECOS 2-3 and Master Responses 1 and 8 for a discussion of the relationship between the SSHCP and the proposed SOIA and the feasibility of mitigation.

Response to Comment ECOS-2-34
If the City were to develop a HCMP outside of the SSHCP process, the effects of project covered under the habitat management plan would be removed from the SSHCP; therefore, the mitigation responsibility of projects in the proposed SOIA would be shifted to the HCMP. "Inventory" needs of the two separate plans would be equivalent to a single plan with all parties involved.

Response to Comment ECOS-2-35, ECOS-2-36
The comment states the data used in the REIR is inadequate. See Master Response 8 for a discussion of the adequacy of the biological baseline of the RDEIR.

Response to Comment ECOS-2-37
The comment states the proposed SOIA has had a significant impact on the SSHCP. See Response to Comment ECOS-2-3 and Master Response 8 for a discussion of the relationship of the proposed SOIA and the SSHCP.

Response to Comment ECOS-2-38
The term "critical habitat" as used in the RDEIR is defined through the federal Endangered Species Act (ESA). When a species is considered for listing under the ESA, the USFWS must consider

whether there are areas of habitat that are essential to the species' conservation. These areas may be proposed for designation as "critical habitat." This term is defined under the ESA as specific geographical area(s) that contain features essential for the conservation of a threatened or endangered species. For the purposes of the RDEIR, information regarding USFWS-designated critical habitat was reviewed. None was identified within the proposed SOIA Area.

Response to Comment ECOS-2-39

The comment states greater sandhill crane and Swainson's Hawk occur in the proposed SOIA Area. See Master Response 8 for a discussion of greater sandhill crane and Swainson's Hawk habitat in the proposed SOIA Area. The draft version of the SSHCP has not been made available for public review. It is speculative at this time to predict what the SSHCP mitigation strategy will be for habitat in the proposed SOIA Area. The proposed mitigation presented in the RDEIR is consistent with the CDFW guidelines and current County policy for the proposed SOIA Area.

Response to Comment ECOS-2-40

The comment states additional CEQA review will not allow for examination of removal of the entire proposed SOIA Area from the ecosystem. See Response to Comment ECOS-2-11. Master Response 1 discusses future CEQA obligations necessary before any project can commence in the proposed SOIA Area. CEQA standards of analyses for cumulative effects under a program EIR are also discussed. "Jeopardy" is a standard established in the federal Endangered Species Act. That standard is applied only to projects with a federal nexus and is not a CEQA standard that would be applicable to the proposed SOIA.

Response to Comment ECOS-2-41

Comment states that ECOS supports the comments provided by Friends of the Swainson's Hawk in both the Draft EIR and the RDEIR. See Responses to Comment FOSH-1, FOSH-2, and FOSH-3.

Response to Comment ECOS-42, ECOS-2-43, ECOS-2-44, ECOS-2-45

See Master Response 8 for a discussion of greater sandhill crane habitat and the value of the proposed SOIA Area during flood events in the proposed SOIA Area. Altering the greater sandhill crane's potential to occur from medium to high would not alter the analyses, mitigation, or significance of the impacts of the proposed SOIA presented in the RDEIR. The RDEIR states that the proposed SOIA will result in a significant and unavoidable impact.

Response to Comment ECOS-2-46

The comment states that the RDEIR improperly defers analysis because it assumes that the relationship of the proposed SOIA and the SSHCP can be resolved at the time of annexation. See Master Response 1 for a discussion of the adequacy of the analyses of the RDEIR. The SSHCP is not in draft form for public circulation and the proposed SOIA does not present a land plan; therefore, it is not feasible to make a determination of the consistency of buildout of the proposed SOIA with the SSHCP. Since buildout of the proposed SOIA Area will occur within the context of an approved SSHCP or HCMP (as identified in Mitigation Measure BIO-1) and the CDFW will be engaged in the

drafting of the either plan, it can be assumed that the buildout of a future developed land plan and subsequent mitigation program will be feasible. See Master Response 8 for a discussion of the adequacy of the biological baseline of the RDEIR and the relationship of the proposed SOIA and the SSHCP.

Response to Comment ECOS-2-47

The comment states the RDEIR does not address giant garter snake. Giant garter snake have not been recorded in the proposed SOIA Area. A draft of the SSHCP is not available for public review and has not been accepted by agencies or peer reviewed by experts.

Response to Comment ECOS-2-48, ECOS-2-49

See Master Response 2 for a discussion of cumulative analyses for the RDEIR and Master Response 8 on the adequacy of the biological baseline of the RDEIR. The comment presents no new data that would alter the conclusion of the RDEIR analyses.

Response to Comment ECOS-2-50

The comment states there is no assurance that Elk Grove will remain a partner in the SSHCP. This is speculative. However, Mitigation Measure BIO-1a outlines two possible avenues in the event avoidance of special-status species is infeasible. Participation in the SSHCP (a plan developed on a regional level) would be the first course of action if the SSHCP is approved. Development of a HCMP would only occur in the event that the SSHCP is not adopted.

Response to Comment ECOS-2-51

The HCMP is proposed to provide a vision and process to ensure mitigation is undertaken in a manner that maximizes the benefits of the mitigation to affected species (large preserves, etc.) if the SSHCP is not adopted. Should "take of listed species" be identified through the HCMP planning process, Elk Grove would work with the regulatory agencies to ensure compliance with all regulations including the federal and California Endangered Species Acts. Please see Response to Comment ECOS-2-46 and Master Response 8 for a discussion for the relationship of the SSHCP and SOIA.

Response to Comment ECOS-2-52

See Responses to Comments ECOS-2-50 and ECOS-2-51.

Response to Comment ECOS-2-53, ECOS-2-54, ECOS-2-55

The comment indicates that RDEIR mitigation measures defer mitigation for future development. Please see Master Response 1 for a discussion of comments on deferred mitigation and on the adequacy and enforceability of mitigation presented in the RDEIR.

Response to Comment ECOS-2-56, ECOS-2-57

The comment states the HCMP would not be enforceable and cannot be relied upon. The implementation of the performance standard for impacts to Swainson's Hawk and other species that utilize the agricultural fields of the proposed SOIA Area will ensure that 1 acre of land is preserved

for each acre affected. The HCMP must support this performance standard. The comment states that ECOS concurs with the RDEIR conclusion that the impacts will be significant and unavoidable.

Response to Comment ECOS-2-58

See Master Response 1 and Responses to Comments ECOS-2-56 and ECOS-2-57 for a discussion of the adequacy of mitigation and mitigation performance standards.

Response to Comment ECOS-2-59, ECOS-2-60

The comments state that Mitigation Measure BIO-2 is the proposed minimum required mitigation by the governmental agencies that would need to provide permits. The RDEIR cannot speculate regarding what authorizations will be required from other agencies. The RDEIR sets standards of significance and provides mitigation measures with performance standards to reduce impacts to a less than significant level. If the SOIA is approved, any subsequent proposed projects and related annexation(s) will be subject to the review and approval of the applicable state and federal regulations (see Master Response 1), through the SSHCP or though the HCMP as identified in Mitigation Measure BIO-1. The RDEIR identifies mitigation (Mitigation Measure BIO-2) that requires at least 1 acre of wetlands to be created/enhanced/ restored for each acre impacted. This standard ensures that the SOIA will result in no net loss of wetlands. The impacts with mitigation are less than significant.

Response to Comment ECOS-2-61

The comment states the RDEIR downplays the significance of the proposed SOIA Area as part of the Pacific Flyway. The RDEIR acknowledges the proposed SOIA Area is used by migrant species of the Pacific Flyway.

Response to Comment ECOS-2-62, ECOS-2-64

The comment states the RDEIR mitigations are project by project and are unenforceable. Please see Master Response 1 regarding the adequacy and enforceability of mitigation presented in the RDEIR.

Response to Comment ECOS-2-63

Sacramento County General Plan designates an Urban Services Boundary to indicate the ultimate boundary of the urban area in the unincorporated area of Sacramento County. RDEIR Section 3.10, Land Use, discusses the County's USB. As indicated in the Land Use section of the RDEIR, the proposed SOIA Area west of State Route 99 is located directly south of the USB's southernmost boundary, while a majority of the proposed SOIA Area east of SR 99 is located within the USB. As discussed in Master Response 3, the RDEIR addresses the physical effects of development of the entire proposed SOIA Area. Extension of development outside the County's USB would not result in any physical effects that were not addressed in the RDEIR.

Response to Comment ECOS-2-65

The comment reiterates the contention that the proposed SOIA would render the SSHCP unable to implement its conservation strategy. Please see Master Response 8 for a discussion of the relationship between the SSHCP and the proposed SOIA.

Response to Comment ECOS-2-65b

The comment relates to consistency with the SSHCP. Refer to Responses to Comments ECOS-1-11 through ECOS-1-14.

Response to Comment ECOS-2-65c

The comment relates to impacts on the Stone Lakes National Wildlife Refuge and Cosumnes River Preserve. Refer to Master Response 8.

Response to Comment ECOS-2-66

The comment provides Sacramento County's definition of locally important farmlands. The following is added to the following the bullet titled "Farmland of Local Importance" on RDEIR page 3.2-3:

> Sacramento County's Locally Important Farmlands are those lands which do not qualify as prime, statewide, or unique designation but are currently irrigated crops or pasture or non-irrigated crops; lands that would be prime or statewide designation and have been improved for irrigation but are now idle; and lands which currently support confined livestock, poultry operations, and aquaculture.

Response to Comment ECOS-2-67

The comment notes criteria for inclusion in different categories of agricultural land and states impacts on locally important farmland should be considered. The amount of Farmland of Local Importance in the SOIA Area is disclosed in Table 3.2-1 on page 3.2-3. While the RDEIR does not mitigate for the loss of Farmland of Local Importance, the RDEIR discloses the amount of Farmland of Local Importance that could be converted. As discussed in Response to Comment SCFB-1, the analysis of agricultural land in the RDEIR is consistent with the definition of agricultural land pursuant to CEQA (Public Resources Code Section 21060.1(a)).

Response to Comment ECOS-2-68

The comment notes that Prime Farmland and Farmland of Statewide Importance are being reclassified as Farmland of Local Importance. Regardless of the reason for conversion, the reduction in Prime Farmland and Farmland of Statewide Importance are disclosed and that reduction is considered in the cumulative analysis in the RDEIR.

Response to Comment ECOS-2-69

The comment compares the potential loss of agricultural land as a result of the proposed SOIA with the loss in the region in the last 22 years. Consistent with CEQA, the cumulative analysis for agriculture considered the effects of past, present, and probable future projects. As discussed on RDEIR page 4-5, the project's contribution to the cumulative loss of agricultural land was determined to be significant and unavoidable.

Response to Comment ECOS-2-70

The comment states that Mitigation Measure AG-1 of the RDEIR is inconsistent with City of Elk Grove Policy CAQ-3, but the comment misinterprets the policy. Policy CAQ-3 does not prohibit the imposition of agricultural preservation mitigation, but states that protection of existing agricultural land is not mitigation, and as such results in a net loss of agricultural land. The policy states that the only way to fully mitigate for conversion of agricultural land is to create new agricultural land as opposed to preserving existing agricultural land. The mitigation measure is consistent with this policy.

Response to Comment ECOS-2-71

The comment describes potential for policy conflicts. See Response to Comment ECOS-2-70.

Response to Comment ECOS-2-72

The comment proposes a mitigation measure that requires restoration of nonagricultural land for land converted to non-agricultural use. Mitigation Measure AG-1 requires that applicants protect 1 acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that could be developed as a result of the project. Restoration of agricultural land as suggested by the comment would be infeasible, because land suitable for restoration would likely not be available for most farmland classifications. Because soil type is a primary criterion for farmland classification, only in specific circumstances would land with appropriate soils be available for restoration, such as the circumstance described in Comment ECOS-2-67 and -73 in which land previously classified as Prime Farmland was removed from irrigation, thus becoming Locally Important Farmland. In this circumstance, this land would presumably have changed for reasons other than letting the land lay fallow, such as anticipation for development or dedication to wildlife habitat. The conversion of developed land or wildlife habitat would not be feasible due to relocation of uses and removal of land for habitat for use as agricultural land would result in negative effects on wildlife. Courts have concurred that agricultural land cannot be recreated or reproduced elsewhere (*Citizens for Open Government v. City of Lodi,* 2012. 205 Cal.App.4th 296).

Response to Comment ECOS-2-73

See Response to Comment ECOS-2-72 regarding the proposed mitigation measure. With regard to a "scaled back SOIA," the RDEIR includes a No Project Alternative (pages 5-9 through 5-12), which assumes no development in the SOIA Area, and an Enhanced Regional Alternative (pages 5-16 through 5-21), which assumes an SOIA Area of approximately 4,350 acres.

Response to Comment ECOS-2-74

The comment relates to the adequacy of Mitigation Measure AG-1. Please refer to Master Response 1 concerning the sufficiency of mitigation and revisions to mitigation measures.

Response to Comment ECOS-2-75

The comment provides opinion related to language used in Mitigation Measure AG-1 and states that, while the measure is "accurate," it is misleading in that it will only protect land that is unlikely to

develop anyway. The intent of the mitigation is not to prevent the conversion of certain agricultural lands adjacent to urban development from developing. The intent of the mitigation is to ensure the preservation of agricultural land equal in quantity and quality to any agricultural land converted to nonagricultural use. The impact is clear that the measure would still result in a net loss of agricultural and that the impact would be significant and unavoidable.

Mitigation Measure AG-1 is crafted in a manner that will assure that mitigation lands are acquired prior to individual project implementation. If easements are not obtained prior to proposed annexation, no approval would be provided by LAFCo or the City of Elk Grove.

Response to Comment ECOS-2-76

Mitigation Measure AG-1 currently requires that the farmland/wildlife habitat land to be preserved must have adequate water supply to support agricultural use. Regarding the location of the land within 3 miles of the SOIA, such a requirement is arbitrary in that lands outside of this area could meet the criteria based on the type of farmland being converted. Similarly, land within the 200-year floodplain cannot be developed and could be consistent with lands being converted to nonagricultural use, and thus would be adequate for mitigation.

Response to Comment ECOS-2-77

The comment indicates that there are growth-inducing impacts of the project that would have a bearing on agricultural impacts. The comment does not state what the growth-inducing impacts would be and how they would affect the agricultural impact. As discussed in RDEIR Section 2, Project Description, the proposed SOIA is intended to accommodate potential growth to occur in the City of Elk Grove. The proposed SOIA was sized based on these City of Elk Grove projections and would therefore not induce substantial growth outside the proposed SOIA area.

Response to Comment ECOS-2-78

The comment states the RDEIR should analyze economic impacts related to diary operations because LAFCo must consider economic integrity of other lands. CEQA Guidelines Section 15131(a) states:

> Economic or social effects of a project shall not be treated as significant effects on the environment. An EIR may trace a chain of cause and effect from a proposed decision on a project through anticipated economic or social changes resulting from the project to physical changes caused in turn by the economic or social changes. The intermediate economic or social changes need not be analyzed in any detail greater than necessary to trace the chain of cause and effect. The focus of the analysis shall be on the physical changes.

The comment provides no evidence that changes in the proposed SOIA Area would result in economic effects that could result in negative physical environmental effects.

Response to Comment ECOS-2-79

The comment states the effects related to extension of urban services to the SOIA Area are dismissed in the RDEIR. As discussed in Section 2, Project Description, the proposed SOIA does not involve any development proposals and would therefore not result in installation of public facilities. Regarding the potential for the extension of public facilities to result in the conversion of agricultural land, the RDEIR assumes development of the SOIA Area and the RDEIR discloses the conversion of up to 7,360 acres of Important Farmland (see Table 3.2-1 on page 3.2-3). The extension of services would not result in any additional conversion of agricultural land.

Response to Comment ECOS-2-80

The comment states that Stone Lakes National Wildlife Refuge is not a barrier, as lands within the refuge boundary are not protected and could be subject to approval of nonagricultural uses. The proposed SOIA does not propose any development within the Stone Lakes National Wildlife Refuge. The RDEIR acknowledges that portions of the plan area directly abut agricultural land, so the SOIA Area is not buffered from agricultural land. However, as development is proposed, LAFCo would review those proposals to determine the extent to which buffers for agricultural land are provided.

Response to Comment ECOS-2-81

The comment states Mitigation Measure AG-3 would not reduce impacts related to conflicts to less than significant. The RDEIR does not conclude that these existing regulations and Mitigation Measure AG-3 would reduce the impact to less than significant; the impact was determined to be significant and unavoidable after mitigation (see page 3.2-21). In addition, the RDEIR analysis does not rely solely on Mitigation Measure AG-3 to reduce impacts. The RDEIR also discusses City of Elk Grove General Plan Policy CAQ-4 and its associated two actions that consist of the use of the City's Agricultural Activities ordinance (Municipal Code Chapter 14.05) and the requirement for notification of prospective buyers of property adjacent to agricultural land that they could be subject to inconvenience or discomfort resulting from accepted farming activities.

Response to Comment ECOS-2-82

This comment frames the issues presented. Further detail regarding each component is provided in the following comments. No response is required.

Response to Comment ECOS-2-83

The comment is related to the availability of surface water and groundwater and notes an apparent conflict with text in the RDEIR. The RDEIR text to which the comment refers, taken in context, is related to the public water system and does not specifically relate to future land uses and associated water demands, as presumed in the comment. As noted previously, the proposed SOIA includes no land use plan, and approval of the SOIA would cause no additional immediate demand for municipal water service, water supplies, or infrastructure. As provided in the impact analysis, SCWA is the most likely municipal water service provider for future residents in the SOIA Area. As there is no land use plan associated with the proposed SOIA, based upon land use assumptions provided on RDEIR pages 2-25 and 2-26, the RDEIR estimates water demand from buildout of the proposed SOIA Area at

15,249 acre-feet. The water provider, supply sources, and volumes would be identified prior to LAFCo approval of annexation of any portion of the SOIA through the Plan for Services required by Government Code Section 56430, or its successor, as required by Mitigation Measure USS-1. Contrary to the comment, the RDEIR does not assume that there would be adequate capacity from any facility (e.g., Freeport) to serve the SOIA Area; the RDEIR identifies the likely water provider for the area and provides information about water supply and projected SOIA demand. See also Master Response 4.

Response to Comment ECOS-2-84

The comment summarizes contents of the RDEIR with respect to current estimated water demand for agricultural uses in the proposed SOIA Area and projected demand and notes water committed to municipal and industrial purposes cannot be withdrawn or sanction in the same way as agricultural uses can in dry years. Please refer to Master Response 4.

Response to Comment ECOS-2-85

The comment questions the adequacy of the cumulative water supply analysis. Refer to Master Response 4.

Response to Comment ECOS-2-86

The comment provides information on the Water Forum Agreement. The Water Forum Agreement is discussed in the RDEIR on pages 3.9-19 through 3.9-21.

Response to Comment ECOS-2-87, ECOS-2-88, ECOS-2-89

The comment questions the adequacy of the cumulative water supply analysis. Refer to Master Response 4.

Response to Comment ECOS-2-90, ECOS-2-91

The comment refers to safe groundwater yield in the basin. Refer to Master Response 4.

Response to Comment ECOS-2-92

The comment refers to the availability of surface water and the American River Place of Use. Refer to Master Response 4.

Response to Comment ECOS-2-93

The comment restates RDEIR Mitigation Measure USS-1. No response is required.

Response to Comment ECOS-2-94

The comment questions the efficacy of RDEIR Mitigation Measure USS-1 and refers to the City of Folsom as support that the measure could fail. The comment mischaracterizes the situation in Folsom, stating that the City of Folsom's plan for water supply has "collapsed." The City of Folsom still has their originally proposed water source, but the City is attempting to secure an alternative water source that would be more cost effective than that originally proposed. The comment provides no specific details regarding how Mitigation Measure USS-1 is inadequate. No further response is required.

Response to Comment ECOS-2-95

The comment refers to safe groundwater yield in the basin. Refer to Master Response 4.

Response to Comment ECOS-2-96

The comment states that the RDEIR downplays the identified inconsistency with the SIP, does nothing to assist with attainment of air quality standards for the region, and needs to acknowledge the project's serious impact to the SIP. Impact AIR-1 on RDEIR pages 3.3-21 through 3.3-24 considers vehicle miles traveled and identifies the SOIA's impacts to the SIP as significant and unavoidable despite the imposition of mitigation. See Response to Comment SMAQMD-2, which includes revisions to Mitigation Measure AIR-1 in RDEIR Section 3.3 provided by the Sacramento Metropolitan Air Quality Management District (SMAQMD) in order to reduce air quality impacts associated with the SIP.

Response to Comment ECOS-2-97

The comment states that the impact discussion of Impact AIR-1 of Section 3.3 of the RDEIR incorrectly notes that the potential growth in the SOIA was identified in the Metropolitan Transportation Plan/ Sustainable Communities Strategy (MTP/SCS). The text at the bottom of the third paragraph on page 3.3-23 of the RDEIR is revised as follows:

> It is anticipated that the policies and strategies of the MTP/SCS, which seek to address the increase of 900,000 people to the Sacramento region and the subsequent effect on the transportation network, would assist with the accommodation of an efficient transportation system within and around the SOIA Area. However, it is acknowledged that growth in the SOIA Area was <u>not</u> identified in the MTP/SCS.

Response to Comment ECOS-2-98

The comment states that Mitigation Measure AIR-1 is inadequate and deferred mitigation. See Master Response 1 regarding deferred mitigation. See Response to Comment SMAQMD-2, which includes revisions to Mitigation Measure AIR-1 in RDEIR Section 3.3 provided by the SMAQMD in order to reduce air quality impacts associated with the SIP.

Response to Comment ECOS-2-99

The comment offers alternative mitigation to replace Mitigation Measure AIR-1. See Response to Comment SMAQMD-2, which includes revisions to Mitigation Measure AIR-1 in RDEIR Section 3.3 provided by the SMAQMD in order to reduce air quality impacts associated with the SIP. See Master Response 1 regarding deferred mitigation.

Response to Comment ECOS-2-100

The comment cites City General Plan Policy CAQ-32 and states that the proposed SOIA would conflict with applicable air quality plans and could make attainment of the health-based air quality standards difficult to achieve. Impact AIR-1 of Section 3.3 of the RDEIR identifies SOIA impacts to the air quality attainment plan as significant and unavoidable despite the imposition of mitigation. See

Response to Comment SMAQMD-2, which includes revisions to Mitigation Measure AIR-1 in RDEIR Section 3.3 provided by the SMAQMD in order to reduce air quality impacts associated with applicable air quality plans.

Response to Comment ECOS-2-101

The comment states that the RDEIR air quality analysis is inadequate unless additional project-level mitigation is applied, but the comment refers to the cumulative discussion from the RDEIR. The referenced discussion acknowledges that the proposed SOIA would contribute emissions in the region. However, Mitigation Measure AIR-1 would still apply to development within the SOIA Area. See also Response to Comment SMAQMD-2, which includes revisions to Mitigation Measure AIR-1 in RDEIR Section 3.3 provided by the SMAQMD in order to reduce air quality impacts associated with applicable air quality plans and thus cumulative impacts.

Response to Comment ECOS-2-102

The comment states that the RDEIR does not analyze the impact of the SOIA on SACOG's MTP/SCS greenhouse gas reduction targets. The comment is correct. At the present time, there are no adopted or recommended methodologies or thresholds of significance established by federal, state, or local agencies/jurisdictions for the evaluation of GHG emissions and resultant impacts attributable to proposed projects. Addressing GHG generation impacts and selecting an analysis methodology requires an agency to make a determination as to what constitutes a significant impact. The amendments to the CEQA Guidelines specifically allow lead agencies to determine the methodology for completing a GHG impact analysis as well as the thresholds of significance that illustrate the extent of an impact. This means that each agency is left to determine if a project's GHG emissions will have a "significant" impact on the environment. The guidelines direct that agencies are to use "careful judgment" and "make a good-faith effort, based to the extent possible on scientific and factual data, to describe, calculate or estimate" the project's GHG emissions (14 California Code of Regulations Section 15064.4(a)). In its Final Statement of Reasons for Regulatory Action accompanying the CEQA Amendments (FSOR), the California Natural Resources Agency (CNRA 2009) notes that CEQA case law has long stated that "there is no iron-clad definition of 'significance.' Accordingly, lead agencies must use their best efforts to investigate and disclose all that they reasonably can concerning a project's potential adverse impacts." The CEQA Amendments do not prescribe specific methodology or significance thresholds but instead leave considerable discretion to lead agencies to develop appropriate analysis methods and thresholds to apply to projects within their jurisdiction.

AB 32 is a legal mandate requiring that statewide GHG emissions be reduced to 1990 levels by 2020. In adopting AB 32, the legislature determined the necessary GHG reductions for the state to make in order to sufficiently offset its contribution to the cumulative climate change problem to reach 1990 levels. AB 32 is the only legally mandated requirement for the reduction of GHG emissions. As such, compliance with AB 32 and the adopted Elk Grove Climate Action Plan (CAP), which was prepared with the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32

Scoping Plan, are used to determine impact significance concerning project generation of GHG emissions.

Response to Comment ECOS-2-103

The comment states that the strategies of the MTP/SCS will be harder to implement due to the proposed SOIA. As stated in Response to Comment ECOS-102, AB 32 is the legally mandated requirement for the reduction of GHG emissions. As such, compliance with the adopted Elk Grove CAP, which was prepared with the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan would ensure greenhouse gas reduction targets are achieved.

Response to Comment ECOS-2-104

The comment states that the RDEIR provides a bad faith effort at analyzing GHG emissions due to the omission of comparing the SOIA to SACOG's MTP/SCS and for not providing evidence for its determinations. See Responses to Comments ECOS-102 and ECOS-2-103. The less than significant GHG-related impact determinations in the RDEIR are supported by Mitigation Measure GHG-1, which requires future development allowed within the SOIA to comply with one of three identified performance criteria (see page 3.7-26).

Response to Comment ECOS-2-105

The comment asks whether the City of Elk Grove achieved its goal of reducing GHG emissions to 2000 levels by 2010 and asks why the RDEIR did not analyze the impact the proposed SOIA would have on the City's year 2020 GHG inventory target. The City of Elk Grove had no adopted goal of reducing citywide GHG emissions to year 2000 levels by the year 2010. As a point in clarification, page 3.7-12 of the RDEIR identifies the goal of Executive Order S-3-05 to reduce statewide GHG emissions to 2000 levels by 2010. In terms of the City's year 2020 GHG inventory target contained in its adopted CAP, it is acknowledged on pages 3.7-27 and 3.7-28 of the RDEIR that the CAP does not account for the future development of the SOIA Area, as it is currently outside the city limits. Therefore, Mitigation Measure GHG-1 is required, which requires future development allowed within the SOIA Area to comply with one of three identified performance criteria (see page 3.7-26). Compliance with any of the three performance criteria equates to compliance with the goals of the GHG reduction measures in the CAP.

Response to Comment ECOS-2-106

The comment asks for the SOIA impacts on the City's Sustainability Element and CAP and how the Sustainability Element and CAP address the SOIA's inconsistency with SACOG's MTP/SCS. It is acknowledged on pages 3.7-27 and 3.7-28 of the RDEIR that the CAP does not account for the future development of the SOIA Area, as it is currently outside the city limits. Therefore, Mitigation Measure GHG-1 is required, which requires future development allowed within the SOIA to comply with one of three identified performance criteria (see page 3.7-26). Compliance with any of the three performance criteria equates to compliance with the goals of the GHG reduction measures in the CAP. Regarding SACOG's MTP/SCS, see Responses to Comments ECOS-102 through ECOS-104.

Response to Comment ECOS-2-107

The comment states that Mitigation Measure GHG-1 is deferred mitigation. See Master Response 1.

Response to Comment ECOS-2-108

The comment states that Mitigation Measure GHG-1 contains no performance standard. This comment is incorrect. As stated on page 3.7-26 of the RDEIR, Mitigation Measure GHG-1 requires future development allowed within the SOIA to comply with one of three identified performance criteria, including (1) the requirement of future development projects to demonstrate an efficiency metric of less than 6.6 annual metric tons of carbon dioxide equivalent per service population (residents plus employees), (2) the requirement that GHG emissions of future development projects be reduced by 29 percent from the year 2020 business-as-usual baseline, or (3) the requirement that future development demonstrate compliance with applicable CAP measures and the City's emission reduction goals (page 3.7-26). All future development allowed within the SOIA will be required to comply with one of these three identified performance criteria.

Response to Comment ECOS-2-109

The comment states that Mitigation Measure GHG-1 only requires consultation with the SMAQMD and asks how LAFCo will ensure that the GHG emissions generated by future development will not conflict with AB 32. Beyond the required consultation with SMAQMD, Mitigation Measure GHG-1 requires future development allowed within the SOIA Area to comply with one of three identified performance criteria (see page 3.7-26). Compliance with any of the three performance criteria equates to compliance with the goals of the GHG reduction measures in the CAP, which was prepared with the purpose of complying with the requirements of AB 32 and achieving the goals of the AB 32 Scoping Plan. Furthermore, as stated under Master Response 1, all mitigation measures in the RDEIR will be conditions of annexation and thus legally binding (CEQA Guidelines Section 15126.4(a)(2)). In addition, LAFCo must approve any future annexation of the SOIA Area and thus has jurisdiction to enforce the mitigation measures. Lastly, LAFCo will adopt a mitigation monitoring and reporting program to monitor the implementation of the mitigation.

Response to Comment ECOS-2-110

The comment states that the proposed SOIA is inconsistent with SACOG's MTP/SCS and therefore inconsistent with AB 32. See Responses to Comments ECOS-102 through ECOS-104.

Response to Comment ECOS-2-111

The comment states the policy analysis in the RDEIR is flawed. See Master Response 3.

Response to Comment ECOS-2-112

The comment states that the RDEIR is not internally consistent because the policy consistency conclusions in RDEIR Section 3.10, Land Use and Planning, are based on the fact that the proposed SOIA does not actually propose development, but other sections of the RDEIR examine the impacts of likely urbanization. See Master Response 1 and Master Response 3.

Response to Comment ECOS-2-113

The comment relates to the consistency of potential future projects in the proposed SOIA with applicable policies and land use plans. Impact LU-2 considers whether the proposed SOIA will conflict with LAFCo Policies, Standards, and Procedures, the Sacramento County General Plan and Zoning Ordinances, Sacramento County Elk Grove Community Plan and Laguna Community Plan, or the City of Elk Grove General Plan. The analysis concludes that because the proposed SOIA does not propose to change the current land use designations and zoning within the SOIA, there would be no direct physical impacts from the proposed SOIA. The indirect physical impacts potentially resulting from the proposed SOIA are addressed in the individual resource sections of the RDEIR and implementation of the mitigation measures in those sections will address those indirect impacts (RDEIR, pages 3.10-23 and 3.10-64). Please also refer to Master Response 1 related to the level of analysis in the RDEIR and deferred mitigation.

Response to Comment ECOS-2-114

The comment suggests new terminology for the policy consistency analysis. As discussed in Master Response 3, LAFCo Commissioners are ultimately responsible for determinations of policy consistency. Therefore, a change in the terminology used in the RDEIR would not affect the conclusions of the REIR, as the physical effects of development of the proposed SOIA Area are analyzed in the RDEIR.

Response to Comment ECOS-2-115

The comment states that certain policies included in the analysis are not relevant to the proposed SOIA and obscure the more relevant policies. It should be noted that policy inconsistency does not constitute a significant environmental impact under CEQA. The inclusion of these policies does not detract from the analysis of the potential physical environmental impacts that may result from development of the proposed SOIA Area, and the removal of these policies, as suggested by the comment, would not change the conclusions of the RDEIR. See Master Response 3.

Response to Comment ECOS-2-116

The comment suggests terminology for the policy consistency analysis and states that it is inconsistent, specifically regarding Sacramento County General Plan policies. The comment also questions the approach to the analysis regarding the potential for future urban development in the SOIA Area. See Master Response 3.

Response to Comment ECOS-2-117

The comment states the policy consistency discussion needs to be reevaluated to determine realistic conclusions regarding the proposed SOIA's impacts. See Master Response 3.

Response to Comment ECOS-2-118

The comment states that the proposed SOIA is inconsistent with Sacramento County's Urban Service Boundary. RDEIR page 3.10-23 acknowledges that the proposed SOIA is not within the County Urban Service Boundary, but also notes that there would be no physical impact associated with an

amendment to the SOI. In addition, Master Response 3 discloses that the determination regarding consistency with polices is made by the LAFCo Commissioners, but the RDEIR has analyzed the potential for any changes associated with the proposed SOIA to result in physical environmental effects. Consequently, a new policy discussion or a different determination by the Commissioners regarding policy consistency would not alter the findings in the RDEIR regarding the physical effects of the proposed SOIA.

Response to Comment ECOS-2-119

The comment explains the intent and biological importance of Sacramento County's Urban Service Boundary, but does not make a specific comment on the RDEIR. See RDEIR Section 3.4, Biological Resources, and Master Response 8 for a discussion of impacts on biological resources.

Response to Comment ECOS-2-120

The comment states that the RDEIR's conclusion that the proposed SOIA is consistent with the Urban Service Boundary is inaccurate because the purpose of the SOIA is to set the stage for urban development. As discussed in Master Response 1, the proposed SOIA does not establish land uses. Upon annexation, any development would be subject to the City's General Plan, not the County General Plan. See Master Response 3.

Response to Comment ECOS-2-121

The comment states that the project is inconsistent with Sacramento County General Plan Policies LU-123, LU-125, and LU-127 and would require an amendment to the Urban Service Boundary. See Master Response 3.

Response to Comment ECOS-2-122

The comment states that the project is inconsistent with Sacramento County General Plan Policies AG-1, AG-5, AG-21, and CO-14, as well as Elk Grove General Plan Policy CAQ-3. The comment also notes that significant agricultural acreage would be lost if the proposed SOIA Area is developed. See RDEIR Section 3.2, Agricultural Resources, for the analysis of the potential for loss of agricultural land and Master Response 3.

Response to Comment ECOS-2-123, ECOS-2-124, ECOS-2-125

The comment references a sentence from page 3.10-4 of the RDEIR that acknowledges that future urbanization of the proposed SOIA Area would not conform to existing agricultural land use designations in the area. The comment goes on to state that while the RDEIR acknowledge this, it ignores this fact with respect to two Elk Grove General Plan policies, Policy AG-1 and Policy CAQ-3. See Master Response 1 regarding mitigation measures and Master Response 3 regarding policy consistency.

Response to Comment ECOS-2-126

The comment suggests that the analysis of consistency with LAFCo policies is biased. See Master Response 3.

Response to Comment ECOS-2-127

The comment expresses doubt regarding both the policy consistency conclusion of LAFCo Policy III.7 and that achieving an acceptable jobs-housing balance in the area would be possible. See Master Response 3.

Response to Comment ECOS-2-128

The comment notes that the policy consistency conclusions depend on the findings of the body that will be considering the adequacy and completeness of the document. The comment is correct. See Master Response 3, which discusses the intent of the policy discussion and states that the ultimate finding regarding policy consistency is the responsibility of the LAFCo Commissioners.

Response to Comment ECOS-2-129

The comment states that there are policy omissions from the RDEIR, including LAFCo Policies IV.C.3b and IV.C.3c, and that the comment supports the similar comments submitted by Friends of the Swainson's Hawk. See Master Response 3.

Response to Comment ECOS-2-130

The comment suggests text changes to the evaluation of consistency with the SACOG MTP/SCS, which the RDEIR determined would result in an inconsistency. The comment also provides a reference to Appendix E-3 of the MTP/SCS. See Master Response 3.

Response to Comment ECOS-2-131

The comment questions the implications of inconsistency with the MTP/SCS. As discussed in Response to Comment ECOS-2-130, the RDEIR acknowledges the proposed SOIA is not consistent with the MTP/SCS. As discussed in Master Response 3, the purpose of an EIR is to disclose the physical environmental effects of a project. The RDEIR discloses the physical effects of the SOIA as proposed.

Response to Comment ECOS-2-132

The comment indicates that the population projection for 2035 should be provided. The population discussion in RDEIR Section 3.13.2 will be amended to include the population projection numbers for 2035.

Table 3.13-1 and the associated population discussion on page 3.13-1 are amended as follows:

> Unincorporated areas of Sacramento County are estimated to contain a population of 554,554 (California Department of Finance 2011). As shown in 3.13-1, future growth in Sacramento County is expected to result in a population of more than 2.1 million in 2050.

Table 3.13-1: Sacramento County Projected Population Growth

County	2020	2030	2035	2040	2050
Sacramento County	~~1,622,306~~ 1,543,522	~~1,803,872~~ 1,708,114	1,817,715	~~1,989,221~~ 1,913,756	~~2,176,508~~ 2,063,132
Source: California Department of Finance ~~2011~~2013					

> The City of Elk Grove was estimated to have a 2010 population of 153,015, a 102 percent increase since its incorporation in 2000, at which time its population was estimated by the California Department of Finance to be 59,984 (California Department of Finance 2011). Based on SACOG's Metropolitan Transportation Plan 2035 Land Use Allocation, Elk Grove will reach a population of 192,889 by 2035 (SACOG 2008). SACOG ~~updated~~ adopted its Metropolitan Transportation Plan 2035 in April 2012, and has made growth projections for the six-county SACOG region. These projections are based on the most recent national and state projections and on current information on the region's economy and housing. The ~~draft~~ Metropolitan Transportation Plan 2035's six-county population projection for 2035 ~~are~~is 3,086,213, which is less than ~~8.8~~1 percent higher than 201~~2~~3 Department of Finance estimate~~s~~ of 3,066,189.

This edit does not change the impact analysis or significance determinations of the RDEIR.

Response to Comment ECOS-2-133
The comment indicates that the projected housing units and jobs for Elk Grove should be provided.

The text on page 3.13-2 is amended as follows:

> SACOG's 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy Land Use Allocations (included as Appendix E3 of the MTP) estimated that the number of ~~employees~~ jobs and the number of housing units could almost double by the year 2035 within the existing City limits. SACOG's 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy Land Use allocations estimates the City of Elk Grove will have 66,010 housing units and 47,629 jobs in 2035, within the current city limits.

This edit does not change the impact analysis or significance determinations of the RDEIR.

Response to Comment ECOS-2-134
The comment indicates that the projected housing units and jobs for Elk Grove are important in determining the impacts of the proposed SOIA. However, the numbers cited in the RDEIR and those included in the comment are projections of future growth and cannot be relied upon as an accurate predictor of the actual growth that would occur. The projections used in the RDEIR are similar to

those provided in the comment and provide the magnitude of growth that will likely occur. The differences in the projections noted in the comment do not affect the conclusions of the analysis in the RDEIR. See Response to Comment ECOS-2-133 for text revision to include housing units. Please refer to Master Response 7 for information regarding the need for the proposed SOIA.

Response to Comment ECOS-2-135

The comment identifies that the RDEIR Population and Housing section does not include information from the Elk Grove Market Study. This is correct and appropriate, as the land use assumptions utilized in the impact analysis, as provided in RDEIR Section 2.2, Project Description, were developed by utilizing the City of Elk Grove's General Plan designation mix and ratios. See Response to Comment ECOS-2-134 regarding the differences mentioned in the comment between the market study and SACOG's projections. Refer to Master Response 1 regarding land use assumptions and Master Response 7 regarding the need for the proposed SOIA.

Response to Comment ECOS-2-136

The comment alleges the RDEIR fails to adequately address the proposed SOIA's potential growth-inducing impacts. CEQA requires an EIR "discuss the ways in which the proposed project could foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment" (Public Resources Code Section 21100(b)(5); CEQA Guidelines Section 15126(d)). This discussion may be a generalized discussion of potential growth inducing impacts (Napa Citizens for *Honest Gov't v. Napa County Bd. of Supervisors* (2001) 91 Cal.App.4th 342,369). As discussed in Master Response 1, the proposed SOIA does not propose any development projects. The RDEIR explains that although the proposed SOIA will not directly extend infrastructure or authorize any construction, the approval of the proposed SOIA could also accommodate projected growth in the area (RDEIR, page 3.13-5). The RDEIR further explains that although the proposed SOIA may accommodate growth in the proposed SOIA Area, it would not induce growth outside the proposed SOIA area (RDEIR, page 3.13-6).

Response to Comment ECOS-2-137

The comment raises the concern that the RDEIR incorrectly characterizes the growth-inducing impacts as indirect. See Response to Comment ECOS-2-136 regarding CEQA's requirements related to growth-inducing impact analysis. CEQA does not require that the analysis of growth-inducing impacts conclude the impacts are either direct or indirect. Rather, CEQA requires that both types of growth-inducing impacts be discussed (see CEQA Guidelines Section 15126(d)). As provided in RDEIR Subsection 1.1.2, Purpose and Authority, the RDEIR "addresses the potentially significant adverse environmental impacts that may be directly or indirectly associated with the expansion of the existing City of Elk Grove SOI boundary. There are no specific land use entitlements proposed at this time in conjunction with the proposed SOIA. No physical development is proposed in conjunction with the proposed application; land use and zoning would remain in its existing condition until further annexation applications are submitted. However, the RDEIR acknowledges that future urbanization of the project area may occur as an indirect result of this SOIA; therefore, the RDEIR contains an

analysis of indirect environmental impacts attributable to or which could result from the proposed project." Therefore, the RDEIR adequately discusses the proposed SOIA's potential for growth inducement.

Response to Comment ECOS-2-138

The comment indicates that growth-inducing impacts beyond the proposed SOIA Area should be addressed. Please refer to Responses to Comments ECOS-2-136 and ECOS-2-137. The comment notes land in the proposed SOIA area has been purchased in anticipation of development within the proposed SOIA Area. However, these land ownership changes do not indicate growth inducement outside the proposed SOIA Area. The comment further suggests the proposed SOIA has increased the price of land in the area. Economic effects are not studied in the RDEIR as they are not significant effects on the environment (CEQA Guidelines Sections 15064(e) and 15382).

Response to Comment ECOS-2-139

The comment states the RDEIR does not address the potential for the proposed SOIA to induce growth. Growth-inducing impacts are discussed on RDEIR pages 6-2 and 6-3. In addition, as discussed in RDEIR Section 2, Project Description, the proposed SOIA Area is intended to accommodate the City of Elk Grove's projected growth in the area. However, consistent with the informal outcomes of the required Meet and Confer process between the City and the County, the proposed SOIA Area could provide sufficient acreage to accommodate not only population and employment growth, but also buffers and mitigation areas described throughout the RDEIR. Therefore, the buffers would not induce substantial growth outside of the proposed SOIA Area as noted by the comment.

Response to Comment ECOS-2-140

The comment alleges that the RDEIR should analyze the potential for unincorporated property adjacent to the SOIA to seek use permit approval for allowable uses on agricultural lands. There is no evidence that residents outside the proposed SOIA Area will seek permit approvals as a result of the proposed SOIA and the possibility is thus speculative at this time. Further, future development proposals outside the SOIA Area would be subject to County approval or possible amendment to the City's SOI and subsequent annexation. LAFCo does not have the jurisdiction to review development proposals that are subject to County approval. Please refer to Master Response 1.

Response to Comment ECOS-2-141

The comment addresses the potential growth-inducing impacts of the proposed Capital SouthEast Connector and the proposed SOIA, including the possibility that development could occur in the 100-year floodplain. The Capital SouthEast Connector is not part of the proposed SOIA and thus is not analyzed in the RDEIR. Please refer to Responses to Comments ECOS-2-136 and ECOS-2-137 for a discussion of growth-inducing impacts. Refer to Master Response 1 related to the level of analysis.

Concerning development in the 100-year floodplain, pursuant to Mitigation Measure HYD-4a, the City will provide proof of a local flood protection plan that shows identification of flood hazards and

locations of flood management facilities. The City of Elk Grove will not approve any discretionary permit or entitlement, or any ministerial permit that would result in the construction of a new residence; any tentative map or parcel map for which a tentative map is not required; or enter into a development agreement for projects located within a 200-year flood zone unless it makes one of the findings found in Government Code Section 65865.5 (RDEIR, page 3.9-36).

Response to Comment ECOS-2-142

The comment states that the extension of sewer and water lines to the 49er Travel Plaza, north of Interstate 80 at El Centro Road in Sacramento County is an example of growth-inducing impacts that could result from the SOIA. The example is not within the SOI of the City of Sacramento. However, the respective agencies—City of Sacramento, SRCSD, and SASD, which approved the water and sewer service extensions—have no land use jurisdiction over the properties in the proposed SOIA Area and there is no evidence that the City of Elk Grove will take similar actions. Therefore, the example of the 49er Travel Plaza provides no information relevant to the potential impacts of the proposed SOIA.

Response to Comment ECOS-2-143

The comment summarizes comments ECOS 2-136 to ECOS 2-142. Refer to Responses to Comments ECOS 2-136 through ECOS 2-142.

Response to Comment ECOS-2-144

The comment requests demonstration of consistency with the MTP/SCS. Mitigation Measure POP-1a on RDEIR page 3.13-6 has been amended. Refer to Master Response 1 for additional discussion of enforceability of mitigation. Refer to Section 4, Errata, of this Final EIR for revisions to the RDEIR.

This revision does not present significant new information requiring recirculation pursuant to CEQA Guidelines Section 15088.5(a).

Response to Comment ECOS-2-145

The comment suggests that the RDEIR must consider other mitigation to reduce the potentially growth-inducing impacts of the proposed SOIA. The comment further suggests the RDEIR must consider environmentally superior mitigation measures. CEQA Guidelines Section 15126.4 requires that an EIR describe feasible mitigation measures which could minimize significant adverse impacts of a project. The RDEIR suggests Mitigation Measures POP-1 and POP-2 would reduce the potential impact to less than significant (RDEIR, pages 3.13-6 through 3.13-7). Mitigation measures are not required for impacts found to be less than significant (CEQA Guidelines Section 15126.4(a)(3)). Further, a mitigation measure may not be disproportionate to the impact caused by the proposed activity (CEQA Guidelines Section 15126.4(a)(4)). Thus, LAFCo need not, and in fact may not, impose mitigation measures beyond those required to reduce the impact to less than significant.

Response to Comment ECOS-2-146

The project is not requesting annexation of any of the proposed SOIA Area as characterized in the comment, but only requests an amendment to the Sphere of Influence boundary for the City. Regarding increases in the holding capacity of the region, the RDEIR analyzes the potential for growth in the proposed SOIA Area and the physical effects of that growth, including demands on utilities and services. Water, wastewater, and other utilities are addressed in RDEIR Section 3.16 and public services are addressed in Section 3.14. Refer also to Master Response 2 for a discussion of cumulative impacts. Refer to Master Response 7 regarding the acreage of the proposed SOIA Area.

Response to Comment ECOS-2-147

The comment questions the scope of the cumulative impact discussions. Regarding inclusion of the Cordova Hills project in the cumulative context, Sacramento County chose not to include the project in the County General Plan land use assumptions. Therefore, based on information available at the time of the SOIA Notice of Preparation (October 2010), LAFCo did not include Cordova Hills in the cumulative context for the proposed SOIA. See also Master Response 2.

Response to Comment ECOS-2-148

The comment provides a list of projects that the commenter believes should be considered in the cumulative analysis. See Master Response 2.

Response to Comment ECOS-2-149

The comment indicates that the cumulative analysis makes no attempt to describe or quantify how the identified projects will cumulatively increase the environmental impacts. See Master Response 2.

Response to Comment ECOS-2-150

The comment states the analysis did not attempt to quantify the acreage of cumulative agricultural loss. See Master Response 2.

Response to Comment ECOS-2-151

The comment states that the RDEIR identifies less than significant cumulative air quality impacts. This comment is incorrect. As stated on RDEIR pages 4-5 and 4-6, the contribution of emissions from subsequent development in the SOIA Area would be cumulatively significant and unavoidable due to the SOIA's conflict with applicable SMAQMD air quality plans. The comment further states the RDEIR concludes that the proposed SOIA and all other projects would mitigate impacts to be less than cumulatively significant. This comment is also incorrect. GHG emissions contribute, on a cumulative basis, to the significant adverse environmental impacts of global climate change, which is acknowledged throughout the Environmental Setting discussion in RDEIR Section 3.7, Greenhouse Gas Emissions. No single project could generate enough GHG emissions to noticeably change the global average temperature, but the analysis contained in Section 3.7 discusses the proposed SOIA's potential to result in substantial contributions to the global impact. The impact analysis contained in Section 3.7 determined that, with implementation of Mitigation Measure GHG-1, the proposed SOIA's contribution would be reduced to less than significant (RDEIR, pages 3.7-23 through 3.7-26).

Response to Comment ECOS-2-152

The comment states the RDEIR does not accurately disclose which species are present or consider impacts to species and that mitigation included in the RDEIR is unenforceable. Refer to Master Response 8.

Response to Comment ECOS-2-153

The comment states the analysis of cumulative impacts on hydrology and water quality is inadequate. See Master Response 4 and Master Response 5.

Response to Comment ECOS-2-154

The comment states the RDEIR does not adequately identify whether cumulative projects will affect storm drainage systems in the SOIA Area. Mitigation Measure HYD-3 (RDEIR, page 3.9-35) requires development in the proposed SOIA Area to attain pre-project runoff rates prior to release at the outlet canal, which would ensure the proposed SOIA would not affect storm drainage systems. See Master Response 5.

Response to Comment ECOS-2-155

The comment questions the conclusion regarding the cumulative population and housing impact. As discussed in RDEIR Section 3.13, Population and Housing (pages 3.13-6), the SOIA expansion is intended to accommodate growth projected to occur in the City, and the SOIA Area would provide sufficient acreage to accommodate projected population and employment growth. The RDEIR does not assume that because project impacts are mitigated the cumulative impact related to population and housing would be less than significant. The cumulative analysis in the RDEIR considered the physical impacts of cumulative growth in the region in addition to that anticipated to occur in the SOIA Area (see Master Response 2). Consequently, the RDEIR adequately analyzes the cumulative effects of population in the region.

Response to Comment ECOS-2-156

The comment inquires how the approval of the SOIA for potential urban expansion affects the cumulative holding capacity of the region. While the SOIA does not include a request for annexation or any development projects, the RDEIR includes development assumptions for analysis in the RDEIR (see Master Response 1). As discussed in Response to Comment ECOS-2-156 and Master Response 2, the RDEIR analyzes the effects of the development of the SOIA Area in addition to growth projected to occur in the region. Therefore, the RDEIR disclosed changes in the holding capacity of the region and analyzes the effects of that growth.

Response to Comment ECOS-2-157

The comment refers to the holding capacity of the region and over-commitment of undeveloped land to urban uses. The RDEIR addresses the physical environmental effects of development of the proposed SOIA Area, which the RDEIR acknowledges would result in the commitment of undeveloped land to urban uses. Refer to Master Response 2 related to the adequacy of the analysis of cumulative impacts. See Response to Comment ECOS-2-156 related to a discussion of holding capacity.

Attachment A
ELK GROVE SOIA RECIRCULATED DRAFT EIR
SUMMARY OF MITIGATION MEASURES
WITH OPERATIVE LANGUAGE HIGHLIGHTED

MM AES-3: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will impose the following conditions on all discretionary projects: (1) Trees that function as an important part of the City's or a neighborhood's aesthetic character or as natural habitat should be retained to the extent feasible during the development of new structures, roadways (public and private, including roadway widening), parks, drainage channels, and other uses and structures. (2) If trees cannot be preserved on-site, the City may require off-site mitigation or payment of an in-lieu fee. Trees that cannot be preserved shall be replaced either on- or off-site as required by the City, and trees planted for mitigation should be located in the same watershed as the trees that were removed, when feasible.

MM AES-4: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will impose the following condition on all discretionary projects: All projects in the SOIA Area shall comply with the City of Elk Grove's Citywide Design Guidelines by minimizing the use of reflective materials in building design in order to reduce the potential impacts of daytime glare and designing outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky glow conditions.

MM AG-1: At the time of submittal of any application to change land uses within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City will require that applicants protect one (1) acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's hawk foraging habitat mitigation). The farmland/wildlife habitat land to be preserved must have adequate water supply to support agricultural use. The City shall consider the benefits of preserving farmlands in proximity to other protected lands.

The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas on the project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson's hawk habitat), or additional land identified by the City. 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. The City shall impose the conservation easement content standards to include, at a minimum: land encumberment documentation; documentation that the easements are permanent, monitored, and appropriately endowed; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights.

In addition, the City shall impose the following minimum conservation easement content standards:
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 by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval.

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, in an amount determined by the City.
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 or transferred to the City.

Before committing to the preservation of any particular farmland pursuant to this measure, the project proponent shall obtain the City's approval of the farmland proposed for preservation.

MM AG-3: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA), the City of Elk Grove shall prepare an agricultural land use compatibility plan for the SOIA Area. The plan shall include implementation of the City's Agricultural Activities ordinance (Municipal Code, Chapter 14.05), as required under Elk Grove General Plan Policy CAQ-4-Action 1, site design, screening, fencing, landscaping, and setbacks. Prospective buyers of property adjacent to agricultural land shall be notified through the title report that they could be subject to inconvenience or discomfort resulting from accepted farming activities as per provisions of the City's Agricultural Activities ordinance (City of Elk Grove Municipal Code Chapter 14.05).

MM AIR-1: Prior to the submission of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require that all discretionary projects prepare an Air Quality Plan for the SOIA Area. The Air Quality Plan must incorporate policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as North Natomas. In the case of North Natomas, the emissions will be reduced by 35 percent from the potential emissions that could occur without the adopted air quality policies being implemented.

MM AIR-2: At the time of submittal to annex land within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove will require all discretionary projects to comply with all recommended SMAQMD measures to address construction emissions. This will include emission reduction requirements for construction equipment and development of an inspection and enforcement plan associated with construction equipment emissions. In addition, compliance with SMAQMD Rules 402 and 403 will be demonstrated.

MM AIR-5: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require all discretionary projects to demonstrate that the Sacramento Metropolitan Air Quality Management District's (SMAQMD) 2009 Guide to Air Quality Assessment in Sacramento County, as updated in June 2011, or most current guidance on the screening and assessment of CO, PM_{10}, and $PM_{2.5}$ hotspots will be implemented for all development proposals within the SOIA Area. The City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission at the time of any application to annex territory within the SOIA Area. In addition, the City of Elk Grove shall demonstrate that sufficient mitigation will be required of all identified potentially significant CO, PM_{10}, and $PM_{2.5}$ hotspots to reduce the impact to less than significant.

MM AIR-6: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require all discretionary projects to review existing sources of toxic air contaminants in and around the project site. Discretionary projects will be required to develop mitigation to address sensitive land use (e.g. residential, schools, hospitals) exposure to toxic air contaminants. Methods may include buffers with appropriate landscaping, building design with additional air filtration, and emission source controls. The plan must meet the standards current in use by the Sacramento Metropolitan Air Quality Management District in connection with such toxic air contaminants. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.

MM AIR-7: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will require all discretionary projects to review existing sources of odor in and around the project site, including (but not limited to) any land use referenced in Sacramento Metropolitan Air Quality Management District's (SMAQMD) CEQA Guidance document as an odor-generating land use. Discretionary projects will be required to develop mitigation to address odor impacts that will protect sensitive land use (e.g. residential, schools, hospitals) in consultation with SMAQMD. Methods to address odor impacts may include buffers and emission source controls. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to LAFCo.

MM BIO-1a: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate to LAFCo compliance with all following measures:

A. A reconnaissance-level biological survey of the area to be annexed shall be performed by a professional biologist approved by the lead agency to identify habitats and individuals of special-status species defined in this Recirculated EIR. This will permit the lead agency to track impacts to special-status species on a regional basis rather than on project-by-project basis, when feasible.

B. Avoidance of special-status species and their habitats shall be addressed during project design. If avoidance is infeasible, mitigation of special-status species shall occur pursuant to measure C, below.

C. The City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. The HCMP shall include assessment, disclosure and mitigation for nesting and foraging habitat impacts to protected species, as discussed further in Mitigation Measure BIO-1b and BIO-1c. The HCMP shall be developed in consultation with California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The City of Elk Grove shall consult with Sacramento County during development of the HCMP, in the County's capacity as the lead of the South Sacramento Habitat Conservation Plan (SSHCP), and provide proof of consultation with the County to LAFCo.

D. If an HCMP is prepared, it shall incorporate mitigation guidelines of these agencies for listed species. For non-listed but sensitive species as defined by this Recirculated EIR, the HCMP shall include provisions including, but not limited to the following:

- Require clustering of urban development to retain non-disturbed open space areas.
- Require comprehensive site development standards to minimize removal of existing vegetation and to require installation and long-term maintenance of landscaping in setback and buffer areas. Landscaping in buffer areas adjacent of preserved habitat areas should be of native and non-invasive plant materials, and non-irrigated.
- Require appropriate buffers between development and Right to Farm Ordinance lands, Nature Conservancy Lands, and Stone Lakes National Wildlife Refuge.
- Require buffers between development and drainage canals that serve as habitat and ultimately drain into Stone Lakes National Wildlife Preserve, Nature Conservancy lands, and/or Farmland Preservation Zones; buffers shall be a minimum of 150 feet on either side of said drainage canals.
- Minimize impacts to movement corridors to ensure movement of wildlife.
- Provide for the integrity and continuity of wildlife and plant habitat.
- Support the acquisition, development, maintenance, and restoration of habitat lands for wildlife and plant enhancement.

E. The special-status species referred to herein are those identified under the applicable federal and state laws listed in Table 3.4-2 and -3.

MM BIO-1b. To mitigate impacts on nesting for Swainson's hawk and other raptors (including burrowing owl), prior to the submittal of any application to annex all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that the following requirements shall be applied to development proposals within the SOIA Area, and required actions will be completed prior to development activity: • A qualified biologist will be retained by the applicant to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the proposed development and active burrows on the development site if accessible. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no less than 14 days and no more than 30 days before the beginning of construction for all project phases.

To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley shall be followed for surveys for Swainson's hawk, and the guidelines provided in the California Department of Fish and Wildlife's (CDFW) Burrowing Owl Survey Protocol and Mitigation Guidelines shall be followed for burrowing owls.

- If no nests are found, no further nesting mitigation is required.
- If active nests are found, impacts on nesting Swainson's hawks and other raptors shall be avoided by establishing appropriate buffers around the nests, and impacts to burrowing owls shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer active, or until a qualified biologist has determined, in consultation with CDFW, that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest. Monitoring of the nest by a qualified biologist during and after construction activities will be required if the activity has potential to adversely affect the nest.

MM BIO-1c: To mitigate impacts on foraging habitat for Swainson's hawk, other raptors (including burrowing owl), and greater sandhill cranes, the City of Elk Grove shall demonstrate to LAFCo prior to annexation of all or part of the Sphere of Influence Amendment (SOIA) Area, through policy or adopted planning documents, that conservation easements or other instruments to acquire and preserve suitable foraging habitat for Swainson's hawk and greater sandhill crane are identified and will be implemented, as determined by the California Department of Fish and Wildlife (CDFW). Foraging impacts mitigation shall be required for the following planning actions that would occur within the SOIA Area:

A. Any request to change land use zoning or general plan designation from agricultural to a non-agricultural land use,

B. Any request to subdivide five (5) acres or more of contiguous land zoned AR-1 or AR-2,

C. Any request for land use entitlement for a nonagricultural use of land zoned with an agricultural designation,

D. Any request for a land use entitlement for a nonagricultural use of land five (5) acres or more in size that is zoned AR-1 or AR-2, or E. Any public improvement project proposed by any department or agency of the City of Elk Grove on land with agricultural designation.

The project shall acquire conservation easements or other instruments to preserve suitable foraging habitat. In deciding whether to approve the land for proposed preservation, the City shall consider the benefits of preserving lands in proximity to other protected lands. The preservation should occur prior to the onset of any development activities that would cause the impact (i.e., land clearing or site grading) or the issuance of permits for grading, building or other site improvements, whichever occurs first.

- Swainson's hawk. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land shall be governed by a one-toone (1:1) mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable Swainson's hawk foraging habitat by the City in consultation with CDFW.
- Greater sandhill crane. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land preserved shall be governed at a 1:1 mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable greater sandhill crane foraging habitat by the City in consultation with CDFW.

Where impacts for these species overlap (lands that support foraging for both species) mitigation can occur at 1:1 if mitigation sites support both species.

The City of Elk Grove shall require minimum conservation easement content standards to be implemented to the satisfaction of LAFCo. Minimum conservation easement contents must include, but are not limited to: documentation and recorded encumbrances on the land, prohibition of activity which substantially impairs or diminishes the land's capacity as suitable foraging habitat, water rights protections, and requirements for the mitigation land to be held in trust in perpetuity. This mitigation measure may be implemented in combination with Mitigation Measure AG-1, which requires the preservation of agricultural land, as long as the agricultural land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements listed above. In addition, this mitigation measure may allow the joint use of land for both Swainson's

hawk and greater sandhill crane foraging habitat mitigation, as long as the land is determined by the City in consultation with CDFW to be suitable habitat pursuant to the conditions and requirements listed above. In the event that it is infeasible to acquire the necessary easements prior to annexation and development, the City will apply its impact mitigation fee program, used to acquire available land with suitable foraging habitat values at the ratios and conditions specified above.

MM BIO-2: Prior to annexation of any or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo the that the City shall require the following actions from all future development within the SIOA Area:

• Prior to the approval of grading or improvement plans, and before any groundbreaking activity associated with future projects, the City shall require project applicant(s) of all project's that would include fill of wetlands or other waters of the U.S. or waters of the state to complete site-specific wetland delineations and obtain all necessary permits under sections 401 and 404 of the Clean Water Act or the state's Porter-Cologne Act and a CDFW Streambed Alteration Agreement for the respective phase. Wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to USACE, the Central Valley RWQCB, and the City, as appropriate, depending on agency jurisdiction as determined during the Section 401 and Section 404 permitting processes but will result in not less than 1 acre created/ enhanced/ restored to each acre impacted. Wetland mitigation should occur within the same watershed as the impact, where feasible.

MM BIO-5: At the time of submittal of an application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate that tree protection will be consistent with either: (1) the City's current tree preservation standards under Municipal Code Chapter 19.12 or (2) the following mitigation measure.

A. Reconnaissance-level tree survey of the SOIA Area should be performed by a certified arborist to identify native tree resources, particularly those that may be designated as landmark or heritage trees. This will enable the lead agency to track impacts to native trees on a regional basis rather than a project-by-project basis, when feasible.

B. Minimization of impacts to protected tree species shall be undertaken during project design. If avoidance is infeasible, mitigation of native trees pursuant to measures D through F below shall be conducted.

C. In addition to native oak trees, all native tree species should be protected under the City of Elk Grove's Tree Preservation and Protection Code Chapter 19.12. The mitigation rate would be the same as those in the Ordinance current at the time of this document, unless future versions require a higher mitigation rate, but it would also require obtaining replacement trees from local genetic stock.

D. A five-year monitoring plan shall be completed for all mitigation plantings. The monitoring plan would include appropriate irrigation schedules, as well as criteria for success and reestablishment during the 5-year period. A success rate of not less than 80 percent at the end of the 5-year monitoring period is recommended.

E. Individual trees or groups of trees preserved shall be fully protected during construction. A temporary protective fence shall be established at a minimum of 10 feet beyond the drip line of the retained native trees. The fence shall be in place prior to beginning construction activities, including grading. Within this protective buffer, no grading, trenching, fill, or vegetation alteration shall be allowed.

F. Mitigation shall target large tracts or contiguous native tree habitat. Connectivity between native tree woodland preserves as well as adequate buffering from development is important to promote native tree recruitment, the long-term viability of the habitat, and wildlife use of the area.

MM CUL-1: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects:

• Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be

Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.

- The Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.
- All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be Native American, the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

MM CUL-2: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects:

- Should any archaeological resources be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the archaeological resources.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

MM CUL-3: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects:

- Should any paleontologic artifact be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the paleontologic artifact.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoricor historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

MM GEO-1: At the time of submittal of any application to annex territory within the SOIA Area, the City shall demonstrate that it will require a geotechnical report or other appropriate analysis be conducted at time of development application submittal to determine the shrink/swell potential and the stability of the soil for public and private construction projects and to identify measures necessary to ensure stable soil conditions.

MM GHG-1: Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall amend or augment the City's greenhouse gas emissions inventory projections to account for potential development of the SOIA Area. Analysis assumptions, methodology and emission factors used by the City shall be submitted for review to the Sacramento Metropolitan Air Quality Management District (SMAQMD). In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission. The City will require that discretionary project comply with any one of the following performance
criteria:

a. Efficiency Metric: Greenhouse gas emissions would be less than 6.6 annual metric tons of carbon dioxide equivalent per service population. Service population comprises both residents and employees that would be accommodated by the SOIA Area.

b. Percent Reduction: Greenhouse gas emissions would be reduced by 29 percent from the year 2020 business-as-usual baseline. The business-as-usual baseline parameters will be determined in consultation with the SMAQMD.

c. Climate Action Plan Consistency: The City shall demonstrate that development in the SOIA Area will comply with applicable SECAP measures and the City's emission reduction goals.

MM HAZ-4: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will acknowledge that it will impose the following conditions on all discretionary projects. Prior to site improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search, the site and surrounding area shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.

MM HYD-3: Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas. This can be accomplished by (1) Preparing a Master Drainage Plan (Plan) for the SOIA Area, and requiring site-specific drainage plans for future projects to conform to requirements of the Plan, or (2) enacting modification of the City's existing Stormwater Master Plan that includes the following components. The Plan shall include disclosure of where stormwater is designed to be released into waterway crossings at State Route 99 and/or Interstate 5 roadway facilities. The Plan shall include a review, analysis, and disclosure of locations where channel capacity inadequacies lie, as well as capacities of bridges crossing State Route 99 and Interstate 5 associated with inadequate channels. The Plan shall identify the need for additional bridge capacity, if necessary. City shall develop measures to minimize, avoid, reduce, or compensate for potential impacts to roadway facilities in consultation with the California Department of Transportation. The City shall provide proof of consultation with the California Department of Transportation to LAFCo. In addition, the Master Drainage Plan shall identify areas of potential impacts due to encroachments on channels or levees, measures to provide improvements or maintenance where development in the SOIA Area would affect channels or levees.

The Plan shall require individual projects to prepare a detailed drainage plan that demonstrates attainment of pre-project runoff rates prior to release at the outlet canal and describes the volume reduction measures and treatment controls used to reach attainment. The Master Drainage Plan shall identify all expected flows from the project area and the location, size, and type of facilities used to retain and treat the runoff volumes and peak flows to meet pre-project conditions. The Master Drainage Plan shall also include the geotechnical report verifying groundwater elevation for the regional basins.

MM HYD-4a: Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall prepare a local plan of flood protection that shows the following for land within the SOIA Area: identification of all types of flood hazards (levee failure inundation, 100-year storm flooding, 200-year storm flooding and 500-year storm flooding), and locations of flood management facilities. The City shall provide proof of consultation with the California Department of Transportation to LAFCo.

The City will not approve any discretionary permit or entitlement, or any ministerial permit that would result in the construction of a new residence; any tentative map, or any parcel map for which a tentative map was not required; or enter into development agreement for projects located within a 200-year flood zone, unless the City makes, based on substantial evidence, one of the finding found in Government Code Section 65865.5.

MM HYD-4b: Prior to approval of any development project in the SOIA Area, the City of Elk Grove shall require that new development demonstrate that for land within the 100-year floodplain (to be identified by hydraulic and hydrologic modeling), that post-development storm water run-off peak flows and volumes will not exceed pre-development levels within or downstream of the SOIA Area.

MM POP-1a: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will consult with the Sacramento Area Council of Governments (SACOG) regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan/Sustainable Community Strategy, and provide LAFCo with evidence of the results of this consultation.

MM POP-1b: At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove shall:

- Revise and update its General Plan in accordance with state law that addresses the annexed territory;
- Update the Housing Element (updated to reflect the annexed territory) to establish that the City has or will meet its Regional Housing Needs Allocation (RHNA) for all income levels as defined in Government Code Section 65588.

MM TRANS-1: At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove will consult with Sacramento County and Caltrans to establish transportation improvement plans and funding mechanisms to provide service levels consistent with the City's and County's General Plans. In addition, any future annexation and development activity within the SOIA Area will require the preparation of traffic impact analyses that would include discussion of the project's fair-share contribution and mitigation strategies.

MM TRANS-5a: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall update the City's Bicycle and Pedestrian Master Plan to delineate bicycle and pedestrian facilities in the SOIA Area consistent with the goals and policies of the City's General Plan. The update will identify on- and off-street bikeways and pedestrian routes as well as support facilities. Development in the SOIA Area shall be responsible for implementing the master plan recommendation as development occurs in the project area.

MM TRANS-5b: At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall complete a transit master plan for the SOIA Area consistent with policies of the City's General Plan. This plan will identify the roadways to be used by bus transit routes, locations for bus turnouts and pedestrian shelters, locations for bus transfer stations, alignment for fixed-route rail service, and the location of rail service stations. Future development in the SOIA Area and the City of Elk Grove shall be responsible for implementing the master plan recommendations as development occurs in the project area.

MM USS-1: Prior to LAFCo approval of annexation of any portion of the City of Elk Grove SOIA territory, the City must demonstrate that through the Plan for Services as required by Government Code section 56430, or its successor, to allow the Commission to determine that: (1) the requirement for timely water availability, as required by law, is met; (2) its water purveyor is a signatory to the Water Forum Successor Effort, (3) the amount of water provided will be consistent with the geographical extent of the SOIA territory and the groundwater sustainable yield described in the Water Forum Agreement. Water will be provided in a manner that ensures no overdraft will occur; and (4) existing water customers will not be adversely affected. The Plan for Services shall be sufficient for LAFCo to determine timely water availability to the affected territory pursuant to Government Code Section 56668, subdivision (k), or its successor.

MM USS-2: Prior to submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will provide a Plan for Services that demonstrates that the wastewater transmission and treatment providers have requested that the SOIA Area be within their respective Spheres of Influence if a public agency, and that such providers have prepared or approved an infrastructure plan and funding program to ensure compliance with Federal Clean Water Act and applicable state standards; and that sufficient transmission infrastructure, and treatment and disposal capacity adequate for projected needs are available to accommodate the buildout of the annexation territory, with no adverse impact to existing ratepayers.

MM USS-4: At the time of submittal of any application to annex any or all territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall identify solid waste services, including contract service operation if applicable, to be extended, the level and range of services, timing of services, improvements of facility upgrades associated with the services, and how the services will be financed to accommodate the buildout of the SOIA Area.

Attachment B
Excerpt from MTP/SCS Appendix E-3

Over the last decade Elk Grove has experienced significant residential growth. While much of this development is newer, particularly west of Highway 99, it has happened so rapidly that the city is almost 75 percent built out in terms of residential uses and 56 percent build out in employment uses. For this reason, much of the city is considered an Established Community in the MTP/SCS.

Not included in the Established Community area are the rural residential areas, historic Elk Grove, and the newest and not yet built planning areas. The northeast corner of Elk Grove has historically been rural residential uses. This area is intended for continued rural residential uses in the city's general plan and as a result, this area is a Rural Residential Community in the MTP/SCS.

Old Town Elk Grove is a Center and Corridor Community in the MTP/SCS, consistent with the city's revitalization effort in its Old Town Special Planning Area. The newest specific plan in the city to be adopted and start building in recent years is Laguna Ridge. Less than ten percent built out today, Laguna Ridge is a Developing Community in the MTP/SCS. A second Developing Community is known as the Triangle Special Planning Area. Similar to Laguna Ridge this plan area has also started building in recent years and is just less than half built out today. Three other new growth areas in the city, all in the southern portion of the city adjacent to Laguna Ridge, represent the next increment of new growth for the city. This area is covered by three developing Communities, the adopted Lent Ranch specific plan and two proposed specific plans, Sterling Meadows and Southeast Planning Area. Elk Grove recently completed a Market Study for the city to identify economic development opportunities and land use needs for the city. The study supports the city's strong desire to add more jobs to the city to help balance the currently housing concentrated character.

The city also currently has a sphere of influence amendment application in with Sacramento LAFCO to create a sphere of influence directly south of the existing city limits. The city has indicated that its intention for the proposed SOI is to help in bringing more employment opportunities to the city in the long term. This area is not identified for development within the current MTP/SCS planning period.

By 2035, the MTP/SCS forecast for Elk Grove adds 16,992 new housing units and 19,189 new employees to the city. Approximately 26 percent of these housing units and 47 percent of the employees are building out the city's Established Communities and Rural Residential Communities.

The majority of the new growth, approximately 74 percent of the housing growth and 53 percent of the employment growth, will occur in the city's Developing Communities. The Laguna Ridge Specific Plan is approved to build 7,767 housing units; however, the city has estimated a reduced build out estimate of 6,260 units will likely be built. The MTP/SCS forecast is for a total of 7,590 housing units built by 2035 in this area, with an average density of eight units per acre. This area is also planned for employment uses including retail, office, and a recently completed civic center that, together, will generate 4,291 employees in total by 2035. Because the plan is adopted, has

no infrastructure or natural resource issues, and market trends are pointing towards smaller lot sizes and not larger, it is likely that the approved build out, or something very close to it, is most likely to be built by 2035. The Lent Ranch Special Planning Area is primarily a plan for new employment uses that could accommodate 4,400 employees and 280 new multi-family units at build out. The MTP/SCS forecast for this Developing Community is for 3,207 new employees and 280 new housing units at an average density of 24 units per acre. The Southeast Planning Area is proposed to include 4,600 homes and land for 5,100 jobs. Though this area does not have an adopted plan, the MTP/SCS forecasts 4,077 new homes and 3,493 new jobs in this area by 2035 because of its proximity to other Developing Communities and because the city's overall growth forecast cannot be met without development of this area. Sterling Meadows, a Developing Community situated in DRAFT MTP/SCS 2035 Update - Appendix E-3 Land Use Forecast Background Documentation 47 between Southeast Planning Area and Lent Ranch, is a residential only community planned for 1,204 new units at a density of eight units per acres. The MTP/SCS forecast assumes approximately 79 percent of these units will develop by 2035. The remaining 113 new housing units in the MTP/SCS forecast for Elk Grove come from the Triangle area. This Developing Community at build out would add an additional 200 units to the 113 units forecast in the MTP/SCS.

While virtually all development in Elk Grove had been residential in the past several years, the city is projected to capture a greater share of the region's employment over the MTP/SCS planning period. About five percent of the regional employment growth is forecasted in Elk Grove. This is supported by the city's effort to attract more jobs and that by the fact that it has begun to see some of this employment growth in the recent arrivals and expansions of a number of medical facilities. The MTP/SCS forecast provides a jobs-housing ratio of 1.1 for the growth in the city; this will help improve the city's jobs-housing balance from .06 today to 0.7 in 2035. It will, however, take time for the city to establish this jobs growth. Because of the current recession and particularly high vacancy rates in commercial and office buildings today, much of the employment growth is expected to occur in the latter half of the planning period while the residential growth is expected to grow faster in the early years of the plan. Approximately 28 percent of the city's 2035 employment growth is forecast to occur by 2020, while approximately 49 percent of the city's 2035 housing growth is forecasted by 2020. Much of this housing is the continued build out of Laguna Ridge which is under construction today.

Key issues that may influence the trajectory of growth in Elk Grove that will be tracked through the regional monitoring program include the timing of implementation of the South Sacramento HCP, which includes Elk Grove, the nature of the city's SOI, once its approved by LAFCO, and the pace of success of the city's substantial initiatives to promote jobs growth, and whether the city starts to experience any of the types of redevelopment activity in existing areas that are part of the typical evolution of urban areas. Any or all of these could lead to a changed land use forecast for the city in future MTP/SCS update cycles.

Attachment C
Table from MTP/SCS Appendix E-3 page 71

See next page for original table, as printed from full MTP/SCS

2020 and 2035 MTP/SCS Land Use Forecast by Community Type and Jurisdiction

Jurisdiction/Community Type	Existing Conditions 2008		MTP/SCS 2020 Total		MTP/SCS 2035 Total		MTP/SCS 2020 Growth		MTP/SCS 2035 Growth	
	Total Employees	Total Housing Units	Total Employees	Total Housing Units	Total Employees	Total Housing Units	Employee Growth	Housing Unit Growth	Employee Growth	Housing Unit Growth
SACRAMENTO COUNTY										
Citrus Heights										
Corridor/Center Communities	7,674	1,616	8,243	1,661	10,330	2,886	569	45	2,656	1,270
Established Communities	11,557	34,522	11,863	35,274	13,440	37,012	306	752	1,883	2,490
Citrus Heights Total	19,231	36,138	20,106	36,935	23,770	39,898	875	797	4,539	3,760
Elk Grove										
Corridor/Center Communities	939	69	939	69	939	69	0	0	0	0
Established Communities	25,056	44,428	26,570	45,061	34,055	46,860	1,514	633	8,999	2,432
Developing Communities	849	774	4,642	7,723	11,039	13,325	3,793	6,949	10,190	12,551
Rural Residential Communities	1,586	3,747	1,586	4,512	1,586	5,756	0	765	0	2,009
Elk Grove Total	28,430	49,018	33,737	57,365	47,619	66,010	5,307	8,347	19,189	16,992
Folsom										
Corridor/Center Communities	9,084	1,421	10,159	2,014	10,833	2,186	1,075	593	1,749	765
Established Communities	25,732	24,435	29,297	26,838	35,996	27,230	3,565	2,403	10,264	2,795
Developing Communities	0	1	47	2,313	1,291	6,688	47	2,312	1,291	6,687
Folsom Total	34,816	25,857	39,503	31,165	48,120	36,104	4,687	5,308	13,304	10,247
Galt										
Corridor/Center Communities	1,977	303	2,583	392	2,804	481	606	89	827	178
Established Communities	2,882	7,481	3,136	8,204	4,960	9,322	254	723	2,078	1,841
Developing Communities	249	205	249	205	385	1,091	0	0	136	886
Galt Total	5,108	7,989	5,968	8,801	8,149	10,894	860	812	3,041	2,905
Isleton										
Established Communities	115	352	128	378	159	443	13	26	44	91
Isleton Total	115	352	128	378	159	443	13	26	44	91
Rancho Cordova										
Corridor/Center Communities	17,023	6,132	17,824	6,649	20,469	10,966	801	517	3,446	4,824
Established Communities	37,926	16,470	43,048	17,748	53,670	18,182	5,122	1,278	15,744	1,712
Developing Communities	146	2,267	1,235	8,423	7,332	21,085	1,089	6,156	7,186	18,818
Rancho Cordova Total	55,095	24,869	62,107	32,820	81,471	50,223	7,012	7,951	26,376	25,354
City of Sacramento										
Corridor/Center Communities	170,884	59,202	182,501	73,508	210,637	102,301	11,617	14,306	39,753	43,099
Established Communities	115,093	132,297	126,861	143,983	150,315	153,329	11,768	11,686	35,222	21,032
Developing Communities	0	0	241	1,626	2,123	5,077	241	1,626	2,123	5,077
Sacramento Total	285,977	191,499	309,603	219,117	363,075	260,707	23,626	27,618	77,098	69,208
Unincorporated Sacramento County										
Corridor/Center Communities	84,045	23,483	88,770	29,186	114,286	47,170	4,725	5,703	30,241	23,687
Established Communities	95,579	173,794	103,610	177,707	124,251	182,709	8,031	3,913	28,672	8,915
Developing Communities	4,842	7,846	6,802	13,856	11,517	25,793	1,960	6,010	6,675	17,947
Rural Residential Communities	9,298	13,440	9,476	13,652	11,582	14,072	178	212	2,284	632
Unincorporated Sacramento Total	193,764	218,563	208,658	234,401	261,636	269,744	14,894	15,838	67,872	51,181
SACRAMENTO COUNTY TOTAL	622,536	554,485	679,810	620,982	833,999	734,022	57,274	66,497	211,463	179,040
Sutter County										
Live Oak										
Corridor/Center Communities	467	47	601	57	878	85	134	10	411	38
Established Communities	592	2,454	690	2,959	1,029	3,721	98	505	437	1,267
Live Oak Total	1,059	2,501	1,291	3,016	1,907	3,806	232	515	848	1,305
Yuba City*										
Corridor/Center Communities	8,064	1,518	8,571	1,699	10,036	1,912	507	181	1,972	394
Established Communities	17,156	22,509	18,955	25,302	24,002	27,450	1,799	2,793	6,846	4,941
Developing Communities	397	268	397	268	757	1,749	0	0	360	1,481
Yuba City Total	25,617	24,295	27,923	27,269	34,795	31,111	2,306	2,974	9,178	6,816
Unincorporated Sutter County*										
Established Communities	4,265	6,898	4,280	7,284	4,386	7,580	15	386	121	682
Developing Communities	810	14	810	14	3,287	3,489	0	0	2,477	3,475
Unincorporated Sutter County Total	5,075	6,912	5,090	7,298	7,673	11,069	15	386	2,598	4,157
SUTTER COUNTY TOTAL	31,751	33,708	34,304	37,583	44,375	45,986	2,553	3,875	12,624	12,278

*In 2008, unincorporated Sutter County has an additional 924 jobs and 1,744 housing units today that are in the portion of the existing Yuba City SOI and that is assumed to be annexed within the planning period. For this reason, the existing jobs and house are being shown in the Yuba City total.

2020 and 2035 MTP/SCS Land Use Forecast by Community Type and Jurisdiction

Jurisdiction/Community Type	Existing Conditions 2008		MTP/SCS 2020 Total		MTP/SCS 2035 Total		MTP/SCS 2020 Growth		MTP/SCS 2035 Growth	
	Total Employees	Total Housing Units	Total Employees	Total Housing Units	Total Employees	Total Housing Units	Employee Growth	Housing Unit Growth	Employee Growth	Housing Unit Growth
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Citrus Heights										
Corridor/Center Communities	7,674	1,616	8,243	1,661	10,330	2,886	569	45	2,656	1,270
Established Communities	11,557	34,522	11,863	35,274	13,440	37,012	306	752	1,883	2,490
Citrus Heights Total	**19,231**	**36,138**	**20,106**	**36,935**	**23,770**	**39,898**	**875**	**797**	**4,539**	**3,760**
Elk Grove										
Corridor/Center Communities	939	69	939	69	939	69	0	0	0	0
Established Communities	25,056	44,428	26,570	45,061	34,055	46,860	1,514	633	8,999	2,432
Developing Communities	849	774	4,642	7,723	11,039	13,325	3,793	6,949	10,190	12,551
Rural Residential Communities	1,586	3,747	1,586	4,512	1,586	5,756	0	765	0	2,009
Elk Grove Total	**28,430**	**49,018**	**33,737**	**57,365**	**47,619**	**66,010**	**5,307**	**8,347**	**19,189**	**16,992**
Folsom										
Corridor/Center Communities	9,084	1,421	10,159	2,014	10,833	2,186	1,075	593	1,749	765
Established Communities	25,732	24,435	29,297	26,838	35,996	27,230	3,565	2,403	10,264	2,795
Developing Communities	0	1	47	2,313	1,291	6,688	47	2,312	1,291	6,687
Folsom Total	**34,816**	**25,857**	**39,503**	**31,165**	**48,120**	**36,104**	**4,687**	**5,308**	**13,304**	**10,247**
Galt										
Corridor/Center Communities	1,977	303	2,583	392	2,804	481	606	89	827	178
Established Communities	2,882	7,481	3,136	8,204	4,960	9,322	254	723	2,078	1,841
Developing Communities	249	205	249	205	385	1,091	0	0	136	886
Galt Total	**5,108**	**7,989**	**5,968**	**8,801**	**8,149**	**10,894**	**860**	**812**	**3,041**	**2,905**
Isleton										
Established Communities	115	352	128	378	159	443	13	26	44	91
Isleton Total	**115**	**352**	**128**	**378**	**159**	**443**	**13**	**26**	**44**	**91**
Rancho Cordova										
Corridor/Center Communities	17,023	6,132	17,824	6,649	20,469	10,956	801	517	3,446	4,824
Established Communities	37,926	16,470	43,048	17,748	53,670	18,182	5,122	1,278	15,744	1,712
Developing Communities	146	2,267	1,235	8,423	7,332	21,085	1,089	6,156	7,186	18,818
Rancho Cordova Total	**55,095**	**24,869**	**62,107**	**32,820**	**81,471**	**50,223**	**7,012**	**7,951**	**26,376**	**25,354**
City of Sacramento										
Corridor/Center Communities	170,884	59,202	182,501	73,508	210,637	102,301	11,617	14,306	39,753	43,099
Established Communities	115,093	132,297	126,861	143,983	150,315	153,329	11,768	11,686	35,222	21,032
Developing Communities	0	0	241	1,626	2,123	5,077	241	1,626	2,123	5,077
Sacramento Total	**285,977**	**191,499**	**309,603**	**219,117**	**363,075**	**260,707**	**23,626**	**27,618**	**77,098**	**69,208**
Unincorporated Sacramento County										
Corridor/Center Communities	84,045	23,483	88,770	29,186	114,286	47,170	4,725	5,703	30,241	23,687
Established Communities	95,579	173,794	103,610	177,707	124,251	182,709	8,031	3,913	28,672	8,915
Developing Communities	4,842	7,846	6,802	13,856	11,517	25,793	1,960	6,010	6,675	17,947
Rural Residential Communities	9,298	13,440	9,476	13,652	11,582	14,072	178	212	2,284	632
Unincorporated Sacramento Total	**193,764**	**218,563**	**208,658**	**234,401**	**261,636**	**269,744**	**14,894**	**15,838**	**67,872**	**51,181**
SACRAMENTO COUNTY TOTAL	622,536	554,285	679,810	620,984	834,999	734,023	57,270	66,607	211,463	179,748
SUTTER COUNTY										
Live Oak										
Corridor/Center Communities	467	47	601	57	878	85	134	10	411	38
Established Communities	592	2,454	690	2,959	1,029	3,721	98	505	437	1,267
Live Oak Total	**1,059**	**2,501**	**1,291**	**3,016**	**1,907**	**3,806**	**232**	**515**	**848**	**1,305**
Yuba City*										
Corridor/Center Communities	8,064	1,518	8,571	1,699	10,036	1,912	507	181	1,972	394
Established Communities	17,156	22,509	18,955	25,302	24,002	27,450	1,799	2,793	6,846	4,941
Developing Communities	397	268	397	268	757	1,749	0	0	360	1,481
Yuba City Total	**25,617**	**24,295**	**27,923**	**27,269**	**34,795**	**31,111**	**2,306**	**2,974**	**9,178**	**6,816**
Unincorporated Sutter County*										
Established Communities	4,265	6,898	4,280	7,284	4,386	7,580	15	386	121	682
Developing Communities	810	14	810	14	3,287	3,489	0	0	2,477	3,475
Unincorporated Sutter County Total	**5,075**	**6,912**	**5,090**	**7,298**	**7,673**	**11,069**	**15**	**386**	**2,598**	**4,157**
SUTTER COUNTY TOTAL	31,751	33,708	34,304	37,583	44,375	45,986	2,553	3,875	12,624	12,278

*In 2008, unincorporated Sutter County has an additional 924 jobs and 1,744 housing units today that are in the portion of the existing Yuba City SOI areathat is assumed to be annexed within the planning period. For this reason, the existing jobs and homes are being shown in the Yuba City total.

Habitat Conservation Plan" in our Biological Resources section

California Natural Resources Agency
DEPARTMENT OF FISH AND GAME
North Central Region
1701 Nimbus Road, Suite A
Rancho Cordova, CA 95670-4599
916-358-2900
http://www.dfg.ca.gov

ARNOLD SCHWARZENEGGER, Governor
JOHN McCAMMAN, Director

March 25, 2010

Michele McCormick, Liaison
South Sacramento Habitat Conservation Plan
Circle Point
455 Capitol Mall
Sacramento, CA 95814

Dear Ms. McCormick:

The Department of Fish and Game (DFG) has reviewed the current preliminary draft, South Sacramento Habitat Conservation Plan (Draft Plan), and wishes to offer our feedback and guidance for covered species, particularly the California threatened Swainson's hawk (*Buteo swainsoni*), within the mixed agricultural habitats primarily located in the western portion of the Draft Plan area. We intend to continue to provide additional feedback on other species and aspects of the Draft Plan in subsequent correspondence and venues.

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

The DFG has historically worked collaboratively with Sacramento County, the cities of Elk Grove, Galt, Rancho Cordova, and the U.S. Fish and Wildlife Service, as well as other agency staff, private landowners, and concerned citizens in an open transparent manner, to provide a foundation to develop the Draft Plan. However, we've had limited involvement and input over most of the past year during the drafting of this Plan and have concerns regarding the current conservation strategy for species which depend on mixed agriculture, primarily in the western Plan Area. We are particularly concerned with impacts to cover types identified in the Draft Plan as cropland and irrigated pasture-grassland.

The DFG recently met with County staff to better understand the intended conservation strategy for the Swainson's hawk. County staff provided specific acreages for the above cover types expected to be impacted by authorized activities associated with the Draft Plan, and expected to be preserved to offset these impacts. Ultimately, the strategy presented relies on acquiring approximately 86% of all cropland and irrigated pasture-grassland within Zone 9 of the Plan Area, as well as acquiring some additional lands with these cover types in Zones 8 and 11, for impacts to these same cover types throughout the Plan Area. The DFG believes that it may be difficult to acquire nearly 86% of all cropland and irrigated pasture-grassland within Zone 9 considering the Draft Plan relies on willing sellers to acquire preserved lands, and that the Draft Plan may not adequately portray this assessment. We understand areas that currently contain cropland and irrigated pasture grassland, which are anticipated to be impacted include portions of Zones 4 and 5, and approximately a 5,000-acre area south of Kammerer Road and west of Highway 99 that is currently under study for annexation in the City of Elk Grove referred to as the proposed Elk Grove Sphere of Influence (SOI), and the City of Galt's proposed SOI.

Inclusion of analyzing impacts to these SOI areas is an aspect of the Draft Plan that we were not aware of until our recent meeting with County Staff and review of the current Draft Plan.

Within the Plan Area, the highest densities of nesting Swainson's hawks occur within and adjacent to cover types identified in the Draft Plan as cropland and irrigated pasture-grassland in the western portion of the Plan Area (Zones 4, 5, 8, 9, 11, 12). The DFG believes that these cover types are essential to the continued persistence of the hawk within their California breeding range and any conservation strategy for this species should place high value on these cover types.

The DFG believes that the current Draft Plan's conservation strategy is not specific regarding this issue and may not ensure adequate cropland and irrigated pasture-grassland reserve lands to accommodate the Swainson's hawks adequate persistence over time in the Plan Area. Ultimately this may not meet California Fish and Game Code Section 2081(b) standards of minimizing and fully mitigating the impacts associated with the Draft Plan; a standard which must be met in order to issue the County's anticipated incidental take authorization for this species. In order to meet these standards, we recommend that the Plan accommodate and guarantee preservation and maintenance of a minimum of an equal amount of cropland and irrigated pasture-grassland to that being impacted within the Plan Area. We believe this could be accomplished by accommodating a combination of the following three suggested solutions:

- Decrease the size of the above referenced SOI's
- Decrease the take coverage area impacting cropland and irrigated pasture-grassland
- Expanding the Plan Area to increase guaranteed reserves containing cropland and irrigated pasture-grassland

We understand the difficulties involved in orchestrating the aspects necessary to produce a viable conservation plan, and hope to participate in a transparent process which involves all stakeholders and agencies when developing biological solutions associated with the Draft Plan.

Thank you for the opportunity to provide our input on this effort. If the DFG can be of further assistance, please contact Mr. Todd Gardner, Staff Environmental Scientist, at (209) 745-1968.

Sincerely,

Jeff Drongesen

Jeff Drongesen
Acting Environmental Program Manager

cc: Eric Tattersall
U.S. Fish and Wildlife Service
2800 Cottage Way, Room W2605
Sacramento, CA 95825-1888

(cc cont'd)

cc: Peter Brundage
Executive Officer
Don Lockhart
Assistant Executive Officer
Sacramento Local Agency Formation Commission
1112 'I' Street, Suite 100
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Environmental Council of Sacramento, Rick Guerrero (ECOS-2a)

Response to Comment ECOS-2a-1

The comment raises a series of questions not regarding the RDEIR analysis specifically, but issues surrounding the biological resources in the area related to: mitigation implementation, LAFCo's authority, feasibility of the South Sacramento Habitat Conservation Plan, and existing refuges and preserves. Refer to Master Response 8.

LAW OFFICES OF DONALD B. MOONEY

November 21, 2011

VIA ELECTRONIC MAIL
AND REGULAR MAIL
Email: *don.lockhart@sacLAFCo.org*

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

RE: Comment on City of Elk Grove Proposed Sphere of Influence Amendment Draft Environmental Impact Report [LAFC # 09-10] SCH No. 2010092076

Dear Mr. Lockhart:

This office represents the Friends of Swainson's Hawk ("FOSH"), which has an interest in the above-referenced City of Elk Grove Proposed Sphere of Influence Amendment Draft Environmental Impact Report ("Project"). As explained below, the draft Environmental Impact Report ("DEIR") does not comply with the requirements of the California Environmental Quality Act ("CEQA") (Public Resources Code § 2100 et seq.; *see also*, CEQA Guidelines § 15165.)[1] FOHS objects to the City's Sphere of Influence Amendment as the Draft EIR fails to comply with CEQA. These comments focus on the CEQA requirements. 1

I. Legal Standards

A. The California Environmental Quality Act

CEQA requires that an agency analyze the potential environmental impacts of its proposed actions in an environmental impact report ("EIR") (except in certain limited circumstances). (See, e.g., Pub. Resources Code § 21100.) The EIR is the very heart of CEQA. (*Dunn-Edwards v. Bay Air Quality Management District* (1992) 9 Cal.App.4th 2

[1] The CEQA Guidelines (the "Guidelines") are found at California Code of Regulations, title 14, section 15000 et seq. Courts have found the Guidelines to be binding on public agencies. (See, e.g., *City of Santa Ana* v. *City of Garden Grove* (1979) 100 Cal.App.3d 521, 528-29.) The Guidelines must be interpreted "so as to afford the fullest possible protection to the environment within the reasonable scope of their language." (*San Franciscans for Reasonable Growth* v. *City and County of San Francisco* (1984) 151 Cal.App.3d 61, 74.)

644, 652.) "The 'foremost principle' in interpreting CEQA is that the Legislature intended the act to be read so as to afford the fullest possible protection to the environment within the reasonable scope of the statutory language." (*Communities for a Better Environment v. Calif. Resources Agency* (2002) 103 Cal. App. 4th 98, 109.)

CEQA has two primary purposes. First, CEQA is designed to inform decision makers and the public about the potential, significant environmental effects of a project. (14 Cal. Code Regs. |"Guidelines"| § 15002(a)(1).) "Its purpose is to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. Thus, the EIR 'protects not only the environment but also informed self-government.'" (*Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal. 3d 553, 564.) The EIR has been described as "an environmental 'alarm bell' whose purpos it is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return." (*Berkeley Keep Jets Over the Bay v. Bd. o Port Comm'rs* (2001) 91 Cal. App. 4th 1344, 1354 |"*Berkeley Jets*"|; *County of Inyo v. Yorty* (1973) 32 Cal.App.3d 795, 810.)

"The environmental impact report, with all its specificity and complexity, is the mechanism prescribed by CEQA to force informed decision making and to expose the decision-making process to public scrutiny.." (*Planning and Conservation League v. Department of Water Resources* (2000) 83 Cal.App.4th 892, 910; citing *No Oil, Inc. v. City of Los Angeles* (1974) 13 Cal.3d 68, 86.) This interpretation remains the benchmarl for judicial interpretation of CEQA. (*Laurel Heights Improvement Association v. Regents of the University of California ("Laurel Heights I")* (1988) 47 Cal.3d 376, 390, quoting *Bozung* v. *Local Agency Formation Commission* (1975) 13 Cal.3d 263, 274.) A the *Laurel Heights I* court noted, "|i|t is, of course, too late to argue for a grudging, miserly reading of CEQA." (*Laurel Heights I, supra*, 47 Cal.3d at p. 390.) CEQA's fundamental goals are to foster informed decision-making and to fully inform the public about the project and its impacts. (CEQA Guidelines, § 15003.)

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(cont.)

An EIR must provide public agencies and the public in general with detailed information about the effect that a project is likely to have on the environment, to list ways in which the significant effects of a project might be minimized, and to indicate alternatives to such a project. (Pub. Resources Code, § 21061.) CEQA Guidelines section 15126.2, requires that the Final EIR identify the significant environmental impacts of the project, including direct and indirect impacts. CEQA Guidelines section 15126.4 requires that the Final EIR describe all feasible measures that can minimize significant adverse impacts of the project. CEQA does not allow an agency to defer analysis of impacts and mitigation measures. (CEQA Guidelines, § 15126.4(a)(1)(B).)

Informed decision making and public participation are fundamental cornerstones of the CEQA process. (See *Citizens of Goleta Valley v. Board of Supervisors* (1990) 52 Cal.3d 553; *Laurel Heights I, supra*, 47 Cal.3d 376.) With this primary purpose of CEQA in mind, the California Supreme Court has stated that "|t|he environmental impac

report ("EIR") is the primary means of achieving the Legislature's considered declaration that it is the policy of this State to take all action necessary to protect, rehabilitate, and enhance the environmental quality of the State" (*Sierra Club v. State Board of Forestry* (1994) 7 Cal.4th 1215, 1229 [emphasis added].)

Second, CEQA requires public agencies to avoid or reduce environmental damage when "feasible" by requiring "environmentally superior" alternatives and mitigation measures. (CEQA Guidelines § 15002(a)(2) and (3); See also, *Berkeley Jets, supra*, 91 Cal.App.4th at 1354; *Citizens of Goleta Valley, supra*, 52 Cal.3d at 564.) The EIR serves to provide agencies and the public with information about the environmental impacts of a proposed project and to "identify ways that environmental damage can be avoided or significantly reduced." (Guidelines §15002(a)(2).) If the project will have a significant effect on the environment, the agency may approve the project only if it finds that it has "eliminated or substantially lessened all significant effects on the environment where feasible" and that any unavoidable significant effects on the environment are "acceptable due to overriding concerns." (Pub. Resources Code § 21081; Guidelines § 15092(b)(2)(A) & (B).)

2 (cont.)

B. Deferral of analysis and/or formulation of mitigation measures violates the requirements of CEQA

CEQA disallows deferring the formulation of mitigation measures to post-approval studies. (Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 308-309.) An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance." (*Sundstrom, supra*, 202 Cal.App.3d at 308; see also *Sacramento Old City Association v. City Council of Sacramento* (1991) 229 Cal.App.3d 1011, 1028-29 [mitigation measures may be deferred only "for kinds of impacts for which mitigation is known to be feasible"].) A lead agency is precluded from making the required CEQA findings unless the record shows that all uncertainties regarding the mitigation of impacts have been resolved; an agency may not rely on mitigation measures of uncertain efficacy or feasibility. (*Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal.App.3d 692, 727 [finding groundwater purchase agreement inadequate mitigation because there was no evidence that replacement water was available].) This approach helps "insure the integrity of the process of decision-making by precluding stubborn problems or serious criticism from being swept under the rug." (*Concerned Citizens of Costa Mesa, Inc. v. 32nd Dist. Agricultural Assn.* (1986) 42 Cal.3d 929, 935.)

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Moreover, as discussed below, by deferring the development of specific mitigation measures, LAFCO has effectively precluded public input into the development of those measures. CEQA prohibits this approach. As explained by the *Sundstrom* court:

An EIR "[is] subject to review by the public and interested agencies.

> This requirement of "public and agency review" has been called "the strongest assurance of the adequacy of the EIR." The final EIR must respond with specificity to the "significant environmental points raised in the review and consultation process." . . . Here, the hydrological studies envisioned by the use permit would be exempt from this process of public and governmental scrutiny. (*Sundstrom*, *supra*, 202 Cal.App.3d at 308.)

3 (cont.)

As noted below, LAFCO has proposed mitigation measures in such a way as to preclude public scrutiny.

C. Mitigation measures must be enforceable and effective

"Mitigation measures must be fully enforceable through permit conditions, agreements, or other legally-binding instruments. In the case of adoption of a plan, policy, regulation, or other public project, mitigation measures can be incorporated into the plan, policy, regulation, or project design." (Guidelines § 15126.4(a)(2).)

In *Gentry v. City of Murrieta* the court of appeal explained that CEQA's normal requirement that mitigation be adopted prior to project approval may be met if an agency prepares a draft EIR that (1) analyzes the "whole" of the project; (2) identifies and disclosed with particularity the project's potentially significant impacts; (3) establishes measurable performance standards that will clearly reduce all of the identified impacts to less-than-significant levels; and (4) describes a range of particularized mitigation measures that, when taken in combination, are able to meet the specified performance standards. (*Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1394-1395, comparing and contrasting *Sacramento Old City Assn. v. City Council* (1991) 229 Cal.App.3d 1011 with *Sundstrom v. County of Mendocino*, *supra*, 202 Cal.App.3d 296.) The *Gentry* court further explained that promises by a lead agency to implement future recommendations that other agencies might make after project approval is not sufficient to find that a proposed project's potentially significant effects have been mitigated to less-than-significant levels. (*Id.*)

4

I. Specific Comments on the Draft EIR's Failure to Comply With CEQA

A. The Draft EIR Fails to Mitigate Impacts to Agricultural Resources

The requirement that mitigation measures be adopted depends upon the economic and technical feasibility and practicality of the measures, and whether they will substantially lessen the significant environmental effects of the project. (Pub. Resources, Code, §§ 21002, 21081(a)(3); *A Local & Regional Monitor v. City of Los Angeles* (1993) 12 Cal.App.4th 1773, 1790.) The requirement is not abated simply because the measures will not lessen the effects to below a level of significance. Accordingly, a statement of overriding considerations does not exempt a project from mitigation if there are feasible

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measures that would reduce substantially, albeit not eliminate, the significant environmental effects of the project.

Mitigation may include "[c]ompensating for the impact by replacing or providing substitute resources or environments." (Guidelines, § 15370(e).) Conservation easements are an appropriate and desirable means of protecting agricultural lands against conversion to urban use. (Pub. Resources Code, §§ 10201-10202.) The Legislature has determined that the preservation of the limited supply of agricultural land is necessary for the maintenance of California's agricultural economy and the state's economy. (Gov't Code, § 51220.)[2] In 1979, the Legislature provided for the enforceability of conservation easements. (See Civ. Code, §§ 815-816.) The Legislature found and declared that "the preservation of land in its natural, scenic, agricultural, historical, forested, or open-space condition is among the most important environmental assets of California." (Civ. Code, § 815.) The Agricultural Land Stewardship Program Act of 1995 establishes a state program to promote the establishment of agricultural easements. (Pub. Resources Code, § 10200 et seq.)[3]

5 (cont.)

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[2] The Williamson Act provides that:

(a) That the preservation of a maximum amount of the limited supply of agricultural land is necessary to the conservation of the state's economic resources, and is necessary not only to the maintenance of the agricultural economy of the state, but also for the assurance of adequate, healthful and nutritious food for future residents of this state and nation. [¶] ... [¶] (c) That the discouragement of premature and unnecessary conversion of agricultural land to urban uses is a matter of public interest and will be of benefit to urban dwellers themselves in that it will discourage discontiguous urban development patterns which unnecessarily increase the costs of community services to community residents. [¶] (d) That in a rapidly urbanizing society agricultural lands have a definite public value as open space, and the preservation in agricultural production of such lands, the use of which may be limited under the provisions of this chapter, constitutes an important physical, social, esthetic and economic asset to existing or pending urban or metropolitan developments.... (Gov't Code, § 51220.)

[3] The Legislature found and declared that:

(b) The growing population and expanding economy of the state have had a profound impact on the ability of the public and private sectors to conserve land for the production of food and fiber, especially agricultural land around urban areas. [¶] (c) Agricultural lands near urban areas that are maintained in productive agricultural use are a significant part of California's agricultural heritage. These lands contribute to the economic betterment of local areas and the entire state and are an important source of food, fiber, and other agricultural products. Conserving

The Legislature also declared the intent, among other things, to "(c) Encourage long-term conservation of productive agricultural lands in order to protect the agricultural economy of rural communities, as well as that of the state, for future generations of Californians. [¶] (d) Encourage local land use planning for orderly and efficient urban growth and conservation of agricultural land. [¶] (e) Encourage local land use planning decisions that are consistent with the state's policies with regard to agricultural land conservation...." (Pub. Resources Code, § 10202.)

CEQA does not limit mitigation measures to those that would entirely avoid the environmental impacts of a project. Instead, CEQA requires that mitigation include measures that would substantially lessen the significant environmental effects of the project. (Pub. Resources Code, § 21002.) Thus, a project converts farmland to urban use, conservation easements on other land may not replace the converted land, but such conservation easements can diminish the development pressures created by the conversion of farmland and provide important assistance to the public and private sectors in preserving other farmland against the danger of the domino effect created by the project. 5 (cont.)

While conservation easements do not create replacement farmland, they certainly qualify as feasible mitigate because easements ameliorate a range of impacts associated agricultural conversions. As set forth in the unpublished opinion of Third District Court of Appeals (*South County Citizens for Responsible Growth, et al., v. City of Elk Grove, et al.*, No. CO2302, 2004 WL 219789)(AR 844-869), conservation easements reduce the development pressures on agricultural lands created projects such as the SOIA.

In the present action, the Project will impact up to 7,360 acres of farmland. (Draft EIR at p. 3.2-2.) Appropriately, the Draft EIR identifies this impact as significant. (Draft at p. 3.2-3.) Mitigation Measure AG-1 provides that the mitigation for this impact is for the City of Elk Grove to identify lands to be aside in permanent conservation easements at a ratio of one open space area converted to urban land uses to one-half open space acre preserved and at a ratio of one agriculture acre converted to urban land uses to one-half agriculture acre preserved. (*Id.* at p. 3.2-8.) This mitigation measure is fatally flawed. First, the mitigation measure only requires the City to identify lands to be set aside in permanent conservation. The mitigation measure does not require that the land be set aside, it only requires the City to identify the lands. The mitigation measure also does not indicate what entity would hold the conservation easement. Will the City hold the 6

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these lands is necessary due to increasing development pressures and the effects of urbanization on farmlands close to cities. [¶] (d) The long-term conservation of agricultural land is necessary to safeguard an adequate supply of agricultural land and to balance the increasing development pressures around urban areas...." (Pub. Resources Code, § 10201.)

conservation easements? Thus, there is no certainty to the mitigation and it is merely speculative at best. (See *Federation of Hillside & Canyon Associations v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.) This does not constitute enforceable or legally binding mitigation as required by CEQA and the CEQA Guidelines. (See Guidelines, § 15126.4(a)(1)(D)(2).) This is particularly egregious when the Legislature has repeatedly stressed the importance of preserving California's diminishing agricultural land through the use of conservation easements. (See Gov't Code, § 51220; Pub. Resources Code, § 10200, Civ. Code, § 815-816.) 6 (cont.)

The mitigation measure also mixes open space mitigation with agricultural land. The Draft EIR, however, fails to provide sufficient discussion or analysis of open space or identify the amount of acreage that would be deemed open space as compared to agricultural. 7

Additionally, Mitigation Measure AG-1 is fatally flawed in that the mitigation ratio for mitigating agricultural impacts should be at least 1:1. Such a mitigation ratio has become the minimum standard and is feasible. (See Mitigation policy AG-5 in the Sacramento County General Plan; see also *Building Industry Association of Central California v. County of Stanislaus* (2010) 190 cal.App.4th 582, 588.) 8

B. Biological Resources

The comment letters submitted by the FOSH, the Sacramento County Audubon Society, and the Environmental Council of Sacramento provide detailed comments regarding the Draft EIR failure to adequately disclose, analyze, and mitigate the Project's impacts to biological resources. These comments demonstrate the that Draft EIR failed to include important biological data that was readily available to LAFCO; improperly relied upon the California NDDB; fails to identify the project and adjacent area population of nesting Swainson's hawks; fails to identify availability of suitable habitat to mitigate for loss of foraging habitat in the SOI; and unlawfully defers mitigation of biological impacts. 9

The Draft EIR claims that since future development in the SOI will be subject to CEQA, implementation of LU-3, which requires participation in the South Sacramento County Habitat Conservation Plan", and "MM Bio-1a" a measure to demonstrate Elk Grove's compliance with four quite general measures required by LAFCO. (Draft EIR at pp. 3.4-37 to 38.) The discussion, however, does not deal with the loss of foraging habitat and essentially defers mitigation to post-approval studies. CEQA disallows deferring the formulation of mitigation measures to post-approval studies. (Guidelines § 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino, supra,* 202 Cal.App.3d at pp. 308-309.) An agency may only defer the formulation of mitigation measures when it possesses "'meaningful information' reasonably justifying an expectation of compliance." (*Id.*, at p. 308.) 10

In the present case, the Draft EIR defers mitigation for biological impacts to Swainson's Hawk to the future development of the habitat conservation plan and contains no performance standards by which to judge the deferred mitigation measures. (See *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645, 669-670.) As such, the Draft EIR must be revised to provide mitigation measures for nesting and foraging habitat of the Swainson's hawk. To the extent, such mitigation measures are deferred the EIR must contain specific performance standards for the mitigation measures. 11

C. Greenhouse Gas Emissions

The Draft EIR contains an inadequate discussion of Greenhouse Gas Emissions ("GHG") and fails to provide adequate mitigation measures regarding the Project's impacts emission reductions mandated by the State of California. 12

In April of 2010, the First District Court of Appeal published the first decision on greenhouse gas emissions and CEQA. In *Communities for a Better Environment v. City of Richmond* (2010) 184 Cal.App.4th 70 ("*CBE v. Richmond*"), the court set aside the EIR for Chevron's Richmond refinery upgrade, in part on the basis that the EIR did not adequately describe mitigation measures for greenhouse gas emissions. The court's ruling on greenhouse gas mitigation measures is significant in that the court applied *existing* CEQA rules on mitigation measures in determining that the mitigation was inadequate. The court cited to Guidelines section 15126.4(a)(1)(B); *Sundstrom v. County of Mendocino, supra*, 202 Cal.App.3d at 311; *San Joaquin Raptor/Wildlife Rescue Center v. County of Merced* (2007) 149 Cal.App.4th 645670; *Gentry v. City of Murrieta* (1995) 36 Cal.App.4th 1359, 1396; *Defend the Bay v. City of Irvine* (2004) 119 Cal.App.4th 1261; and *Endangered Habitats League, Inc. v. County of Orange* (2005) 131 Cal.App.4th 777, 794. (*CBE v. Richmond, supra*, 184 Cal.App.4th at 92-93.) These authorities are not new, nor do they present a "moving target." 13

In *CBE v. Richmond*, the mitigation plan that was adopted required Chevron to hire an expert to prepare an inventory of greenhouse gas emissions and to identify emissions reduction opportunities. Chevron was required to consider various measures that were specified in the EIR, and to submit to the City a proposed plan to achieve a complete reduction of the increased greenhouse gas emissions from the project. (*Id.* at 90-92.) The First District Court of Appeal held that this mitigation scheme impermissibly deferred the required formulation of mitigation measures. The court rejected Chevron's arguments that the City had proceeded appropriately by setting a performance standard and setting forth a menu of potential mitigation measures. (*Id.* at 94.) Even though several cases have allowed such an approach, the court said that the City had offered no assurance that the plan was feasible and efficacious, and created no objective criteria for determining the success of the measures. (*Id.*) The mitigation strategy in the present case includes the same flaws.

In enacting Assembly Bill 32 ("AB 32"), the California Global Warming Solutions Act of 2006, the State of California confirmed that "[g]lobal warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California." (Health & Safety Code § 38501(a).)

California has set greenhouse gas emission reduction targets in an effort to avoid the catastrophic impacts projected with higher emissions scenarios. AB 32 requires California to return to 1990 levels of greenhouse gas emissions by the year 2020. (Health & Safety Code § 38550.)[4] Looking beyond 2020, Executive Order S-3-05 sets an emissions reduction target of 80 percent below 1990 levels by 2050. (Exec. Order S-3-05.)

13 (cont.)

The discussion of GHG emissions fails to provide sufficient information regarding thresholds of significance. Additionally, Mitigation Measure GHG-1 fails to provide sufficient information as to what efforts will be made to reduce GHG emissions. The mitigation measure simply states that future development will be consistent with regional emission reduction targets in effect at the time of application for annexation. It should not be at the time of application, but at the time of development. The time of application and time of development may differ by years, in which time the reduction targets may have dramatically changed.

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D. The Draft EIR Fails to Provide an Adequate Discussion and Analysis of the Alternatives

The EIR fails to provide an adequate discussion of the alternatives that fosters informed decision-making and informed public participation. Additionally, the alternatives analysis in the EIR does not meet the requirement of a reasonable range of alternatives that lessen the Project's significant environmental impacts as it does not focus on alternatives that either eliminate adverse impacts to Swainson's hawks or reduce the impacts to insignificance, even if they would to some degree impede the Project's objectives, as required by CEQA.

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CEQA mandates a lead agency to adopt feasible alternatives or feasible mitigation measures that can substantially lessen the project's significant environmental impacts. (Pub. Resources Code, § 21002; CEQA Guidelines, §§ 15002(a)(3), 15126.6(a); *Sierra Club v. Gilroy City Council* (1990) 222 Cal.App.3d 30, 41.) For that reason, "[t]he core of an EIR is the mitigation and alternatives sections." (*Citizens of Goleta Valley v. Board of Supervisors, supra,* 52 Cal.3d at p. 564.) "The purpose of an environmental impact report is to identify the significant effects on the environment of a project, *to identify alternatives to the project*, and to indicate the manner in which those significant effects

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[4] In the first reported case on greenhouse gas emissions and CEQA, the court relied in large part upon Health & Safety Code section 38500 *et seq.* (*CBE v. Richmond, supra*, 184 Cal.App.4th at 90-91.)

can be mitigated or avoided. (Pub. Resources Code, § 21002.1(a) (emphasis added); see also Pub. Resources Code, § 21061.) In preparing an EIR, a lead agency must ensure "that all reasonable alternatives to proposed projects are thoroughly assessed." (*San Joaquin Raptor/Wildlife Rescue Center* v. *County of Stanislaus, supra*, 27 Cal.App.4th at p. 717; quoting *Wildlife Alive v. Chickering* (1976) 18 Cal.3d 190, 197; Pub. Resources Code, § 21001(g) (lead agency must "consider alternatives to proposed actions affecting the environment"); *Laurel Heights I, supra*, 47 Cal.3d at p. 400.)

The EIR must "describe a range of reasonable alternatives to the project, or to the location of the project, which would feasibly attain most of the basic objectives of the project, and evaluate the comparative merits of the alternatives." (CEQA Guidelines, § 15126.6(a).) The alternatives discussion must focus on alternatives that avoid or substantially lessen any significant effects of the project. (*Id.*, § 15126.6(b); *Goleta Valley, supra*, 52 Cal.3d at 556, [EIR must consider alternatives that "offer substantial environmental advantages"].) The range must be sufficient "to permit a reasonable choice of alternatives so far as environmental aspects are concerned." (*San Bernardino Valley Audubon Soc'y* v. *County of San Bernardino* (1984) 155 Cal.App.3d 738, 750; see also *Sierra Club* v. *Contra Costa County* (1992) 10 Cal.App.4th 1212, 1217-18, 1222, [EIR that only considered two alternatives for less development was not a range of reasonable alternatives.].)

The range of potential alternatives to the proposed Project shall include those that could feasibly accomplish most of the basic objectives of the Project and could avoid or substantially lessen one or more of the significant effects. (CEQA Guidelines, § 15126.6(c); *see Citizens of Goleta Valley* v. *Board of Supervisors, supra*, 52 Cal.3d at 566.) The EIR must "include sufficient information about each alternative to allow meaningful evaluation, analysis, and comparison with the proposed project." (CEQA Guidelines, § 15126.6(d); see also *Kings County, supra, 221* Cal.App.3d at 733, [The alternatives discussion must contain specific quantitative information for an adequate comparison.].) An EIR's discussion of alternatives must be reasonably detailed, but not exhaustive. (*In re Bay-Delta Programmatic Environmental Impact Report Coordinated Proceedings* (2008) 43 Cal.4th 1143, 1163, ["An EIR need not consider every conceivable alternative to a project or alternatives that are infeasible."]; CEQA Guidelines, § 15126.6.) The key issue is whether the alternatives discussion encourages informed decision-making and public participation. (*Laurel Heights I, supra*, 47 Cal.3d at p. 404.) The burden of identifying and evaluating alternatives rests with the agency, not the public. (*Laurel Heights I, supra*, 47 Cal.3d at pp. 405-406.) Contrary to CEQA's directive, LAFCO's alternative analysis fails to provide sufficient information and analysis of the alternatives for informed decision-making by the LAFCO Board and the public.

16 (cont.)

The alternatives analysis fails to include an alternative that would reduce of avoid the Project's significant impacts on Swainson's hawk. (See Comment letter from FOSH regarding Notice of Preparation.) FOSH proposed an alternative of a smaller SOI

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amendment that would increase the SOI by 500 to 600 acres at Highway 99 and Kammerer Road that would be limited exclusively to development of office and industrial parks. By contrast, the alternatives considered in the Draft EIR do not reduce or avoid the impacts to Swainson's hawks. As such, the alternative's discussion and analysis fail to meet CEQA's requirements. 17 (cont.)

III. Conclusion

For the reasons stated in this comment letter, the comment letters submitted by Friends of Swainson's Hawk, the Sacramento Audubon Society, the Environmental Council of Sacramento, and others, the Draft EIR fails to meet the legal requirements of the California Environmental Quality Act. As such, LAFCO must recirculate the Draft EIR after it has made the necessary and required revisions. 18

Sincerely,

Donald B. Mooney
Attorney

cc: Jude Lamare

Mooney Letter (FOSH-3)

Response to Comment FOSH-3-1

This is a general introductory paragraph.

Response to Comment FOSH-3-2

The comment provides CEQA legal standards context. The RDEIR is consistent with the standards noted in the comment.

Response to Comment FOSH-3-3

The comment generally discusses deferred mitigation but does not present any information with respect to the proposed SOIA. Please refer to Master Response 1 regarding deferred mitigation.

Response to Comment FOSH-3-4

The comment provides legal standards pertaining to the enforceability of mitigation measures. See Master Response 1.

Response to Comment FOSH-3-5

The comment generally discusses deferred mitigation but does not present any information with respect to the proposed SOIA. Please refer to Master Response 1 regarding deferred mitigation.

Response to Comment FOSH-3-6

The comment alleges Mitigation Measure AG-1 is not enforceable because it only requires the identification of lands to be set aside and does not indicate who will hold the conservation easement. Please refer to Master Response 1 requiring the City to demonstrate through policies or adopted planning documents that applicants conserve 1 acre of existing farmland of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of annexation, if the proposed SOIA is approved. This will ensure farmland conservation prior to project approval. Furthermore, Impact AG-1 provides that the "City has the authority to approve the entity holding the interest in the agricultural/wildlife habitat. Thus, the City can ensure the entity will achieve the performance standards set forth in the mitigation measure." Further, the mitigation measure provides: "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" and "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 or transferred to the City" (Master Response 1; RDEIR, page 3.2-17).

Response to Comment FOSH-3-7

The comment raises the concern that the RDEIR contains insufficient discussion of open space. RDEIR Section 3.1 discusses open space relative to visual resources. RDEIR Section 3.2 discusses open space relative to its value as agricultural land. RDEIR Section 3.4 discusses open space relative to its value for biological resources. See also Master Response 8.

Response to Comment FOSH-3-8

The comment raises the concern that Mitigation Measure AG-1 is inadequate because the mitigation ratio should be 1:1. Mitigation Measure AG-1 requires conservation of 1 acre of existing farmland of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project (Master Response 1; RDEIR, page 3.2-16).

Response to Comment FOSH-3-9, FOSH-3-10

The comment states the RDEIR does not include readily available information, defers mitigation, and fails to identify impacts to Swainson's Hawk. Master Response 1 addresses the level of analysis of the RDEIR and the enforceability of mitigation measures, and responds to comments regarding deferral of mitigation in the RDEIR. Master Response 8 addresses the adequacy of the biological baseline data presented in the RDEIR and the feasibility of mitigation. Response to Comment FOSH-1-21 discusses the RDEIR impact analyses of nesting Swainson's Hawk in areas adjacent to the proposed SOIA Area.

Response to Comment FOSH-3-11

The comment indicates that the RDEIR improperly defers mitigation and compares this scenario to *San Joaquin Raptor Rescue Center v. County of Merced* (2007) 149 Cal. App.4th 645, 669, 670. See Responses to Comments FOSH-1-43 and FOSH-1-44.

Response to Comment FOSH-3-12

The comment states that the RDEIR provides an inadequate discussion of GHG emissions and associated mitigation measures. This comment is an introductory comment; further elaboration is provided in subsequent comments.

Response to Comment FOSH-3-13

The comment states that the RDEIR relies on deferred mitigation and compares it to an EIR for development at an oil refinery in Richmond. See Master Response 1 regarding mitigation in the RDEIR. Although the proposed SOIA does not propose development, the RDEIR analyzes the environmental impacts of future, conceptual development, as opposed to a specific, project-level development proposal, as was the case with oil refinery in Richmond. Future development proposals within the SOIA will be required to conduct further environmental review, including an analysis on GHG emission impacts, on a case-by-case basis.

Response to Comment FOSH-3-14

The comment states that the RDEIR fails to provide sufficient information regarding thresholds of significance and further states that Mitigation Measure GHG-1 does not identify specific efforts that will be made to reduce GHG emissions. See Responses to Comments ECOS-102 and ECOS-2-103.

Response to Comment FOSH-3-15

The comment indicates that the alternatives analysis in the RDEIR does not meet the requirement of a reasonable range of alternatives that lessen the project's significant environmental impacts as it does

not focus on alternatives that either eliminate adverse impacts to Swainson's Hawks or reduce the impacts to insignificance. Refer to Response to Comment FOSH-1-68.

Response to Comment FOSH-3-16

The comment provides the legal framework for the adequacy of the alternatives analysis. No response is required.

Response to Comment FOSH-3-17

The comment indicates that the range of alternatives is insufficient and an alternative was proposed that would increase the SOI by 500 to 600 acres. Refer to Response to Comment FOSH-1-68 regarding alternatives in the RDEIR that reduce impacts on Swainson's Hawk.

Response to Comment FOSH-3-18

The comment provides closing remarks and requests recirculation. CEQA requires recirculation if significant new information is added to the EIR after public review (CEQA Guidelines Section 15088.5(a)). No new information has been added showing a new significant environmental impact, a substantial increase in the severity of an environmental impact, a new feasible alternative or mitigation measure, or that the RDEIR was fundamentally or basically inadequate (CEQA Guidelines Section 15088.5(a)).

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21 November 2011

RE: **Comment on City of Elk Grove Sphere of Influence EIR**

Dear Mr. Lockhart,

Friends of the Swainson's Hawk asked me to comment on the City of Elk Grove Proposed Sphere of Influence Amendment Draft Environmental Impact Report (LAFC # 09-10) (Sacramento LAFCo 2011). My qualifications for preparing expert comments on this EIR are the following. I earned a Ph.D. degree in Ecology from the University of California at Davis in 1990, where I subsequently worked for 4 years as a post-graduate researcher in the Department of Agronomy and Range Sciences. My research has been on the ecology of invading species, animal density and distribution, habitat selection, habitat restoration, interactions between wildlife and human infrastructure and activities, and on conservation of rare and endangered species. I have authored numerous papers on special-status species issues, including "Using the best scientific data for endangered species conservation," published in Environmental Management (Smallwood et al. 1999), and "Suggested standards for science applied to conservation issues" published in the Transactions of the Western Section of The Wildlife Society (Smallwood et al. 2001). I served as Chair of the Conservation Affairs Committee for The Wildlife Society – Western Section. I am a member of The Wildlife Society and the Raptor Research Foundation, and I've been a part-time lecturer at California State University, Sacramento. I was also Associate Editor of wildlife biology's premier scientific journal, The Journal of Wildlife Management, as well as of Biological Conservation, and I was on the Editorial Board of Environmental Management. 1

I have performed avian surveys in California for twenty-two years (Smallwood et al. 1996, Smallwood and Nakamoto 2009). Over these years, I studied the impacts of human activities and human infrastructure on birds and other animals, including on Swainson's hawks (Smallwood 1995), burrowing owls (Smallwood et al. 2007), white-tailed kites (Erichsen et al. 1996, Smallwood and Nakamoto 2009), and other species. I studied fossorial animals (i.e., animals that burrow into soil, where they live much of their lives), including pocket gophers, ground squirrels, kangaroo rats, voles, harvester ants, and many other functionally similar groups. My qualifications are further summarized in my curriculum vitae, which is attached.

SITE VISITS

I visited the western aspect of the proposed City of Elk Grove Sphere of Influence for 65 minutes, 16:00-17:05 hours, on 9 November 2011 (Photos 1 and 2). I had also visited the Sunset Skyranch Airport for 90 minutes on 12 August 1999. I observed 39 species of birds and mammals during my 2.5 hours on site, including two species listed as Threatened under the California Endangered Species Act (Table 1). From the roadway at Skyranch Airport, I observed what appeared to be vernal pools and 2

wetland swales (Photos 1 and 2). I also observed inundated ponds and a riverine environment suitable for giant garter snakes nearby the runway (Photo 3). 2 (cont.)



Photo 1. Long-billed curlew covering an alfalfa field in the study area for the proposed City of Elk Grove Sphere of Influence Amendment, on 9 November 2011.



Photo 2. Pasture in the study area for the proposed City of Elk Grove Sphere of Influence Amendment, on 9 November 2011.

Table 1. Species observed by Smallwood in 65 minute visit to western aspect of proposed new Elk Grove Sphere of Influence, 16:00-17:05 hours, 9 November 2011, and during a 90 minute visit to SkyRanch Airport on 12 August 1999.

Common name	Scientific name	Status[a]	Visit	Note(s)
Great blue heron	*Ardea herodius*		11/9/11	Several
Great egret	*Casmerodius albus*		8/12/99	
Snowy egret	*Egretta thula*		8/12/99	
Long-billed curlew	*Numenius americanus*	SSC	11/9/11	Hundreds
Sandhill crane	*Grus canadensis tabida*	CT	11/9/11	Several large flocks
Northern pintail	*Anus acuta*		8/12/99	18 birds
Willit	*Catoptrophorus semipalmatus*		8/12/99	25 birds
Killdeer	*Charadrius vociferus*		11/9/11	Several
Turkey vulture	*Cathartes aura*		8/12/99	
Cooper's hawk	*Accipter cooperii*	SSC	8/12/99	
Swainson's hawk	*Buteo swainoni*	CT	8/12/99	Several
Red-tailed hawk	*Buteo jamaicensis*		11/9/11	Scattered over site
Northern harrier	*Circus cyaneus*	SSC	11/9/11	3 birds
White-tailed kite	*Elanus leucurus*	CFP	11/9/11	5 birds
American kestrel	*Falco sparverius*		11/9/11	2 birds; 1 captured mouse
Mourning dove	*Zenaida macroura*		11/9/11	Multiple groups
California quail	*Callipepla californica*		11/9/11	Large covey
Common raven	*Corvus corax*		11/9/11	1 bird
American crow	*Corvus brachyrhynchos*		11/9/11	Some
Western scrub-jay	*Aphelocoma coerulescens*		11/9/11	Few birds
Yellow-billed magpie	*Pica nuttalli*		11/9/11	One bird
Northern mockingbird	*Mimus polyglottos*		11/9/11	Few birds
Black phoebe	*Sayornis nigricans*		11/9/11	1 bird
Loggerhead shrike	*Lanius ludovicianus*	SSC	11/9/11	1 bird
Song sparrow	*Melospiza melodia*		11/9/11	1 bird
White-crowned sparrow	*Zonotrichia leucophrys*		11/9/11	Several
Golden-crowned sparrow	*Zonotrichia atricapilla*		11/9/11	Several
Rufous-crowned sparrow	*Aimophila ruficeps*		11/9/11	Many
Brewer's blackbird	*Euphagus cyanocephalus*		11/9/11	Many
Red-winged blackbird	*Agelaius phoeniceus*		11/9/11	Many
Western meadowlark	*Sturnella neglecta*		11/9/11	Many
House finch	*Carpodacus mexicanus*		11/9/11	Some
European starling	*Sturnus vulgaris*		11/9/11	Many
Virginia opossum	*Didelphis virginianus*		8/12/99	Tracks
Botta's pocket gopher	*Thomomys bottae*		11/9/11	Burrow systems
Raccoon	*Procyon lotor*		11/9/11	Road-killed (3)
Striped skunk	*Mephitis mephitis*		11/9/11	Road-killed (1)
Black-tailed deer	*Odocoileus hemionus*		8/12/99	Tracks
Northern Pacific rattlesnake	*Crotalus viridis oreganus*		8/12/99	

[a] See Table 2 legend for a key to the acronyms indicating special status.



Photo 3. A wetland structure that looks like a vernal pool at Sunset Skyranch Airport, within the proposed Elk Grove Sphere of Influence Amendment study area, on 12 August 1999.



Photo 4. A wetland structure that looks like a vernal pool or swale at Sunset Skyranch Airport, within the proposed Elk Grove Sphere of Influence Amendment study area, on 12 August 1999.



Photo 5. A riverine environment at Sunset Skyranch Airport, within the proposed Elk Grove Sphere of Influence Amendment study area, on 12 August 1999.

SUFFICIENCY OF EIR AS AN INFORMATIVE DOCUMENT

Under CEQA,[1] "[A] paramount consideration is the right of the public to be informed in such a way that it can intelligently weigh the environmental consequences of any contemplated action and have an appropriate voice in the formulation of any decision." The public needs information that is thorough, relevant, unbiased, and honest; the public needs full disclosure of the environmental setting and possible cumulative impacts. Documents presenting information from a biased perspective will tend to include omissions, logical fallacies, internal contradictions, and unfounded responses to substantial issues. In my review of the EIR, I found these types of problems, indicating that the EIR was insufficient in its provision of relevant information to the public.

The EIR was insufficiently informative about the biological resources occurring on the study area. It was insufficient because it relied on (1) a very cursory field survey performed by one person, and (2) a flawed use of the California Natural Diversity Data Base (CNDDB) to identify biological resources likely occurring on the project area. It also made no effort to identify wildlife and fish movement corridors, nor did it use much of the available information on wildlife resources developed by professionals. Below I explain further.

3

Biological Resources Survey

On page 3.4-1, Dale Hameister performed reconnaissance survey on 11 October 2010. Thus, the most useful type of information on the biological resources occurring over 8,000 acres of project area was gathered by one person performing a single survey of unknown duration on one day in 2010. This level of effort gives new meaning to the term "reconnaissance" when applied to a professional survey of a proposed project site. However, not only was the survey much too cursory to be of much use, but the EIR did not even include a list of species detected by Mr. Hameister. I cannot see how the public can meaningfully participate with an environmental review if the review fails to report on the results of a biological survey.

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LAFCo's justification for performing an extremely cursory and ambiguous biological survey was the following: "Since no physical development is associated with the proposed project, a general biological resources assessment was conducted to document existing conditions" (page 3.4-1). This justification seems unsatisfactory, however, as LAFCo had earlier admitted that "The City's available residential, industrial, and commercial land inventory is in the process of building out and may be unable to accommodate all anticipated urban growth within the city limits" (page ES-2). In other words, the City authorized the conversion of all lands within its current sphere of influence, so it is preparing to build out an expanded sphere of influence. The act of establishing the current Sphere of Influence resulted in the conversion of all available land to urban, commercial and industrial uses. Establishing an expanded Sphere of Influence would likely result in the same outcome, assuming the City of Elk Grove will stay consistent with its land-use decisions. It is reasonable to conclude that the proposed project is associated with physical development.

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Even if one truly believes that the expansion of the Sphere of Influence would be an action that can be decoupled from physical development, then it would still be necessary to describe the state of biological resources in the project area. Decision-makers and the public need to be reasonably informed about the likely impacts and mitigation options that future development projects would need

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[1] Environmental Planning and Information Council vs. County of El Dorado (1982) 131 Cal. App. 3d 350, 354.

to consider after the sphere of influence has been expanded in the manner proposed. For example, the City of Elk Grove's General Plan Policy CAQ-7, which encourages clustering of development to minimize impacts to wildlife habitat, would be much more effective if it the clustering was planned out at the earliest stage, i.e., in a programmatic EIR, rather than on a project-by-project basis. Development clustering, if that is truly the style of development the City of Elk Grove intends, could be planned in a programmatic EIR to avoid wildlife and fish movement corridors and to minimize habitat fragmentation. Otherwise, those who prepare project-specific EIRs will cluster development (assuming they cluster at all) to suit their desired project outcomes without being informed of the intended clustering at other potential future project sites. Without landscape-level guidance, development clustering will be ineffective at strategically minimizing impacts to wildlife habitat and movement corridors

6 (cont.)

The most fundamental information needed in a programmatic EIR such as this one is a list of biological species likely to occur in the project area. A species list is needed to begin to understand the likely extent of the project's impacts and how those impacts might be mitigated. A species list is often developed from biological surveys performed in the project area, but they can also be developed from reports of other surveys in the area, from observations reported in CNDDB, and from habitat relationships models, so long as the geographic ranges of the species also overlap the project area. However, CNDDB records cannot be used to conclude a species' absence from a site, as was done repeatedly in this EIR (to be discussed later). The EIR did not include a comprehensive list of species documented in the project area, so it failed to provide readers with fundamental information. The EIR provide conclusions of the likelihood of occurrence of most special-status species, but I will also point out that the EIR's characterization of special-status was outdated (see Table 2).

In Table 2, I listed species of birds, mammals, amphibians, reptiles, and a few invertebrates potentially occurring on the project area. This list was derived from a query of the California Wildlife Habitat Relationships System (CWHR), and amended by my observations of wildlife on site, and my review of CNDDB and of geographic range maps. My review identified 235 species of terrestrial vertebrate species possibly, probably, or certainly occurring on the study area, indicating a biological richness that warrants a much more rigorous environmental review than was provided in the EIR.

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Of the 235 species of terrestrial vertebrates at least possibly using the study area, 49 are special-status species (Table 2). That is, 21% of the species possibly occurring there are considered to be in trouble and in need of conservation actions, according to the California Department of Fish and Game and US Fish and Wildlife Service. The EIR should divulge this percentage of species with special-status, and it should closely examine the likely impacts to each species that would be caused by expanding the City of Elk Grove's Sphere of Influence.

My list of species potentially occurring on the project site is more comprehensive than what appears in the EIR, but it is also more accurate. In fact, the likelihoods of occurrence attributed to some species discussed in the EIR indicated the preparers of the EIR were relatively unfamiliar with wildlife in this part of California. For example, the EIR characterized the likelihood of white-tailed kites occurring on the site as "low" (Table 2), but I encountered the first of five individuals of this species within eight minutes of my arrival on site on 9 November 2011 (Photo 6). Based on what I know about the species (e.g., Erichsen et al. 1995, Smallwood et al. 1995), I never would have thought white-tailed kites would be absent from this project area.



Photo 6. White-tailed kite seen hovering over the study area of the proposed City of Elk Grove Sphere of Influence Amendment, 9 November 2011.

The EIR characterizes the likelihood of greater sandhill crane occurrence as "moderate" (EIR Table 3.4-2), though the EIR also states that sandhill crane has high potential to occur on the project site (page 3.4-36). Given the vegetation and soil conditions, and given the geographic range and habitat affinities of the species, I am confused why the preparer of the EIR would have thought that greater sandhill cranes would be attributed any other occurrence likelihood category than "high." The only explanation provided was that no records appeared in CNDDB, but this explanation was unsatisfactory (see discussion to follow). I saw multiple large flocks of this species flying across the project area, and some birds were on the ground. 8

The EIR characterized the likelihood of northern harrier occurrence as "moderate" (Table 2). Again, given the habitat and geographic range of the species, I am curious as to why the occurrence likelihood was not "high." Furthermore, I observed multiple individuals of this species during both of my visits to the project area. The species' occurrence in the project area is obvious. It appears, however, that the occurrence likelihood was downgraded due to lack of CNDDB records. This explanation was flawed (see discussion to follow). 9

The EIR characterized the likelihood of burrowing owl occurrence as "moderate." However, burrowing owls are known to occur in the project area (see EIR), so the occurrence likelihood is most certainly greater than moderate. The EIR also was inconsistent in its characterization of the likelihood of occurrence of this species. On page 3.4-37, the EIR states that burrowing owls have a high potential to occur on the project site, but in Table 3.4-2 it characterizes the potential as moderate. 10

The EIR attributed low likelihood of occurrence to sharp-shinned hawk, golden eagle, ferruginous hawk, prairie falcon, and merlin. However, the habitats of these species occur in the project area, and the geographic ranges of these species overlap the project area. Based on my experience with these species, I would be surprised if these species were truly unlikely to occur on the project site. The EIR implies that it is the agricultural setting of the project area that precludes golden eagles, but I have 11

observed golden eagles numerous times foraging in alfalfa fields and cattle range in the Central Valley (e.g., Smallwood and Geng 1993). 11 (cont.)

The EIR attributed no likelihood of occurrence on the project area by peregrine falcon and coast horned lizard. The EIR claims there is no foraging habitat available for peregrine falcons, but I have seen them multiple times in similar environmental settings. Coast horned lizards are claimed to be absent due to agricultural activity in the area. However, agriculture is not conflicting with coast horned lizards over much of the western aspect of the project area, or over multiple other parts of the project area, such as at Sunset Skyranch Airport. 12

The EIR attributed low likelihood of occurrence and no likelihood of occurrence to multiple species of special-status bats. I wonder how the preparers of the EIR could have come to the conclusion that these bat species were unlikely to occur in the study area? The preparers did not rely on any acoustic surveys or any bat surveys of any kind. A more appropriate conclusion in the face of uncertainty would be to err on the side of caution (National Research Council 1986, Shrader-Frechette and McCoy 1992, Smallwood et al. 1999, 2001), and to conclude the bats possibly or probably occur in the project area. 13

Overall, the EIR too often attributed occurrence likelihoods to special-status species that were lower than they should have been, and some special-status species were not considered in the EIR at all.

In characterizing vegetation cover types and habitat types, the EIR was also unsatisfactory. For example, LAFCo wrote, "There is very little riparian habitat within the project area" (page 3.4-1). The EIR could have clarified that the abundance of riparian habitat lies just beyond the boundary of the proposed Sphere of Influence amendment. By converting the land within the proposed amended Sphere of Influence, the project would most certainly have profound adverse impacts on riparian habitat. 14

Similarly, the EIR was inadequate in its portrayal of wetland habitat on the proposed study area. The EIR relied on the National Wetlands Inventory to conclude that there are 162.4 acres of freshwater emergent wetlands and 44.61 acres of freshwater ponds in the study area (page 3.4-5). However, the maps of wetland areas in the EIR appear incomplete (EIR Exhibit 3.4-1). I have seen what appear to me to be additional wetlands that are not mapped. For example, I saw swales and possible vernal pools at Sunset Skyranch Airport. 15

California Natural Diversity Data Base

It appears that lack of records in the CNDDB served as the foundation for many of the conclusions that special-status species were unlikely to occur in the study area. LAFCo has made a fundamental error in its use of CNDDB. CNDDB records are voluntarily reported and many are not derived from scientific sampling, which means that lack of CNDDB records does not equal species absence. CNDDB records cannot be relied upon to determine the extent of habitat. To help get this message across, the California Department of Fish and Game posts a disclaimer on its California Natural Diversity Data Base web site: "*We work very hard to keep the CNDDB and the Spotted Owl Database as current and up-to-date as possible given our capabilities and resources. However, we cannot and do not portray the CNDDB as an exhaustive and comprehensive inventory of all rare species and natural communities statewide. Field verification for the presence or absence of sensitive species will always be an important obligation of our customers.*" Similarly, the California Native Plant Society's Inventory of Rare and Endangered Species states the following: "***A reminder:*** *Species not recorded* 16

for a given area may nonetheless be present, especially where favorable conditions occur." All of LAFCo's conclusions of species' likelihood of occurrence based on CNDDB records are invalid. 16 (cont.)

Wildlife Movement Corridors

The EIR made no attempt to identify or characterize wildlife movement corridors in the study area. Its justification for this neglected topic was that no wildlife movements had been identified by anyone else prior to the preparation of the EIR. The implication was that the preparer of the EIR is not responsible for performing any original analysis of potential biological impacts. I do not believe this justification is valid under CEQA.

Wildlife movement corridors can be routes used for migration, dispersal, home range patrol, or other types of movements, and they can include various vegetation cover types and terrain, depending on local conditions. A significant effect under CEQA, as I understand it, is whether the project will "interfere substantially with the movement of any resident or migratory fish or wildlife species." Converting nearly eight thousand acres of wildlife habitat to houses will indeed interfere with the movement of wildlife between the undeveloped areas to the east, west, and south of the study area. 17

Wildlife movement patterns can be characterized to identify movement corridors. There is an established literature for addressing this issue. For example, Beier and Loe (1992) presented corridor functionality criteria. A little time on the site, which would be warranted by the size of the proposed project, could document wildlife movement patterns, leading to recognition of movement corridors.

Stop-over Habitat for Migrating Birds

The EIR does not discuss or even mention the use of the study area by migrating birds. Habitat patches are often critical for the persistence of special-status species, including for willow flycatcher, yellow warbler, white-faced ibis, and sandhill crane, among others. In fact, stop-over habitat is no less critical to bird species than is nesting habitat, the latter of which appears to have been the sole type of habitat assessed by the preparers of the EIR. Without considering the project's impacts on stop-over habitat, the EIR is incomplete. 18

Table 2. Species of terrestrial vertebrates and select invertebrates potentially occurring and known to occur within the Elk Grove Sphere of Influence project site. Under **Status**, species are listed as FE = federal endangered, FT = threatened, BCC = federal bird species of conservation concern, CE = California endangered, CT = California threatened, SSC = California species of special concern (not threatened with extinction, but rare, very restricted in range, declining throughout range, peripheral portion of species' range, associated with habitat that is declining in extent), CFP = California Fully Protected, CSA = California Special Animal, CDFS = California Department of Forestry sensitive, and CNPS = California Native Plant Society listing. Recent listings were taken from CDFG (2011). Birds were assigned the new special status developed by Shuford and Gardali (2008): BSSC = Bird Species of Special Concern, BSSC1 = BSSC species with first priority special concern, BSSC2 = second priority, and BSSC3 = third priority; BCC = Birds of conservation concern, CBRL = California Bird Responsibility List. Under **CWHR ratings**, L, M, and H represent California Wildlife Habitat Relationships ratings of Low, Medium, and High for the habitats' fulfillment of the species need to reproduce, find cover and forage. The input parameters used in the CWHR analysis included the following: Sacramento County, annual grassland, fresh emergent wetland, riverine, vineyards, orchards, annual field crops, oak woodland (dense small trees, and sparse large trees), and Eucalyptus. The ratings used in the table were the highest ratings associated with habitat cover types used in the analysis. I excluded a few of the species that were listed in the CWHR output file based on my knowledge of the species regarding the likelihood of their occurrence at the project site.

Common name	***Species name***	**Status** [a]	**EIR rating of occurrence potential**	**CWHR ratings** [b]	**Smallwood assessment**	**Documented on site?**
Arthropods						
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphis*	FT, CE	Moderate		Probable	
Vernal pool fairy shrimp	*Branchinecta lynchi*	FT	Moderate		Probable	
Vernal pool tadpole shrimp	*Lepidurus packardi*	FE	Moderate		Probable	
Conservancy fairy shrimp	*Branchinecta conservatio*	FE	Moderate		Probable	
California linderiella	*Linderiella occidentalis*				Probable	
Birds						
Pied-billed grebe	*Podilymbus podiceps*			HHH	Probable	
Eared grebe	*Podiceps nigricollis*			HHH	Probable	
American white pelican	*Pelecanus erythrorhynchos*	BSSC1		MM	Possible	
Double-crested cormorant	*Phalacrocorax auritus*	SSC		LLM	Probable	
Black-crowned Night Heron	*Nycticorax nycticorax*	CSA		HHH	Probable	
Green heron	*Butorides striatus*			MHH	Probable	
Cattle egret	*Bubulcus ibis*			LHH	Certain	

Snowy egret	*Egretta thula*	CSA,CDFS		HHH	Certain	Yes
Great egret	*Ardea alba*	CSA,CDFS		MHH	Certain	Yes
Great blue heron	*Ardea herodius*	CSA,CDFS		HHH	Certain	Yes
White-faced ibis	*Plegadis chihi*	SSC			Certain	
Greater sandhill crane	*Grus canadensis tabida*	CT, CFP	Moderate		Certain	Yes
Lesser sandhill crane	*Grus Canadensis canadensis*	BSSC3			Probably	
Greater white-fronted goose	*Anser albifrons*			HH	Probable	
Snow goose	*Chen caerulescens*			HH	Possible	
Ross's goose	*Chen rossii*			HH	Possible	
Canada goose	*Branta Canadensis*			HHH	Probable	
Mallard	*Anas platyrhynchos*			HHH	Certain	
Northern pintail	*Anas acuta*			HHH	Probable	Yes
Northern shoveler	*Anas clypeata*			HHH	Possible	
Green-winged teal	*Anas crecca*			HHH	Probable	
Blue-winged teal	*Anas discors*			HHM	Probable	
Eurasian wigeon	*Anas Penelope*			HH	Possible	
American wigeon	*Anas Americana*			HHH	Probable	
Wood duck	*Aix sponsa*			HH	Unlikely	
Lesser scaup	*Aythya affinis*			HHH	Possible	
Common goldeneye	*Bucephala clangula*			HH	Possible	
Barrow's goldeneye	*Bucephala islandica*	BSSC		MM	Unlikely	
Bufflehead	*Bucephala albeola*			LL	Certain	
Hooded merganser	*Lophodytes cucullatus*			HH	Possible	
Common merganser	*Mergus merganser*			HH	Possible	
Virginia rail	*Rallus limicola*				Probable	
Sora	*Porzana Carolina*				Probable	
Common moorhen	*Gallinula chloropus*				Probable	
American coot	*Fulicra Americana*				Probable	
Spotted sandpiper	*Actitis macularia*			LMH	Probable	
Whimbrel	*Numenius phaeopus*	BCC		HH	Possible	
Western sandpiper	*Calidris mauri*			HH	Possible	
Least sandpiper	*Calidris minutilla*			HH	Possible	
Baird's sandpiper	*Calidris bairdii*			HH	Possible	
Common snipe	*Gallinago gallinago*			HHH	Certain	

Wilson's phalarope	*Phalaropus tricolor*			HHH	Probable	
Greater yellowlegs	*Tringa melanoleuca*			HH	Certain	
Lesser yellowlegs	*Tringa flaviceps*			HH	Possible	
Willet	*Catoptrophorus semipalmatus*			HH	Probable	Yes
Long-billed curlew	*Numenius americanus*	BCC, SSC		HHH	Certain	Yes
Dunlin	*Calidris alpine*			HH	Certain	
Long-billed dowitcher	*Limnodromus scolopaceus*			HH	Possible	
Black-bellied plover	*Pluvialis squatarola*			HH	Possible	
Semi-palmated plover	*Charadrius semipalmatus*			LL	Unlikely	
Killdeer	*Charadrius vociferus*			HHH	Certain	Yes
Mountain plover	*Charadrius montanus*	BCC, BSSC2		HH	Probable	
Black-necked stilt	*Himantopus mexicanus*			MMH	Certain	
American avocet	*Recurvirostra Americana*			MMH	Certain	
Bonaparte's gull	*Larus philadelphia*			LL	Possible	
Mew gull	*Larus canus*			LL	Possible	
Ring-billed gull	*Larus delawarensis*			HH	Probable	
California gull	*Larus californicus*	SSC		HH	Certain	
Herring gull	*Larus argentatus*			MM	Probable	
Glaucous-winged gull	*Larus glaucescens*			LL	Unlikely	
Black tern	*Chlidonias niger*	BSSC2		HHH	Possible	
Caspian tern	*Sterna caspia*			MH	Possible	
Forster's tern	*Sterna forsteri*			LMH	Possible	
Turkey vulture	*Cathartes aura teter*			HHH	Certain	
Osprey	*Pandion haliaetus*	SSC		LLH	Unlikely	
Bald eagle	*Haliaetus leucocephalus*	FT, CE	None	LLH	Unlikely	
Golden eagle	*Aquila chysaetos*	CFP	Low	HHH	Certain	
Cooper's hawk	*Accipiter cooperii*	SSC		HHH	Certain	Yes
Sharp-shinned hawk	*Accipter striatus velox*	SSC	Low	MHH	Probable	
Northern harrier	*Circus cyaneus*	BSSC3	Moderate	HHH	Certain	Yes
White-tailed kite	*Elanus leucurus*	CFP	Low	HHH	Certain	Yes
Red-tailed hawk	*Buteo jamaicensis*			HHH	Certain	Yes
Ferruginous hawk	*Buteo regalis*	SSC	Low	HH	Certain	
Swainson's hawk	*Buteo swainsoni*	BCC, CT	High	MMH	Certain	Yes
Red-shouldered hawk	*Buteo lineatus*			HHH	Certain	

Rough-legged hawk	*Buteo lagopus*			_MH	Probable	
Peregrine falcon	*Falco peregrinus anatum*	BCC, CE	None	HHH	Probable	
Prairie falcon	*Falco mexicanus*	BCC, SSC	Low	HHH	Probable	
American kestrel	*Falco sparverius*			HHH	Certain	Yes
Merlin	*Falco columbarius*	SSC	Low	_MH	Certain	
Wild turkey	*Melleagris gallopavo*			HHH	Probable	
California quail	*Callipepla californica*			HHH	Probable	Yes
Ring-necked pheasant	*Phasianus colchicus*			HHH	Certain	
Mourning dove	*Zenaida macroura*			HHH	Certain	Yes
Rock dove	*Columba livea*			HHH	Certain	
Band-tailed pigeon	*Columba fasciata*			MMH	Possible	
Greater roadrunner	*Geococcyx californicus*			LLL	Unlikely	
Barn owl	*Tyto alba*			HHH	Certain	
Western screech owl	*Otus kennicottii*			HHH	Probable	
Great horned owl	*Bubo virginianus pacificus*			HHH	Certain	
Northern pygmy owl	*Glaucidium gnoma*			HHH	Possible	
Western burrowing owl	*Athene cuniculana hypugea*	BCC, BSSC2	Moderate	HHH	Certain	Yes
Short-eared owl	*Asio flammeus*	BSSC3		HHH	Probable	
Lesser nighthawk	*Chordeiles acutipennis*			MMH	Possible	
Common poorwill	*Phalaenoptilus nuttallii*			HHH	Possible	
White-throated swift	*Aeronautes saxatalis*			HHH	Unlikely	
Black-chinned hummingbird	*Archilochus alexandri*			HHH	Possible	
Anna's hummingbird	*Calypte anna*			HHH	Certain	
Calliope hummingbird	*Stellula calliope*			_MM	Unlikely	
Rufous hummingbird	*Selasphorus rufus*			_MM	Unlikely	
Allen's hummingbird	*Selasphorus sasin*	CBRL		HHH	Certain	
Belted kingfisher	*Ceryle alcyon*			HHH	Certain	
Lewis' woodpecker	*Melanerpes lewis*	BCC		HHH	Probable	
Downy woodpecker	*Picoides pubescens*			HHH	Certain	
Red-breasted sapsucker	*Sphyrapicus ruber*			_HH	Unlikely	
Nuttall's woodpecker	*Picoides nuttalli*	CBRL		HHH	Possible	
Northern flicker	*Colaptes auratus cafer*			HHH	Certain	
Western wood-pewee	*Contopus sordidulus*			HHH	Probable	
Hammond's flycatcher	*Empidonax hammondii*			_LL	Unlikely	

Dusky flycatcher	*Empidonax oberholseri*			LL	Unlikely	
Gray flycatcher	*Empidonax wrightii*			LL	Unlikely	
Pacific-slope flycatcher	*Empidonax difficilis*			HH	Unlikely	
Black phoebe	*Sayornis nigricans semiatra*				Certain	Yes
Say's phoebe	*Sayornis saya*			HH	Probable	
Ash-throated flycatcher	*Myiarchus cinerascens*			HHH	Probable	
Western kingbird	*Tyrannus verticalis*			MMH	Certain	
California horned lark	*Eremophila alpestris actia*	CBRL		HHH	Probable	
Purple martin	*Progne subis*	BSSC2	Low	MH	Unlikely	
Tree swallow	*Tachycineta bicolor*			MHH	Probable	
Violet-green swallow	*Tachycineta thalassina*			HHH	Probable	
Northern rough-winged swallow	*Stelgidopteryx serripennis*			HHH	Probable	
Bank swallow	*Riparia riparia*	CT		HHH	Possible	
Cliff swallow	*Hirundo pyrrhonota*			HHH	Certain	
Barn swallow	*Hirundo rustica*			HHH	Certain	
Western scrub-jay	*Aphelocoma coerulescens*				Certain	Yes
Yellow-billed magpie	*Pica nuttalli*	CBRL		HHH	Certain	Yes
Common raven	*Corvus corax*				Certain	Yes
American crow	*Corvus brachyrhynchos*			HHH	Certain	Yes
Oak titmouse	*Parus inornatus*	CBRL		HHH	Probable	
Bushtit	*Psaltriparus minimus*			HHH	Certain	
Red-breasted nuthatch	*Sitta canadensis*			MM	Unlikely	
White-breasted nuthatch	*Sitta carolinensis aculeata*			HHH	Probable	
Brown creeper	*Certhia americana*			LL	Unlikely	
Rock wren	*Salpinctes obsoletus*			HHL	Unlikely	
Bewick's wren	*Thryomanes bewickii*			HHH	Probable	
House wren	*Troglodytes aedon*			HHH	Probable	
Winter wren	*Cistothorus*			LLL	Possible	
American dipper	*Cinclus mexicanus*			HHM	Unlikely	
Golden-crowned kinglet	*Regulus satrapa*			MM	Unlikely	
Ruby-crowned kinglet	*Reguls calendula*			HH	Probable	
Blue-gray gnatcatcher	*Polioptila caerulea*			HHH	Possible	
Western bluebird	*Sialia mexicana*			HHH	Certain	
Mountain bluebird	*Sialia currucoides*			MH	Possible	

Swainson's thrush	*Catharus ustulatus*			LMM	Possible	
Hermit thrush	*Catharus guttatus*			_MM	Possible	
American robin	*Turdus migratorius*			MHH	Certain	
Varied thrush	*Ixoreus naevius*			_MM	Possible	
Wrentit	*Chamaea fasciata*	CBRL		LLL	Unlikely	
Loggerhead shrike	*Lanius ludovicianus*	BCC, BSSC2		HHH	Certain	Yes
Northern mockingbird	*Mimus polyglottos*			HHH	Certain	Yes
California thrasher	*Toxostoma redivivum*	CBRL		LLL	Unlikely	
American pipit	*Anthus rubescens*			_HH	Possible	
Cedar waxwing	*Bombycilla cedrorum*			_HH	Possible	
Phainopepla	*Phainopepla nitens*			MMH	Possible	
European starling	*Sturnus vulgaris*			HHH	Certain	Yes
Hutton's vireo	*Vireo huttoni*			HHH	Possible	
Warbling vireo	*Vireo gilvus*			HHH	Probable	
Orange-crowned warbler	*Vermivora celata*			HHH	Probable	
Nashville warbler	*Vermivora ruficapilla*			_MM	Unlikely	
Yellow-rumped warbler	*Dendroica coronata*			LHH	Certain	
Yellow warbler	*Dendroica petachia brewsteri*	BSSC2	Low	LHH	Possible	
Black-throated gray warbler	*Dendroica nigrescens*			_MH	Unlikely	
Townsend's warbler	*Dendroica townsendi*			_HH	Possible	
Hermit warbler	*Dendroic occidentalis*			_MM	Possible	
MacGillivray's warbler	*Oporonis tolmiei*			_LL	Unlikely	
Common yellowthroat	*Geothlypis trichas*			HHH	Probable	
Wilson's warbler	*Wilsonia pusilla*			_HH	Possible	
Black-headed grosbeak	*Pheucticus melanocephalus*			MMM	Probable	
Blue grosbeak	*Guiraca caerulea*			_MH	Probable	
Lazuli bunting	*Passerina amoena*			HHH	Possible	
California towhee	*Pipilo fuscus*	CBRL		LMM	Probable	
Sacramento spotted towhee	*Pipilo erythrophthamnus*	CBRL		LHH	Probable	
Chipping sparrow	*Spizella passerina*			HHH	Probable	
Grasshopper sparrow	*Ammodramus savannarum*	BSSC2		HHH	Probable	
Vesper sparrow	*Pooecetes gramineus*			LHH	Possible	
Modesto song sparrow	*Melospiza melodia malliardi*	BSSC3		HHH	Certain	Yes
Lincoln's sparrow	*Melospiza lincolnii*			_MM	Possible	

Savannah sparrow	*Passerculus sandwichensis*			HHH	Probable	
Rufous-crowned sparrow	*Aimophila ruficeps*			HHH	Certain	Yes
Lark sparrow	*Chondestes grammacus*			HHH	Probable	
Fox sparrow	*Passerella iliaca*			_MM	Possible	
White-crowned sparrow	*Zonotrichia leucophrys*			LMM	Certain	Yes
Golden-crowned sparrow	*Zonotrichia atricapilla*			_HH	Probable	Yes
Dark-eyed junco	*Junco hyemalis*			HHH	Certain	
Western meadowlark	*Sturnella neglecta*			HHH	Certain	Yes
Tricolored blackbird	*Agelaius tricolor*	BCC, BSSC1	Moderate	HHH	Probable	
Red-winged blackbird	*Agelaius phoeniceus*			HHH	Certain	Yes
Yellow-headed blackbird	*Xanthocephalus xanthocephalus*	BSSC3	Moderate	HHH	Probable	
Brewer's blackbird	*Euphagus cyanocephalus*			HHH	Certain	Yes
Brown-headed cowbird	*Molothrus ater*			MHH	Certain	
Hooded oriole	*Icterus cucullatus*			MMM	Possible	
Bullock's oriole	*Icterus galbula*			HHH	Probable	
Western tanager	*Piranga ludoviciana*			_HH	Possible	
Pine siskin	*Carduelis pinus*			LMH	Possible	
American goldfinch	*Carduelis tristis*			LMH	Certain	
Lesser goldfinch	*Carduelis psaltria*			HHH	Probable	
Lawrence's goldfinch	*Carduelis lawrencei*	BCC, CBRL		HHH	Possible	
Purple finch	*Carpodacus purpureus*			LLL	Probable	
House finch	*Carpodacus mexicanus*			HHH	Certain	Yes
House sparrow	*Passer domesticus*			MMH	Certain	
Mammals						
Virginia opossum	*Didelphis virginianus*			MMM	Certain	Yes
Ornate shrew	*Sorex ornatus*	SSC		MMM	Possible	
Trowbridge shrew	*Sorex trowbridgei*			LLL	Unlikely	
Broad-footed mole	*Scapanus latimanus*			HHH	Unlikely	
Pallid bat	*Antrozous pallidus pacificus*	SSC	Low	MMH	Probable	
Spotted bat	*Euderma maculatum*	SSC	Low	__L	Possible	
Townsend's big-eared bat	*Plecotis townsendii*	SSC	Low	MMM	Possible	
Western mastiff bat	*Eumops perotis*	SSC	None	MMH	Possible	
Yuma myotis	*Myotis yumanensis saturatus*			HHH	Possible	
California myotis	*Myotis californicus*			MMM	Probable	

Silver-haired bat	*Lasionycteris noctivagans*			MMM	Unlikely	
Western pipestrelle	*Pipestrellus Hesperus merriami*			MMM	Probable	
Big brown bat	*Eptisicus fuscus bernardinus*			HHH	Probable	
Western red bat	*Lasiurus borealis teleotis*	SSC	Low	MMM	Probable	
Hoary bat	*Lasiusrus cinereus cinereus*			HHH	Probable	
Brazilian free-tailed bat	*Tadarida brasiliensis muscula*			MMM	Possible	
Brush rabbit	*Sylvilagus bachmani*			MMH	Unlikely	
Desert cottontail	*Sylvilagus audubonii*			MMH	Certain	
Black-tailed jackrabbit	*Lepus californicus*			MMH	Certain	
California ground squirrel	*Spermophilus beecheyi*			HHH	Certain	
Eastern gray squirrel	*Sciurus carolinensis*			LLL	Probable	
Western gray squirrel	*Sciurus griseus*			HHH	Probable	
Eastern fox squirrel	*Sciurus niger*			MMM	Possible	
Botta's pocket gopher	*Thomomys bottae*			HHH	Certain	Yes
Heerman's kangaroo rat	*Dipodomys heermanni*			MMM	Possible	
California kangaroo rat	*Dipodomys californicus*	SSC		HHH	Possible	
San Joaquin pocket mouse	*Perognathus inornatus*			HHH	Probable	
California pocket mouse	*Chaetodipus californicus*			HHH	Possible	
Western harvest mouse	*Reithrodontomys megalotis*			HHH	Probable	
Deer mouse	*Peromyscus maniculatus*			MMM	Certain	
Brush mouse	*Peromyscus boylei*			LLL	Unlikely	
Pinon mouse	*Peromyscus truei*			LLH	Unlikely	
Dusky-footed woodrat	*Neotoma fuscipes*			MMM	Unlikely	
California vole	*Microtis californicus*			HHH	Certain	
House mouse	*Mus musculus*			HHH	Certain	
Norway rat	*Rattus norvegicus*			MMM	Certain	
Black rat	*Rattus rattus*			MMM	Certain	
Common porcupine	*Erethizon dorsatum*			LLH	Unlikely	
American badger	*Taxidea taxus*	SSC	Moderate	HHH	Probable	
Long-tailed weasel	*Mustela frenata*			MMH	Possible	
Western spotted skunk	*Spilogale gracilis*			MMM	Probable	
Striped skunk	*Mephitis mephitis*			MMH	Certain	Yes
Ringtail	*Bassariscus astutus*	CFP		LLH	Unlikely	
Raccoon	*Procyon lotor*			MMH	Certain	Yes

Mountain lion	*Puma concolor*	CFP		LLL	Unlikely	
Bobcat	*Felis rufus*			MMM	Possible	
Coyote	*Canis latrans lestes*			LMH	Certain	
San Joaquin kit fox	*Vulpes macrotis mutica*		None	HHH	Unlikely	
Gray fox	*Urocyon cinereoargenteus*			MMH	Probable	
Red fox	*Vulpes vulpes*			LMH	Possible	
Reptiles						
Western skink	*Eumeces skiltonianus*			MMM	Probable	
Gilbert's skink	*Eumeces gilberti*			MMM	Probable	
Western fence lizard	*Sceloporus occidentalis*			HHH	Certain	
Western whiptail	*Aspidoscelis tigris*			MMM	Possible	
Northern alligator lizard	*Gerrhonotus coeruleus*			MMM	Probable	
Coast horned lizard	*Phrynosoma coronatum*	SSC	None	MMM	Possible	
Slider	*Pseudemys scripta*			LLL	Probable	
Western pond turtle	*Clemmys m. marmorata*	SSC	Moderate	HHH	Probable	
Ringneck snake	*Diadophis punctatus*			MMM	Unlikely	
Sharp-tailed snake	*Contia tenuis*			MMM	Unlikely	
Racer	*Coluber constrictor*			HHH	Probable	
Striped racer	*Masticophis lateralis*			LLL	Unlikely	
Common garter snake	*Thamnophis sirtalis*			HHH	Certain	
Western terrestrial garter snake	*Thamnophis elegans*			HHH	Probable	
Giant garter snake	*Thamnophis gigas*	FT, CT	Moderate	HHH	Probable	
Night snake	*Hypsiglena torquata*			MMM	Possible	
Common kingsnake	*Lampropeltis getulus*			MMM	Probable	
California mountain kingsnake	*Lampropeltis zonata*			LLL	Possible	
Gopher snake	*Pituophis melanoleucus*			HHH	Certain	
Western rattlesnake	*Crotalus viridis*			MMM	Probable	Yes
Amphibians						
California newt	*Taricha torosa sierrae*			HHH	Unlikely	
California slender salamander	*Batrachoseps attenuatus*			MMM	Unlikely	
Long-toed salamander	*Ambystoma macrodactylum*			HHH	Unlikely	
California tiger salamander	*Ambystoma californiense*	FT, SSC	Low	HHH	Possible	
Ensatina	*Ensatina eschscholtzii*			LLL	Unlikely	
Arboreal salamander	*Aneides lugubris*			MMM	Possible	

Pacific chorus frog	*Hyla regilla*			HHH	Certain	
Foothill yellow-legged frog	*Rana boylii*	SSC	None	LLL	Unlikely	
California red-legged frog	*Rana aurora draytonii*	FT, SSC	None	HHH	Unlikely	
Bullfrog	*Rana catesbeiana*			MHH	Probable	
Western spadefoot	*Scaphiopus hammondi*	SSC	Low	HHH	Probable	
Western toad	*Bufo boreas*			MMM	Certain	

IMPACT ASSESSMENT

The EIR relied on CNDDB to conclude presence or absence of special-status species. CNDDB records can only be used to conclude presence, but they cannot be used to conclude absence (see earlier discussion on this topic). The impacts assessment was therefore fundamentally flawed, and many impact conclusions were unfounded.

On page 3.4-36 the EIR discusses project impacts on special-status species. It discusses Swainson's hawks, sandhill cranes and burrowing owls, but did not address impacts to giant garter snake or multiple other species.

Even though the EIR mentions Swainson's hawk, the EIR does not disclose that the study area occurs within the high density zone of the Central Valley, and that the Central Valley is where 95% of the remaining nesting pairs of Swainson's hawks reside (Anderson et al. 2007). It also does not disclose that the Swainson's hawks nesting within the current Sphere of Influence of the City of Elk Grove (Estep 2009) would likely lose their nest sites as foraging areas in the proposed amended Sphere of Influence are converted to residential, commercial, and industrial uses (England et al. 1995).

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The EIR appropriately describes habitat fragmentation as a threat to the conservation of Swainson's hawk (pages 3.4-36 and 3.4-37). It then describes the methodology that Sacramento County uses to assess habitat fragmentation, comparing the final habitat area to the pre-project habitat acreage. However, this before and after comparison, or net habitat acreage removed and net remaining, incompletely characterizes the effects of habitat fragmentation. Habitat fragmentation not only reduces the habitat area of a species and of its food and nesting resources, but it also impedes access of the species or its food resources to habitat patches surrounded by the barriers creating the fragmentation (e.g., non-habitat). Habitat patches that are smaller than a certain size threshold or isolated by a certain distance threshold to other habitat patches are no longer able to support the species. Habitat fragmentation results in the reduction of a net larger habitat area than can be measured by summing the remaining, apparent habitat patches (Wilcox and Murphy 1985, Saunders et al. 1991, Hall et al. 1997). The Sacramento County methodology, as described in the EIR, appears to be inconsistent with the scientific concept of habitat fragmentation, and therefore is a flawed methodology.

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All in all, the EIR (pages 3.4-36 to 3.4-37) devotes 47 lines of text to discussing the project's potential impacts to biological resources resulting from the desired conversion of nearly 8,000 acres of wildlife habitat to residential, commercial, and industrial uses. The impacts discussion made no mention of the project's impacts on wildlife movement corridors, even though the EIR later recognized that the development of the Sphere of Influence will adversely affect wildlife movement (Measure BIO-1a (D), page 3.4-38).

21

The EIR made no mention of the likely adverse edge effects created by habitat fragmentation and the interface of remaining habitat patches and urban, commercial, and industrial uses. Changes in species occurrence and distribution can and should be predicted based on the change in distribution of habitat edges (Askins et al. 1987, Laurence and Yensen 1990, McCollin 1993) and based on changes to hydrology (Moyle et al. 1986). Also, no mention was made of the

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impacts likely to be caused to wildlife due to artificial lights and noise, and the introduction of exotic pets that accompany residential, commercial, and industrial development. 22 (cont.)

CUMULATIVE IMPACTS ANALYSIS

The cumulative impacts analysis was limited to the study area and within a two mile buffer around the study area boundary. There was no real basis for the two mile buffer, other than the claim that biological impacts will be local. This claim contradicts many years of data and theory developed in the scientific discipline of wildlife ecology, which understands that wildlife populations are necessarily connected via dispersal and migration, and that the more significant demographic unit is the metapopulation (Hanski and Gilpin 1997, Smallwood 2001, 2002). A two mile buffer around the study area boundary is arbitrary and has nothing to do with the scale or reach of project impacts on wildlife. A two mile buffer is a grossly inadequate basis for a cumulative effects analysis of a project that would change the development status of nearly 8,000 acres of habitat used by up to 49 special-status species of terrestrial vertebrates.

Other than claiming that a two mile buffer would suffice as a basis for a cumulative effects analysis, the second and only other paragraph of the analysis in fact did not address cumulative effects. It merely claimed that measures are adequate for mitigating project-specific impacts. The EIR did not present an analysis of cumulative impacts to biological resources.

To perform an adequate cumulative impact assessment for each species, the thresholds of significance need to be established, along with margins of safety around these significance thresholds (MacDonald 2000). In the scoping phase of cumulative effects analysis, the EIR needs to identify the temporal and spatial scales of the assessment, i.e., a much larger scale than a two mile buffer. The temporal scale should be set by the recovery time of the species or other environmental resources at issue (e.g., resources upon which the special-status species depend). According to Smallwood et al. (1999), the cumulative effects analysis should extend over the amortized life of the project or the permit duration, and should consider how long the types of project impacts generally last. They argued that the effects of housing developments are permanent, so the cumulative effects analysis should extend to the time when all land in the region has been converted to houses. The spatial scale should be set by the ecological process that is most critical to the species or resource at issue. For setting the spatial scale, the countable ecosystem approach (Cousins 1990) might be most appropriate, thus requiring estimates of the adult male home range size of the largest carnivore in the project area. However, the size of the area normally occupied by a species' population might be more appropriate as the basis for setting the spatial scale of the analysis (Smallwood 2001). The most common method for establishing the minimum spatial scale for cumulative effects assessment is to identify and delineate the watershed as the area within which to consider cumulative impacts (Bedford and Preston 1988, Reid 1998a,b). The City of Elk Grove Sphere of Influence Amendment EIR performed none of these steps. 23

MITIGATION

Mitigation Measure BIO-1 defers the formulation of mitigation measure LU-3 -- participation with the South Sacramento Habitat Conservation Plan (SSHCP) -- to an unspecified, later date. 24

The SSHCP has not been certified, so the environmental review for that plan is unfinished and its final mitigation measures unknown. Should the Elk Grove Sphere of Influence project participate with the SSHCP, then I will be unable to provide meaningful comments or to participate with the formulation of what appears to be the EIR's central mitigation measure.

Mitigation Measure BIO-1a (A) defers the performance of reconnaissance-level surveys to an unstated, later date. Reconnaissance surveys needed to have been performed prior to this EIR, because it is this EIR which needs to inform decision-makers and the public of potential regional impacts to special-status species. Waiting for some unstated later date will preclude me and the decision-makers from adequately understanding regional impacts. 24 (cont.)

According to Mitigation Measure BIO-1a (B), avoidance of all special-status species or their habitats shall be attempted during project design. This measure might look nice to someone unfamiliar with how wildlife use the project area, but special-status species are so pervasive on the project area that avoidance will be impossible. Swainson's hawks use the entirety of the project area, as do white-tailed kites and golden eagles. Many bird species protected by the Migratory Bird Treaty Act use the entirety of the site. Burrowing owls use portions of the site during any given year, and their centers of activity will shift from year to year. Giant garter snakes likely use the western area, and sandhill cranes likely use the western and middle areas. There is simply no avoiding special-status species and their habitats in the project area. 25

Mitigation Measure BIO-1a (C) promises to develop a Habitat Conservation Management Plan (HCMP) at some unspecified, later date. The EIR effectively defers the formulation of this measure to some unspecified, later date, thereby denying me and the public from participating meaningfully with the environmental review of this project. 26

Mitigation Measure BIO-1a (D) provides some examples of what the HCMP might include, but the details in these examples are insufficient. Any of these measures might be dropped or changed substantially between this EIR and project-specific EIRs. 27

Mitigation Measure BIO-1b promises pre-construction surveys for Swainson's hawks and other raptors prior to construction of specific projects. However, surveys performed by qualified biologists are needed prior to the certification of this EIR, not afterwards. Decision-makers and the public need to be aware of where Swainson's hawks and other raptors nest, forage, and find cover within the entirety of the project area. These surveys are not difficult to perform, as has been amply demonstrated in Yolo County (Estep 2008) and elsewhere.

According to Mitigation Measure BIO-1b, if no Swainson's hawks are found during pre-construction surveys, no further mitigation will be needed. This measure is obviously directed at nesting habitat, but in reality the entirety of the study area is used by foraging Swainson's hawks, including by Swainson's hawks that are nesting during the nesting season. 28

Mitigation Measure BIO-1b concludes that impacts would be less than significant after mitigation. Given the impacts analysis performed in this EIR, this conclusion lacks foundation. The impacts analysis was too cursory to be of any use, and it was based on a flawed methodology used to describe the environmental setting.

The impacts analysis for Mitigation Measure BIO-2 (page 3.4-39) incorrectly associates giant garter snakes with riparian habitat. Giant garter snakes utilize riverine and fresh water marsh, and not riparian areas. The EIR appears to lump riverine and riparian cover types, which can mislead the public and decision-makers about which species are likely to occur on the project site. 29

Mitigation Measure BIO-2 promises that "wetland habitat shall be restored, enhanced, and/or replaced at an acreage and location and by methods agreeable to..." the regulatory agencies. This measure defers the formulation of the mitigation measure(s) to an unspecified, later date, effectively preventing me and the public from participating meaningfully with the formulation of the measure directed towards the project's impacts on wetland areas.

Furthermore, the measure gives the public the false notion that wetlands can be replaced. It gives the impression that the quality and value of wetlands can be measured in terms of acreage. However, every wetland is uniquely composed of constituent biology, soils, water, and location, and the complexity of each is beyond the capabilities of environmental consultants to replace them. That wetlands can be replaced is an unscientific, ridiculous notion.

Wetlands can be restored or enhanced, so long as the restoration and enhancement actions are directed toward specific success criteria. Again, wetlands are so complex that "restoration" and "enhancement" are meaningless terms without specifying success criteria. Often, achieving specific success criteria may benefit some species to the detriment of others.

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Habitat restoration could adversely affect plants and wildlife. The Wildlife Society (Hammer et al. 1994) accepted wetland creation as a form of mitigation only if the following conditions apply: (1) Creation of similar types of wetland in the region has been successful and documented; (2) The project proponent funds research on other similar wetlands in the region in order to learn how to most effectively create wetlands; (3) Only competent biologists are used; (4) The project proponent funds long-term monitoring to ensure that the created wetland is functioning properly and is self-perpetuating; and (5) The project proponent provides an irrevocable trust for long-term funding of management of the wetland. The EIR offered no evidence that creation of similar types of wetlands or upland habitats have been successful in the region. Neither did the EIR commit to any of the other four conditions expected by The Wildlife Society.

Habitat restoration as a mitigation measure is the type of measure that requires rigorous standards, given its poor track record. CNPS (1998) and CDFG (1997) insist that the mitigation design, implementation measures, and reporting methods be clearly documented, along with who or which agencies will be responsible for achieving clearly defined success criteria. Assurances must be provided in writing that certain performance criteria of the mitigation plan will be realized, and guaranteed by a negotiable performance security large enough to complete the mitigation and to pursue alternative mitigation measures should the implementation be incomplete or the objectives fail to be achieved. Not only did the EIR fail to address any of these specific standards, but it did not even identify where restoration would be attempted.

Mitigation Measure BIO-3 concludes that impacts to wetlands would be less than significant after mitigation. The mitigation consists of City of Elk Grove General Plan Policy CAQ-21, which requires 50-foot stream buffer zones. However, much of the wetlands affected by the project would be pond and marsh environments, not just streams. For example, I observed what appeared to be vernal pools and wetland swales at Sunset SkyRanch Airport – these were not streams (Photos 3 and 4).

Furthermore, Policy CAQ-21 assumes that the only upland area needed to maintain the integrity of biological resources within a stream environment is 50 feet to either side of the stream. This assumption is incorrect, as many species that use stream environments also require much more expansive areas of upland environments for finding refuge, food resources, and nesting opportunities. 31

Mitigation Measure BIO-4 concludes that impacts to wildlife movement corridors would be less than significant after mitigation. It claims that there are no formerly identified fish or wildlife movement corridors in the project area, but that if there are any, then impacts to them would be mitigated by a 50 foot stream buffer required under City of Elk Grove's General Plan Policy CAQ-21, and by the City's encouragement to cluster development under its General Plan Policy CAQ-7. The EIR failed to demonstrate, however, that General Plan Policy CAQ-7 resulted in the preservation of any fish or wildlife movement corridors in the current Sphere of Influence. In fact, examining Google Earth imagery dated 13 June 2011, I was unable to identify a single reach of undeveloped land extending north-south, east-west, or in any other direction through Elk Grove. One stream channel extends through Elk Grove, but development has extended to the stream's banks along much of the stream's reach. Before claiming that Policies CAQ-7 and CAQ-21 will minimize impacts to wildlife and fish movement corridors to less than significant impacts within the City of Elk Grove's proposed amended Sphere of Influence, LAFCo should demonstrate where and to what extent these policies were effective within the current Sphere of Influence. 32

Mitigation Measure BIO-6 concludes that impacts to existing Habitat Conservation Plans would be less than significant after mitigation. LAFCo claims that any conflicts with the South Sacramento Habitat Conservation Plan (SSHCP) will be remedied through CEQA review of specific projects falling within the expanded City of Elk Grove Sphere of Influence. However, it is unknown when or if the SSHCP will be certified. As a case example, development of the Yolo County HCP was begun in 1990, but it still remains uncertified. Until the SSHCP is certified, it will remain unknown whether conflicts will exist or whether the conflicts can be mitigated. 33

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SACRAMENTO LOCAL AGENCY
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Born May 3, 1963 in Sacramento, California. Married, father of two.

Expertise

- Finding solutions to controversial problems related to wildlife interactions with human industry, infrastructure, and activities; and,
- Using systems analysis and experimental design principles to identify meaningful ecological patterns that can inform conclusions and management decisions.

Education

Ph.D. Ecology, University of California, Davis. September 1990.
M.S. Ecology, University of California, Davis. June 1987.
B.S. Anthropology, University of California, Davis. June 1985.
Corcoran High School, Corcoran, California. June 1981.

Experience

- 329 professional publications, including:
- 61 peer reviewed publications
- 24 in non-reviewed proceedings
- 236 reports, declarations, and book reviews
- 8 in mass media outlets
- 75 public presentations of research results at meetings
- Reviewed many professional papers and reports
- Testified in 4 court cases.

Associate Editor, *Journal of Wildlife Management*, March 2004 to 30 June 2007.

Editorial Board Member, *Environmental Management*, 10/1999 to 8/2004.

Associate Editor, *Biological Conservation*, 9/1994 to 9/1995. Administered independent scientific reviews of submitted, professional papers in ecology and conservation biology, and made recommendations to the Editors.

Member, Alameda County Scientific Review Committee (SRC), 8/06 to 4/11. As part of a five member committee, I investigated the causes of bird and bat collisions in the Altamont Pass Wind Resource Area, and I recommended mitigation and monitoring measures. The SRC reviews the science underlying the Alameda county Avian Protection Program, and advises the County on how to reduce wildlife fatalities.

Research Ecologist, 2/06 to 12/07, under contract to East Bay Regional Parks District. Performed research of how fossorial mammals and raptors responded to grazing treatments and wind turbines at Vasco Caves Regional Preserve. I designed the study, trained the fatality monitors and behavior observers, mapped the burrows of fossorial mammals, analyzed the data, and took the lead on writing the report.

Consulting Ecologist, 7/04 to 12/07, California Energy Commission (CEC). In collaboration with Lawrence-Livermore National Lab, I performed independent research funded by the CEC on bird behavior in the Altamont Pass Wind Resources Area. I also provided consulting services as needed to the CEC. I produced several reports to the CEC and the CEC's Public Interest Energy Research program.

Consulting Ecologist, 11/99 to present, U.S. Navy. I provide endangered species surveys at multiple Navy facilities, hazardous waste site monitoring, and habitat restoration for the endangered Fresno kangaroo rat, California tiger salamander, California red-legged frog, California clapper rail, western burrowing owl, and other species. I have worked at Naval Air Station Lemoore; Naval Weapons Station, Seal Beach, Detachment Concord; Naval Security Group Activity, Skaggs Island; National Radio Transmitter Facility, Dixon.

Part-time Lecturer, 1/98 to 2005, California State University, Sacramento. I taught Contemporary Environmental Issues, Natural Resources Conservation (twice), Mammalogy, Behavioral Ecology, and Ornithology Lab.

Senior Ecologist, 1999 to 2005, BioResource Consultants. I planned and carried out research and monitoring projects, and analyzed complex data related to avian fatalities at wind turbines, avian electrocutions on electric distribution poles across California, and avian fatalities at transmission lines.

Systems Ecologist, 7/96 to present, Consulting in the Public Interest, www.cipi.com. I am part of a multi-disciplinary consortium of scientists facilitating large-scale, environmental planning projects and litigation. We provide risk assessments, assessments of management practices, and expert witness testimony.

Chairman, Conservation Affairs Committee, The Wildlife Society--Western Section, 1999-2001. I prepared position statements and led efforts directed toward conservation issues, including travel to Washington, D.C. to lobby Congress for more wildlife conservation funding.

Systems Ecologist, 1/95 until about 2000, Institute for Sustainable Development. I headed ISD's program on integrated resources management. I developed indicators of ecological integrity for large areas, using remotely sensed data, local community involvement and GIS.

Associate, 1997-1998, Department of Agronomy and Range Science, University of California, Davis. I worked with Shu Geng and Mingua Zhang on several projects related to wildlife interactions with agriculture and patterns of fertilizer and pesticide residues in groundwater across a large landscape.

Lead Scientist, 6/96 to 6/99, National Endangered Species Network. I headed NESN's efforts to inform academic scientists and environmental activists about emerging issues regarding the

Endangered Species Act and other environmental laws pertaining to special status species. I also testified at public hearings on behalf of environmental groups and endangered species.

Ecologist, 1/97 to 6/98, Western Foundation of Vertebrate Zoology. I conducted field research to determine the impact of past mercury mining on the status of California red-legged frogs in Santa Clara County, California.

Senior Systems Ecologist, 7/94 to 12/95, EIP Associates, Sacramento, California. Provided consulting services in environmental planning. I also developed a quantitative assessment of land units for their conservation and restoration opportunities, using the ecological resource requirements of 29 special status species. I mapped vegetation and land use, and derived new spatial data from a GIS overlay of these variables with soil types, flood zones, roads, and other spatially referenced data. Using these derived data, I developed a set of indicators for prioritizing areas within Yolo County that will receive mitigation funds for habitat easements and restoration.

Post-Graduate Researcher, 10/90 to 6/94, with Dr. Shu Geng, Department of Agronomy and Range Science, *U.C. Davis*. Studied landscape and management effects on temporal and spatial patterns of abundance among pocket gophers and species of Falconiformes and Carnivora in the Sacramento Valley. I also developed and analyzed a data base of energy use in California agriculture, and I assisted with a landscape (GIS) study of groundwater contamination across Tulare County, California.

Co-teacher, 1/91 to 6/91 and 1/93 to 6/93, Graduate Group in Ecology, U.C. Davis. Co-taught conservation biology with Dr. Christine Schonewald.

Reader, 3/90 to 6/90, Department of Psychology, U.C. Davis. Assisted students of Psychobiology (taught by Dr. Richard Coss) with research and writing term papers.

Research Assistant, 11/88 to 9/90, with Dr. Walter E. Howard, Department of Wildlife and Fisheries Biology, U.C. Davis. Tested durable baits for pocket gopher control in forest plantations, and developed gopher sampling methods.

Fulbright Research Fellow, Indonesia, 7/88 to 11/88. Tested use of new sampling methods for monitoring the number of Sumatran tigers and six other species of endemic felids, and evaluated methods used by other researchers.

Research Assistant, 7/87 to 6/88, with Dr. Terrell P. Salmon, Wildlife Extension, Department of Wildlife and Fisheries Biology, U.C. Davis. Developed empirical models of mammal and bird invasions in North America, and a rating system for priority research and control of exotic species based on economic, environmental, and human health hazards in California.

Student Assistant, 3/85 to 6/87, with Dr. E. Lee Fitzhugh, Wildlife Extension, Department of Wildlife and Fisheries Biology, U.C. Davis. Developed and implemented a statewide mountain lion track count for long-term monitoring of numbers and distribution. I've continued the statewide track count since 1985 (the last count was in 2008). I also developed quantitative methods to identify individual mountain lions by their tracks, and to differentiate mountain lion and dog tracks.

Projects

Research to reduce avian mortality due to wind turbines at Altamont Pass. I used GPS and GIS to map and study environmental impacts of 5,400 wind turbines. I related the number of raptor fatalities at wind turbines to the degree of aggregation of prey species around the turbines, as well as many other factors related to where the turbines are located, how they are designed and operated, and how raptors behave in the Altamont Pass Wind Resource Area. I also serve on the Alameda County Scientific Review Committee, charged with recommending scientific monitoring methods and mitigation measures for reducing avian mortality.

Research to reduce avian mortality on electric distribution poles. Since about 2000 I have performed research directed toward reducing bird electrocutions on electric distribution poles. I led fatality monitoring efforts at 10,000 poles multiple times in California, spanning Orange County to Glenn County, and I have produced two large reports.

Cook *et al.* v. Rockwell International *et al.*, No. 90-K-181 (D. Colorado). I provided expert testimony on the role of burrowing animals in affecting the fate of buried and surface-deposited radioactive and hazardous chemical wastes at the Rocky Flats Plant, Colorado. I provided expert reports based on four site visits and the most extensive document review of burrowing animals ever conducted. I conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. I also discovered substantial intrusion of waste structures by burrowing animals. I testified in federal court in November 2005, and my clients were subsequently awarded a $553,000,000 judgment by a jury.

Hanford Nuclear Reservation Litigation. I am providing expert testimony on the role of burrowing animals in affecting the fate of buried radioactive wastes at the Hanford Nuclear Reservation, Washington. I provided three expert reports based on three site visits and extensive document review. I predicted and verified a certain population density of pocket gophers on buried waste structures, as well as incidence of radionuclide contamination in body tissue. I conducted transect surveys for evidence of burrowing animals and other wildlife on and around waste facilities. I also discovered substantial intrusion of waste structures by burrowing animals.

Expert Testimony and Declarations on Residential and Commercial Development Proposals. I have testified before the California Coastal Commission, California Energy Commission, County Boards of Supervisors, and City Councils, and I have participated with press conferences and have been deposed by attorneys. I prepared expert witness reports and court declarations, which are summarized under Reports (below).

Expert Testimony on Proposed Gas-fired Power Plants. I provided comments letters, declarations, expert reports, and oral testimony on the impacts and appropriate mitigation of about eight natural gas-fired power plants in California.

Expert Testimony on Proposed Wind Farms. I provided comment letters and oral testimony to administrative law courts in Klickitat and Skamania Counties, Washington, which convinced the court in Skamania County to require the replacement of a negative declaration with an EIS. I provided written testimony and deposition in support of litigation brought against the development of wind turbines in Cook County, Texas, which resulted in a settlement. I also

provided written comments on the first EIR for the Buena Vista Wind Energy Project in Contra County, California, prompting the withdrawal of that EIR and the preparation of an improved EIR which was later certified.

Protocol-level endangered species searches and recovery efforts. I search for special-status species using Department of Fish and Game and US Fish and Wildlife Service protocols. I have searched for, or otherwise worked with, California red-legged frog, arroyo southwestern toad, California tiger salamander, blunt-nosed leopard lizard, western pond turtle, giant kangaroo rat, Fresno kangaroo rat, San Joaquin kit fox, Sumatran tiger, willow flycatcher, least Bell's vireo, western burrowing owl, Swainson's hawk, Valley elderberry longhorn beetle and many other special-status species. I also help with recovery of the Fresno kangaroo rat at Lemoore Naval Air Station.

Conservation of the endangered Fresno kangaroo rat. I am performing applied research to identify the factors responsible for the decline of this endangered species at Lemoore Naval Air Station, and am implementing habitat enhancements designed to reverse the trend and to expand the area occupied by this species.

Impact of West Nile Virus on yellow-billed magpies. Since 2005 I have worked under contract to the Sacramento-Yolo Mosquito and Vector Control District to gather post-West Nile Virus epidemic data to pre-epidemic data I had gathered on multiple bird species in the Sacramento Valley in the 1990s, but particularly on yellow-billed magpie and American crow, which are particularly susceptible to WNV.

Workshops on HCPs. Assisted Dr. Michael Morrison with organizing and conducting a 2-day workshop on Habitat Conservation Plans, sponsored by Southern California Edison, and another 1-day workshop sponsored by PG&E. These Workshops were attended by academics, attorneys, and consultants with HCP experience. We guest-edited a Proceedings published in Environmental Management.

Mapping of biological resources along Highways 101, 46 and 41. I used GPS and GIS to delineate vegetation complexes and locations of special-status species along 26 miles of highway in San Luis Obispo County, 14 miles of highway and roadway in Monterey County, and in a large area north of Fresno, including within reclaimed gravel mining pits.

GPS mapping and monitoring at restoration sites and at Caltrans mitigation sites. I am monitoring the success of elderberry shrubs at one location, the success of willows at another location, and the response of wildlife to the succession of vegetation at both these sits. I am also using GPS to monitor the response of fossorial animals to yellow star-thistle eradication and natural grassland restoration efforts at Bear Valley, Colusa County, and at the decommissioned Mather Air Force Base in Sacramento County.

Mercury effects on Red-legged Frog. I assisted Dr. Michael Morrison and US Fish and Wildlife Service in assessing the possible impacts of historical mercury mining on the federally listed California red-legged frog in Santa Clara County. I also measured habitat variables in numerous streams.

Opposition to proposed No Surprises rule. I wrote a white paper and summary letter explaining scientific grounds for opposing the incidental take permit (ITP) rules providing ITP applicants and holders with general assurances they will be free of compliance with the Endangered Species Act once they adhere to the terms of a "properly functioning HCP." I obtained 188 signatures of scientists and environmental professionals on the letter submitted to the US Fish and Wildlife Service and the National Marine Fisheries Service. The letter was also provided to all US Senators. It helped change the prevailing view of HCPs as beneficial to listed species.

Natomas Basin Habitat Conservation Plan alternative. I designed narrow channel marsh to increase the likelihood of survival and recovery in the wild of giant garter snake, Swainson's hawk and Valley Elderberry Longhorn Beetle. The design included replication and interspersion of treatments for experimental testing of critical habitat elements. I provided a report to Northern Territories, Inc.

Assessment of Environmental Technology Transfer to China, and Assessment of Agricultural Production System. I twice traveled to China and interviewed scientists, industrialists, agriculturalists, and the Directors of the Chinese Environmental Protection Agency and the Department of Agriculture to assess the need and possible pathways for environmental clean-up technologies and trade opportunities between the US and China. I spent a total of five weeks in China, including in Shandong and Linxion Provinces and in Beijing.

Yolo County Habitat Conservation Plan. I conducted the landscape ecology study of Yolo County to identify the priority land units to receive mitigation so as to most improve the ecosystem functionality within the County from the perspective of 29 special-status species of wildlife and plants. I used a hierarchically structured indicators approach to apply principles of landscape and ecosystem ecology, conservation biology, and local values in rating land units. I derived GIS maps to help guide the conservation area design, and then I developed implementation strategies.

Mountain Lion Track Count. I developed and conducted the carnivore monitoring program throughout California since 1985. Species counted include mountain lion, bobcat, black bear, coyote, red and gray fox, raccoon, striped skunk, badger, and black-tailed deer. Vegetation and land use are also monitored. The transect was established on dusty, dirt roads within randomly selected quadrats. These roads are searched for tracks of the carnivores, which routinely use the roads for travel paths.

Sumatran Tiger and other Felids. I designed and conducted track counts for seven species of wild cats in Sumatra, including the Sumatran tiger, fishing cat, and golden cat. I spent four months on Sumatra and Java, and learned Bahasa Indonesia (the official Indonesian language). I was awarded a Fulbright Research Fellowship to complete the project.

Wildlife in Agriculture. Beginning as my post-graduate research, I have studied pocket gophers and other wildlife in 40 alfalfa fields throughout the Sacramento Valley, and I surveyed for wildlife along a 200 mile road transect for six years. The data were analyzed using GIS and methods from landscape ecology, and the results were published and presented orally to farming groups in California and elsewhere. I also conducted the first study of wildlife in cover crops used on vineyards and orchards.

Agricultural Energy Use and Tulare County Groundwater Study. I developed and analyzed a data base of energy use in California agriculture, and collaborated on a landscape (GIS) study of groundwater contamination across Tulare County, California.

Pocket Gopher Damage in Forest Clearcuts. I tested various poison baits and baiting regimes for pocket gopher control in forest plantations, and I developed gopher sampling methods. I conducted the most extensive field study of pocket gophers ever, involving thousands of gophers in 68 research plots on 55 clearcuts among 6 National Forests in northern California.

Risk Assessment of Exotic Species in North America. I developed empirical models of mammal and bird species invasions in North America, as well as a rating system for assigning priority research and control to exotic species in California, based on economic, environmental, and human health hazards.

Representative Clients

Law offices and environmental groups	Government agencies
Law Offices of Stephan C. Volker	US Department of Agriculture
Law Offices of Berger & Montague	US Forest Service
Law Offices of Roy Haber	US Fish & Wildlife Service
Law Offices of Edward MacDonald	US Navy
Law Office of John Gabrielli	California Energy Commission
Law Office of Bill Kopper	California Office of the Attorney General
Law Office of Donald B. Mooney	California Department of Fish & Game
Law Office of Veneruso & Moncharsh	California Department of Transportation
Law Office of Steven Thompson	California Department of Forestry
California Wildlife Federation	California Department of Food & Agriculture
Defenders of Wildlife	Ventura County Counsel
Sierra Club	County of Yolo
National Endangered Species Network	Tahoe Regional Planning Agency
Spirit of the Sage Council	Sustainable Agriculture Research & Education Program
The Humane Society	Sacramento-Yolo Mosquito and Vector Control District
Hagens Berman LLP	East Bay Regional Park District
Environmental Protection Information Center (EPIC)	County of Alameda
Goldberg, Kamin & Garvin, Attorneys at Law	
Californians for Renewable Energy (CARE)	
Seatuck Environmental Association	
Friends of the Columbia Gorge, Inc.	
Save Our Scenic Area	
Alliance to Protect Nantucket Sound	
Friends of the Swainson's Hawk	
Alameda Creek Alliance	
Center for Biological Diversity	

Businesses	Other organizations and Individuals
NEXTera Energy Resources, LLC	Don & LaNelle Silverstien
Pacific Gas & Electric Co.	Seventh Day Adventist Church
Southern California Edison Co.	Escuela de la Raza Unida
Georgia-Pacific Timber Co.	Susan Pelican and Howard Beeman
Northern Territories Inc.	Residents Against Inconsistent Development, Inc.
National Renewable Energy Lab	Bob Sarvey
David Magney Environmental Consulting	Mike Boyd
Wildlife History Foundation	Hillcroft Neighborhood Fund
Emerald Farms	Joint Labor Management Committee of the Retail Food Industry
Terry Preston, Wildlife Ecology Research Center	Lisa Rocca
G3 Energy and enXco	Kevin Jackson
Comstocks Business (magazine)	Dawn Stover and Jay Letto
Californians for Renewable Energy	Nancy Havassy
BioResource Consultants	Catherine Portman (for Brenda Cedarblade)
FloDesign Wind Turbine	

Representative special-status species experience

Common name	Species name	Status[1]	Description
Field experience			
California red-legged frog	*Rana aurora draytonii*	FT, CSC	Protocol searches & detected at multiple sites
Foothill yellow-legged frog	*Rana boylii*	FSC, CSC	Research and search detections at multiple sites
Western spadefoot	*Spea hammondii*	FSC, CSC	Searches and search detections
California tiger salamander	*Ambystoma californiense*	FC, CSC	Protocol searches & detections at multiple sites
Coast range newt	*Taricha torosa torosa*	CSC	Searches and multiple detections
Blunt-nosed leopard lizard	*Gambelia sila*	FE, CE	Detected in San Luis Obispo County
California Horned Lizard	*Phrynosoma coronatum frontale*	FSC, CSC	Search and detected in San Luis Obispo Co.
Western pond turtle	*Clemmys marmorata*	FSC, CSC	Searches and detected at multiple sites
San Joaquin kit fox	*Vulpes macrotis mutica*	FE, CT	Protocol searches and detections
Sumatran tiger	*Panthera tigris*		Research in Sumatra
Mountain lion	*Puma concolor californicus*	CFP	Research and publications
Point Arena mountain beaver	*Aplodontia rufa nigra*	FE, CSC	Remote camera operation
Giant kangaroo rat	*Dipodomys ingens*	FE, CE	Detected in Cholame Valley
Fresno kangaroo rat	*Dipodomys nitratoides*	FE, CE	Research and conservation at Lemoore Naval Air Station – reports
Monterey dusky-footed woodrat	*Neotoma fuscipes luciana*	FSC, CSC	Non-target captures and mapping of dens
Salt marsh harvest mouse	*Reithrodontomys raviventris*	FE, CE	Habitat assessment, monitoring
Salinas harvest mouse	*Reithrodontomys megalotus distichlus*	G5T1S1	Captures in the Salinas area; habitat assessment
California clapper rail	*Rallus longirostris*	FE, CE	Surveys at Concord Naval Weapons Station
Golden eagle	*Aquila chrysaetos*	CSC	Research in Sacramento Valley
Swainson's hawk	*Buteo swainsoni*	CT	Research in Sacramento Valley
Northern harrier	*Circus cyaeneus*	CSC	Research and publication
White-tailed kite	*Elanus leucurus*	CFP	Research and publication
Loggerhead shrike	*Lanius ludovicianus*	FSC, CSC	Research in Sacramento Valley
Least Bell's vireo	*Vireo bellii pusillus*	FE, CE	Detected in Monterey County
Willow flycatcher	*Empidonax traillii extimus*	FE, CE	Research at Sierra Nevada breeding sites
Burrowing owl	*Athene cunicularia hypugia*	FSC, CSC	Research at multiple locations
Valley elderberry longhorn beetle	*Desmocerus californicus dimorphus*	FT	Research on mitigation site and publication
Analytical			
Arroyo southwestern toad	*Bufo microscaphus californicus*	FE, CSC	Research and report.
Giant garter snake	*Thamnophis gigas*	FT, CE	Research and publication.
Northern goshawk	*Accipiter gentilis*	FSC, CSC	Research and publication.
Northern spotted owl	*Strix occidentalis*	FT	Research and reports. Publication in progress.

[1] FE = Federal Endangered, FT = Federal threatened, FC = Federal candidate for listing, FSC = Federal species of concern, CE = California Endangered, CT = California threatened, CFP = California Fully Protected, CSC = California Species of Concern, G5T1S1 = CNDDB rating of imperiled throughout California range.

Peer Reviewed Publications

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Smallwood, K. S. 1998. 1998 California Mountain Lion Track Count. Report to the Defenders of Wildlife, Washington, D.C. 5 pages.

Smallwood, K.S. 1998. Draft report of a visit to a paint sludge dump site near Ridgewood, New Jersey, February 26th, 1998. Unpublished report to Consulting in the Public Interest.

Smallwood, K.S. 1997. Science missing in the "no surprises" policy. Commissioned by National Endangered Species Network and Spirit of the Sage Council, Pasadena, California.

Smallwood, K.S. and M.L. Morrison. 1997. Alternate mitigation strategy for incidental take of giant garter snake and Swainson's hawk as part of the Natomas Basin Habitat Conservation Plan. Pages 6-9 and *iii* illustrations in W.D. Carrier, K.S. Smallwood and M.L. Morrison, Natomas Basin Habitat Conservation Plan: Narrow channel marsh alternative wetland mitigation. Northern Territories, Inc., Sacramento.

Smallwood, K.S. 1996. Assessment of the BIOPORT model's parameter values for pocket gopher burrowing characteristics. Report to Berger & Montague, P.C. and Roy S. Haber, P.C., Philadelphia. (peer reviewed).

Smallwood, K.S. 1997. Assessment of plutonium releases from Hanford buried waste sites. Report Number 9, Consulting in the Public Interest, 53 Clinton Street, Lambertville, New Jersey, 08530.

Smallwood, K.S. 1996. Soil Bioturbation and Wind Affect Fate of Hazardous Materials that were Released at the Rocky Flats Plant, Colorado. Report to Berger & Montague, P.C., Philadelphia.

Smallwood, K.S. 1996. Second assessment of the BIOPORT model's parameter values for pocket gopher burrowing characteristics and other relevant wildlife observations. Report to Berger & Montague, P.C. and Roy S. Haber, P.C., Philadelphia.

Smallwood, K.S., and R. Leidy. 1996. Wildlife and Their Management Under the Martell SYP. Report to Georgia Pacific, Corporation, Martel, CA. 30 pp.

EIP Associates. 1995. Yolo County Habitat Conservation Plan Biological Resources Report. Yolo County Planning and Development Department, Woodland, California.

Smallwood, K.S. and S. Geng. 1995. Analysis of the 1987 California Farm Cost Survey and recommendations for future survey. Program on Workable Energy Regulation, University-wide Energy Research Group, University of California.

Smallwood, K.S., S. Geng, and W. Idzerda. 1992. Final report to PG&E: Analysis of the 1987 California Farm Cost Survey and recommendations for future survey. Pacific Gas & Electric Company, San Ramon, California. 24 pp.

Fitzhugh, E.L. and K.S. Smallwood. 1987. Methods Manual – A statewide mountain lion population index technique. California Department of Fish and Game, Sacramento.

Salmon, T.P. and K.S. Smallwood. 1989. Final Report – Evaluating exotic vertebrates as pests to California agriculture. California Department of Food and Agriculture, Sacramento.

Smallwood, K.S. and W. A. Erickson (written under supervision of W.E. Howard, R.E. Marsh, and R.J. Laacke). 1990. Environmental exposure and fate of multi-kill strychnine gopher baits. Final Report to USDA Forest Service –NAPIAP, Cooperative Agreement PSW-89-0010CA.

Fitzhugh, E.L., K.S. Smallwood, and R. Gross. 1985. Mountain lion track count, Marin County, 1985. Unpublished report on file at Wildlife Extension, University of California, Davis.

Comments on Environmental Documents

I was retained or commissioned to comment on environmental planning and review documents, including:

- Comment on Sutter Landing Park Solar Photovoltaic Project MND (2011; 9 pp);

- Statement of Shawn Smallwood, Ph.D. Regarding Proposed Rabik/Gudath Project, 22611 Coleman Valley Road, Bodega Bay (CPN 10-0002) (2011; 4 pp);
- Declaration of K. Shawn Smallwood on Biological Impacts of the Ivanpah Solar Electric Generating System (ISEGS) (2011; 9 pp);
- Comments on Draft Eagle Conservation Plan Guidance (2011; 13 pp);
- Comments on Draft EIR/EA for Niles Canyon Safety Improvement Project (2011; 16 pp);
- Declaration of K. Shawn Smallwood, Ph.D., on Biological Impacts of the Route 84 Safety Improvement Project (2011; 7 pp);
- Rebuttal Testimony of Witness #22, K. Shawn Smallwood, Ph.D, on Behalf of Intervenors Friends of The Columbia Gorge and Save Our Scenic Area (2010; 6 pp);
- Prefiled Direct Testimony of Witness #22, K. Shawn Smallwood, Ph.D, on Behalf of Intervenors Friends of the Columbia Gorge and Save Our Scenic Area. Comments on Whistling Ridge Wind Energy Power Project DEIS, Skamania County, Washington (2010; 41 pp);
- Evaluation of Klickitat County's Decisions on the Windy Flats West Wind Energy Project (2010; 17 pp);
- St. John's Church Project Draft Environmental Impact Report (2010; 14 pp.);
- Initial Study/Mitigated Negative Declaration for Results Radio Zone File #2009-001 (2010; 20 pp);
- Rio del Oro Specific Plan Project Final Environmental Impact Report (2010;12 pp);
- Answers to Questions on 33% RPS Implementation Analysis Preliminary Results Report (2009: 9 pp);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington. Second Declaration to Friends of the Columbia Gorge, Inc. and Save Our Scenic Area (Dec 2008; 17 pp);
- Comments on Draft 1A Summary Report to CAISO (2008; 10 pp);
- Categorical Exemption of Hilton Manor Project, as determined by County of Placer (2009; 9 pp);
- Protest of CARE to Amendment to the Power Purchase and Sale Agreement for Procurement of Eligible Renewable Energy Resources Between Hatchet Ridge Wind LLC and PG&E (2009; 3 pp);
- Tehachapi Renewable Transmission Project EIR/EIS (2009; 142 pp);
- Delta Shores Project EIR, south Sacramento (2009; 11 pp + addendum 2 pp);
- Declaration of Shawn Smallwood in Support of Care's Petition to Modify D.07-09-040 (2008; 3 pp);
- The Public Utility Commission's Implementation Analysis December 16 Workshop for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 9 pp);
- The Public Utility Commission's Implementation Analysis Draft Work Plan for the Governor's Executive Order S-14-08 to implement a 33% Renewable Portfolio Standard by 2020 (2008; 11 pp);
- Draft 1A Summary Report to California Independent System Operator for Planning Reserve Margins (PRM) Study (2008; 7 pp.);
- SEPA Determination of Non-significance regarding zoning adjustments for Skamania County, Washington. Declaration to Friends of the Columbia Gorge, Inc. and Save Our Scenic Area (Sep 2008; 16 pp);

- California Energy Commission's Preliminary Staff Assessment of the Colusa Generating Station (2007; 24 pp);
- Rio del Oro Specific Plan Project Recirculated Draft Environmental Impact Report (2008: 66 pp);
- Replies to Response to Comments Re: Regional University Specific Plan Environmental Impact Report (2008; 20 pp);
- Regional University Specific Plan Environmental Impact Report (2008: 33 pp.);
- Clark Precast, LLC's "Sugarland" project, Negative Declaration (2008: 15 pp.);
- Cape Wind Project Draft Environmental Impact Statement (2008; 157 pp.);
- Yuba Highlands Specific Plan (or Area Plan) Environmental Impact Report (2006; 37 pp.);
- Replies to responses to comments on Mitigated Negative Declaration of the proposed Mining Permit (MIN 04-01) and Modification of Use Permit 96-02 at North Table Mountain (2006; 5 pp);
- Mitigated Negative Declaration of the proposed Mining Permit (MIN 04-01) and Modification of Use Permit 96-02 at North Table Mountain (2006; 15 pp);
- Windy Point Wind Farm Environmental Review and EIS (2006; 14 pp and 36 Powerpoint slides in reply to responses to comments);
- Shiloh I Wind Power Project EIR (2005; 18 pp);
- Buena Vista Wind Energy Project Notice of Preparation of EIR (2004; 15 pp);
- Negative Declaration of the proposed Callahan Estates Subdivision (2004; 11 pp);
- Negative Declaration of the proposed Winters Highlands Subdivision (2004; 9 pp);
- Negative Declaration of the proposed Winters Highlands Subdivision (2004; 13 pp);
- Negative Declaration of the proposed Creekside Highlands Project, Tract 7270 (2004; 21 pp);
- On the petition California Fish and Game Commission to list the Burrowing Owl as threatened or endangered (2003; 10 pp);
- Conditional Use Permit renewals from Alameda County for wind turbine operations in the Altamont Pass Wind Resource Area (2003; 41 pp);
- UC Davis Long Range Development Plan of 2003, particularly with regard to the Neighborhood Master Plan (2003; 23 pp);
- Anderson Marketplace Draft Environmental Impact Report (2003: 18 pp + 3 plates of photos);
- Negative Declaration of the proposed expansion of Temple B'nai Tikyah (2003: 6 pp);
- Antonio Mountain Ranch Specific Plan Public Draft EIR (2002: 23 pp);
- Response to testimony of experts at the East Altamont Energy Center evidentiary hearing on biological resources (2002: 9 pp);
- Revised Draft Environmental Impact Report, The Promenade (2002: 7 pp);
- Recirculated Initial Study for Calpine's proposed Pajaro Valley Energy Center (2002: 3 pp);
- UC Merced -- Declaration of Dr. Shawn Smallwood in support of petitioner's application for temporary restraining order and preliminary injunction (2002: 5 pp);
- Replies to response to comments in Final Environmental Impact Report, Atwood Ranch Unit III Subdivision (2003: 22 pp);
- Draft Environmental Impact Report, Atwood Ranch Unit III Subdivision (2002: 19 pp + 8 photos on 4 plates);
- California Energy Commission Staff Report on GWF Tracy Peaker Project (2002: 17 pp + 3 photos; follow-up report of 3 pp);

- Initial Study and Negative Declaration, Silver Bend Apartments, Placer County (2002: 13 pp);
- UC Merced Long-range Development Plan DEIR and UC Merced Community Plan DEIR (2001: 26 pp);
- Initial Study, Colusa County Power Plant (2001: 6 pp);
- Comments on Proposed Dog Park at Catlin Park, Folsom, California (2001: 5 pp + 4 photos);
- Pacific Lumber Co. (Headwaters) Habitat Conservation Plan and Environmental Impact Report (1998: 28 pp);
- Final Environmental Impact Report/Statement for Issuance of Take authorization for listed species within the MSCP planning area in San Diego County, California (Fed. Reg. 62 (60): 14938, San Diego Multi-Species Conservation Program) (1997: 10 pp);
- Permit (PRT-823773) Amendment for the Natomas Basin Habitat Conservation Plan, Sacramento, CA (Fed. Reg. 63 (101): 29020-29021) (1998);
- Draft Recovery Plan for the Giant Garter Snake (*Thamnophis gigas*). (Fed. Reg. 64(176): 49497-49498) (1999: 8 pp);
- Review of the Draft Recovery Plan for the Arroyo Southwestern Toad (*Bufo microscaphus californicus*) (1998);
- Ballona West Bluffs Project Environmental Impact Report (1999: oral presentation);
- California Board of Forestry's proposed amended Forest Practices Rules (1999);
- Negative Declaration for the Sunset Skyranch Airport Use Permit (1999);
- Calpine and Bechtel Corporations' Biological Resources Implementation and Monitoring Program (BRMIMP) for the Metcalf Energy Center (2000: 10 pp);
- California Energy Commission's Final Staff Assessment of the proposed Metcalf Energy Center (2000);
- US Fish and Wildlife Service Section 7 consultation with the California Energy Commission regarding Calpine and Bechtel Corporations' Metcalf Energy Center (2000: 4 pp);
- California Energy Commission's Preliminary Staff Assessment of the proposed Metcalf Energy Center (2000: 11 pp);
- Site-specific management plans for the Natomas Basin Conservancy's mitigation lands, prepared by Wildlands, Inc. (2000: 7 pp);
- Affidavit of K. Shawn Smallwood in Spirit of the Sage Council, et al. (Plaintiffs) vs. Bruce Babbitt, Secretary, U.S. Department of the Interior, et al. (Defendants), Injuries caused by the No Surprises policy and final rule which codifies that policy (1999: 9 pp).

I also issued formal comments on the following documents:

- Draft Program Level EIR for Covell Village (2005; 19 pp);
- Bureau of Land Management Wind Energy Programmatic EIS Scoping document (2003: 7 pp.);
- NEPA Environmental Analysis for Biosafety Level 4 National Biocontainment Laboratory (NBL) at UC Davis (2003: 7 pp);
- Notice of Preparation of UC Merced Community and Area Plan EIR, on behalf of The Wildlife Society—Western Section (2001: 8 pp.);
- Preliminary Draft Yolo County Habitat Conservation Plan (2001; 2 letters totaling 35 pp.);
- Merced County General Plan Revision, notice of Negative Declaration (2001: 2 pp.);

- Notice of Preparation of Campus Parkway EIR/EIS (2001: 7 pp.);
- Draft Recovery Plan for the bighorn sheep in the Peninsular Range (*Ovis candensis*) (2000);
- Draft Recovery Plan for the California Red-legged Frog (*Rana aurora draytonii*), on behalf of The Wildlife Society—Western Section (2000: 10 pp.);
- Sierra Nevada Forest Plan Amendment Draft Environmental Impact Statement, on behalf of The Wildlife Society—Western Section (2000: 7 pp.);
- State Water Project Supplemental Water Purchase Program, Draft Program EIR (1997);
- Davis General Plan Update EIR (2000);
- Turn of the Century EIR (1999: 10 pp);
- Proposed termination of Critical Habitat Designation under the Endangered Species Act (Fed. Reg. 64(113): 31871-31874) (1999);
- NOA Draft Addendum to the Final Handbook for Habitat Conservation Planning and Incidental Take Permitting Process, termed the HCP 5-Point Policy Plan (Fed. Reg. 64(45): 11485 - 11490) (1999; 2 pp + attachments);
- Covell Center Project EIR and EIR Supplement (1997).

Position Statements I prepared the following position statements for the Western Section of The Wildlife Society, and one for nearly 200 scientists:

- Recommended that the California Department of Fish and Game prioritize the extermination of the introduced southern water snake in northern California. The Wildlife Society--Western Section (2001);
- Recommended that The Wildlife Society—Western Section appoint or recommend members of the independent scientific review panel for the UC Merced environmental review process (2001);
- Opposed the siting of the University of California's 10th campus on a sensitive vernal pool/grassland complex east of Merced. The Wildlife Society--Western Section (2000);
- Opposed the legalization of ferret ownership in California. The Wildlife Society--Western Section (2000);
- Opposed the Proposed "No Surprises," "Safe Harbor," and "Candidate Conservation Agreement" rules, including permit-shield protection provisions (Fed. Reg. Vol. 62, No. 103, pp. 29091-29098 and No. 113, pp. 32189-32194). This statement was signed by 188 scientists and went to the responsible federal agencies, as well as to the U.S. Senate and House of Representatives.

Printed Mass Media

Smallwood, K.S., D. Mooney, and M. McGuinness. 2003. We must stop the UCD biolab now. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2002. Spring Lake threatens Davis. Op-Ed to the Davis Enterprise.

Smallwood, K.S. Summer, 2001. Mitigation of habitation. The Flatlander, Davis, California.

Entrikan, R.K. and K.S. Smallwood. 2000. Measure O: Flawed law would lock in new taxes. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 2000. Davis delegation lobbies Congress for Wildlife conservation. Op-Ed to the Davis Enterprise.

Smallwood, K.S. 1998. Davis Visions. The Flatlander, Davis, California.

Smallwood, K.S. 1997. Last grab for Yolo's land and water. The Flatlander, Davis, California.

Smallwood, K.S. 1997. The Yolo County HCP. Op-Ed to the Davis Enterprise.

Radio/Television

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Mountain lion attacks (with guest Professor Richard Coss). 23 April 2009;

KXJZ Capital Public Radio -- Insight (Host Jeffrey Callison). Wind farm Rio Vista Renewable Power. 4 September 2008;

KQED QUEST Episode #111. Bird collisions with wind turbines. 2007;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. December 27, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. May 3, 2001;

KDVS Speaking in Tongues (host Ron Glick), Yolo County HCP: 1 hour. February 8, 2001;

KDVS Speaking in Tongues (host Ron Glick & Shawn Smallwood), California Energy Crisis: 1 hour. Jan. 25, 2001;

KDVS Speaking in Tongues (host Ron Glick), Headwaters Forest HCP: 1 hour. 1998;

Davis Cable Channel (host Gerald Heffernon), Burrowing owls in Davis: half hour. June, 2000;

Davis Cable Channel (hosted by Davis League of Women Voters), Measure O debate: 1 hour. October, 2000;

KXTV 10, In Your Interest, The Endangered Species Act: half hour. 1997.

Posters at Professional Meetings

Smallwood, K. S. and C. G. Thelander. 2005. Lessons learned from five years of avian mortality research in the Altamont Pass WRA. AWEA conference, Denver, May 2005.

Neher, L., L. Wilder, J. Woo, L. Spiegel, D. Yen-Nakafugi, and K.S. Smallwood. 2005. Bird's eye view on California wind. AWEA conference, Denver, May 2005.

Smallwood, K. S., C. G. Thelander and L. Spiegel. 2003. Toward a predictive model of avian fatalities in the Altamont Pass Wind Resource Area. Windpower 2003 Conference and Convention, Austin, Texas.

Smallwood, K.S. and Eva Butler. 2002. Pocket Gopher Response to Yellow Star-thistle Eradication as part of Grassland Restoration at Decommissioned Mather Air Force Base, Sacramento County, California. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and Michael L. Morrison. 2002. Fresno kangaroo rat (*Dipodomys nitratoides*) Conservation Research at Resources Management Area 5, Lemoore Naval Air Station. White Mountain Research Station Open House, Barcroft Station.

Smallwood, K.S. and E.L. Fitzhugh. 1989. Differentiating mountain lion and dog tracks. Third Mountain Lion Workshop, Prescott, AZ.

Smith, T. R. and K. S. Smallwood. 2000. Effects of study area size, location, season, and allometry on reported *Sorex* shrew densities. Annual Meeting of the Western Section of The Wildlife Society.

Presentations at Professional Meetings and Seminars

Comparing Wind Turbine Impacts across North America. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. California Energy Commission Staff Workshop: Reducing the Impacts of Energy Infrastructure on Wildlife, 20 July 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Alameda County Scientific Review Committee meeting, 17 February 2011

Comparing Wind Turbine Impacts across North America. Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 3 May 2011.

Update on Wildlife Impacts in the Altamont Pass Wind Resource Area. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Siting Repowered Wind Turbines to Minimize Raptor Collisions. Raptor Symposium, The Wildlife Society—Western Section, Riverside, California, February 2011.

Wildlife mortality caused by wind turbine collisions. Ecological Society of America, Pittsburgh, Pennsylvania, 6 August 2010.

Map-based repowering and reorganization of a wind farm to minimize burrowing owl fatalities. California burrowing Owl Consortium Meeting, Livermore, California, 6 February 2010.

Environmental barriers to wind power. Getting Real About Renewables: Economic and Environmental Barriers to Biofuels and Wind Energy. A symposium sponsored by the Environmental & Energy Law & Policy Journal, University of Houston Law Center, Houston, 23 February 2007.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Meeting with Japan Ministry of the Environment and Japan Ministry of the Economy, Wild Bird Society of Japan, and other NGOs Tokyo, Japan, 9 November 2006.

Lessons learned about bird collisions with wind turbines in the Altamont Pass and other US wind farms. Symposium on bird collisions with wind turbines. Wild Bird Society of Japan, Tokyo, Japan, 4 November 2006.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. California Society for Ecological Restoration (SERCAL) 13th Annual Conference, UC Santa Barbara, 27 October 2006.

Fatality associations as the basis for predictive models of fatalities in the Altamont Pass Wind Resource Area. EEI/APLIC/PIER Workshop, 2006 Biologist Task Force and Avian Interaction with Electric Facilities Meeting, Pleasanton, California, 28 April 2006.

Burrowing owl burrows and wind turbine collisions in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, February 8, 2006.

Mitigation at wind farms. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Incorporating data from the California Wildlife Habitat Relationships (CWHR) system into an impact assessment tool for birds near wind farms. Shawn Smallwood, Kevin Hunting, Marcus Yee, Linda Spiegel, Monica Parisi. Workshop: Understanding and resolving bird and bat impacts. American Wind Energy Association and Audubon Society. Los Angeles, CA. January 10 and 11, 2006.

Toward indicating threats to birds by California's new wind farms. California Energy Commission, Sacramento, May 26, 2005.

Avian collisions in the Altamont Pass. California Energy Commission, Sacramento, May 26, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. EPRI Environmental Sector Council, Monterey, California, February 17, 2005.

Ecological solutions for avian collisions with wind turbines in the Altamont Pass Wind Resource Area. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Associations between avian fatalities and attributes of electric distribution poles in California. The Wildlife Society—Western Section Annual Meeting, Sacramento, California, January 19, 2005.

Minimizing avian mortality in the Altamont Pass Wind Resources Area. UC Davis Wind Energy Collaborative Forum, Palm Springs, California, December 14, 2004.

Selecting electric distribution poles for priority retrofitting to reduce raptor mortality. Raptor Research Foundation Meeting, Bakersfield, California, November 10, 2004.

Responses of Fresno kangaroo rats to habitat improvements in an adaptive management framework. Annual Meeting of the Society for Ecological Restoration, South Lake Tahoe, California, October 16, 2004.

Lessons learned from five years of avian mortality research at the Altamont Pass Wind Resources Area in California. The Wildlife Society Annual Meeting, Calgary, Canada, September 2004.

The ecology and impacts of power generation at Altamont Pass. Sacramento Petroleum Association, Sacramento, California, August 18, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Consortium meeting, Hayward, California, February 7, 2004.

Burrowing owl mortality in the Altamont Pass Wind Resource Area. California Burrowing Owl Symposium, Sacramento, November 2, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. National Wind Coordinating Committee, Washington, D.C., November 17, 2003.

Raptor Behavior at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

Raptor Mortality at the Altamont Pass Wind Resource Area. Annual Meeting of the Raptor Research Foundation, Anchorage, Alaska, September, 2003.

California mountain lions. Ecological & Environmental Issues Seminar, Department of Biology, California State University, Sacramento, November, 2000.

Intra- and inter-turbine string comparison of fatalities to animal burrow densities at Altamont Pass. National Wind Coordinating Committee, Carmel, California, May, 2000.

Using a Geographic Positioning System (GPS) to map wildlife and habitat. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Suggested standards for science applied to conservation issues. Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

The indicators framework applied to ecological restoration in Yolo County, California. Society for Ecological Restoration, September 25, 1999.

Ecological restoration in the context of animal social units and their habitat areas. Society for Ecological Restoration, September 24, 1999.

Relating Indicators of Ecological Health and Integrity to Assess Risks to Sustainable Agriculture and Native Biota. International Conference on Ecosystem Health, August 16, 1999.

A crosswalk from the Endangered Species Act to the HCP Handbook and real HCPs. Southern California Edison, Co. and California Energy Commission, March 4-5, 1999.

Mountain lion track counts in California: Implications for Management. Ecological & Environmental Issues Seminar, Department of Biological Sciences, California State University, Sacramento, November 4, 1998.

"No Surprises" -- Lack of science in the HCP process. California Native Plant Society Annual Conservation Conference, The Presidio, San Francisco, September 7, 1997.

In Your Interest. A half hour weekly show aired on Channel 10 Television, Sacramento. In this episode, I served on a panel of experts discussing problems with the implementation of the Endangered Species Act. Aired August 31, 1997.

Spatial scaling of pocket gopher (*Geomyidae*) density. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Estimating prairie dog and pocket gopher burrow volume. Southwestern Association of Naturalists 44th Meeting, Fayetteville, Arkansas, April 10, 1997.

Ten years of mountain lion track survey. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Study and interpretive design effects on mountain lion density estimates. Fifth Mountain Lion Workshop, San Diego, February 27, 1996.

Small animal control. Session moderator and speaker at the California Farm Conference, Sacramento, California, Feb. 28, 1995.

Small animal control. Ecological Farming Conference, Asylomar, California, Jan. 28, 1995.

Habitat associations of the Swainson's Hawk in the Sacramento Valley's agricultural landscape. 1994 Raptor Research Foundation Meeting, Flagstaff, Arizona.

Alfalfa as wildlife habitat. Seed Industry Conference, Woodland, California, May 4, 1994.

Habitats and vertebrate pests: impacts and management. Managing Farmland to Bring Back Game Birds and Wildlife to the Central Valley. Yolo County Resource Conservation District, U.C. Davis, February 19, 1994.

Management of gophers and alfalfa as wildlife habitat. Orland Alfalfa Production Meeting and Sacramento Valley Alfalfa Production Meeting, February 1 and 2, 1994.

Patterns of wildlife movement in a farming landscape. Wildlife and Fisheries Biology Seminar Series: Recent Advances in Wildlife, Fish, and Conservation Biology, U.C. Davis, Dec. 6, 1993.

Alfalfa as wildlife habitat. California Alfalfa Symposium, Fresno, California, Dec. 9, 1993.

Management of pocket gophers in Sacramento Valley alfalfa. California Alfalfa Symposium, Fresno, California, Dec. 8, 1993.

Association analysis of raptors in a farming landscape. Plenary speaker at Raptor Research Foundation Meeting, Charlotte, North Carolina, Nov. 6, 1993.

Landscape strategies for biological control and IPM. Plenary speaker, International Conference on Integrated Resource Management and Sustainable Agriculture, Beijing, China, Sept. 11, 1993.

Landscape Ecology Study of Pocket Gophers in Alfalfa. Alfalfa Field Day, U.C. Davis, July 1993.

Patterns of wildlife movement in a farming landscape. Spatial Data Analysis Colloquium, U.C. Davis, August 6, 1993.

Sound stewardship of wildlife. Veterinary Medicine Seminar: Ethics of Animal Use, U.C. Davis. May 1993.

Landscape ecology study of pocket gophers in alfalfa. Five County Grower's Meeting, Tracy, California. February 1993.

Turbulence and the community organizers: The role of invading species in ordering a turbulent system, and the factors for invasion success. Ecology Graduate Student Association Colloquium, U.C. Davis. May 1990.

Evaluation of exotic vertebrate pests. Fourteenth Vertebrate Pest Conference, Sacramento, California. March 1990.

Analytical methods for predicting success of mammal introductions to North America. The Western Section of the Wildlife Society, Hilo, Hawaii. February 1988.

A state-wide mountain lion track survey. Sacramento County Dept Parks and Recreation. April 1986.

The mountain lion in California. Davis Chapter of the Audubon Society. October 1985.

Ecology Graduate Student Seminars, U.C. Davis, 1985-1990: Social behavior of the mountain lion; Mountain lion control; Political status of the mountain lion in California.

Other forms of Participation at Professional Meetings

- Workshop co-presenter at Birds & Wind Energy Specialist Group (BAWESG) Information sharing week, Bird specialist studies for proposed wind energy facilities in South Africa, Endangered Wildlife Trust, Darling, South Africa, 3-7 October 2011.

- Scientific Committee, Conference on Wind energy and Wildlife impacts, Trondheim, Norway, 2-5 May 2011.

- Chair of Animal Damage Management Session, The Wildlife Society, Annual Meeting, Reno, Nevada, September 26, 2001.

- Chair of Technical Session: Human communities and ecosystem health: Comparing perspectives and making connection. Managing for Ecosystem Health, International Congress on Ecosystem Health, Sacramento, CA August 15-20, 1999.

- Student Awards Committee, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

- Student Mentor, Annual Meeting of the Western Section of The Wildlife Society, Riverside, CA, January, 2000.

Reviews of Journal Papers (Scientific journals for whom I've provided peer review)

Journal	Journal
American Naturalist	Journal of Animal Ecology
Journal of Wildlife Management	Western North American Naturalist
Auk	Journal of Raptor Research
Biological Conservation	National Renewable Energy Lab reports
Canadian Journal of Zoology	Oikos
Ecosystem Health	The Prairie Naturalist
Environmental Conservation	Restoration Ecology
Environmental Management	Southwestern Naturalist
Functional Ecology	The Wildlife Society--Western Section Trans.
Journal of Zoology (London)	Proc. Int. Congress on Managing for Ecosystem Health
Journal of Applied Ecology	Transactions in GIS
Ecology	Tropical Ecology
Biological Control	The Condor

Committees

- Scientific Review Committee, Alameda County, Altamont Pass Wind Resource Area
- Ph.D. Thesis Committee, Steve Anderson, University of California, Davis
- MS Thesis Committee, Marcus Yee, California State University, Sacramento

Other Professional Activities or Products

Testified in Federal Court in Denver during 2005 over the fate of radio-nuclides in the soil at Rocky Flats Plant after exposure to burrowing animals. My clients won a judgment of $553,000,000. I

have also testified in many other cases of litigation under CEQA, NEPA, the Warren-Alquist Act, and other environmental laws. My clients won most of the cases for which I testified.

Testified in Skamania County Hearing in 2009 on the potential impacts of zoning the County for development of wind farms and hazardous waste facilities.

Testified in deposition in 2007 in the case of O'Dell et al. vs. FPL Energy in Houston, Texas.

Testified in Klickitat County Hearing in 2006 on the potential impacts of the Windy Point Wind Farm.

Memberships in Professional Societies

The Wildlife Society
Raptor Research Foundation
American Museum of Natural History

Honors and Awards

Certificate of Appreciation, The Wildlife Society—Western Section, 2000, 2001
Fulbright Research Fellowship to Indonesia, 1987.
Northern California Athletic Association Most Valuable Cross Country Runner, 1984.
J.G. Boswell Full Academic Scholarship, 1981 (Paid expenses for undergraduate education).
American Legion Award, Corcoran High School, 1981, and John Muir Junior High, 1977.
CIF Section Champion, Cross Country in 1978 and Track & Field 2 mile run in 1981.
National Junior Record, 20 kilometer run, 1982.
National Age Group Record, 1500 meter run, 1978

Community Activities

District 64 Little League Umpire, 2003-2007
Dixon Little League Umpire, 2006-07
Davis Little League Chief Umpire and Board member, 2004-2005
Davis Little League Safety Officer, 2004-2005
Davis Little League Certified Umpire, 2002-2004
Davis Little League Scorekeeper, 2002
Davis Visioning Group member
Petitioner for Writ of Mandate under the California Environmental Quality Act against City of Woodland decision to approve the Spring Lake Specific Plan, 2002
Served on campaign committees for City Council candidates

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FORMATION COMMISSION

Monday, November 21, 2011

Don Lockhart, AICP, Assistant Executive Officer
Sacramento Agency Formation Commission
1112 I Street #100
Sacramento, California 95814
Transmitted via E-mail to: don.lockhart@saclafco.org

Re: Draft Environmental Impact Report for Proposed City of Elk Grove Sphere of Influence Amendment

Dear Mr. Lockhart,

The following are my comments on the Draft Environmental Impact Report (DEIR) for the proposed amendment of the City of Elk Grove's Sphere of Influence (SOI). In general terms, my concerns focus primarily on the imposition of specific mitigation measures that are intended to address impacts of projects that could happen only after subsequent project level CEQA review. Additionally, I have concerns about the linkages that the mitigations appear to create between the South Sacramento Habitat Conservation Plan (SSHCP) and the SOI. I thank you in advance for your review and consideration of my concerns.

As the project description contained in the executive summary indicates, the proposed project is simply an amendment to Elk Grove's SOI. The amendment will not convey any rights to develop or in any way create a physical impact to the environment. The following excerpt from section 2 of the project description perhaps most clearly illustrates this point, "the approval by LAFCo of this or any other SOIA does not authorize any change to the land use or governance." Further the EIR clearly indicates in section 2.4 that future projects cannot tier from the SOI EIR. That said, after reviewing the DEIR, I would not have expected to find mitigation measures related to development impact as a result of the SOI amendment. Projects cannot proceed without further process which will require future CEQA studies. It would be at that time that I would anticipate the determination of appropriate mitigation. Additionally, the lands within the SOI do not contain a diverse habitat. The primary resources are species and habitats are regulated by State and Federal agencies. Unlike the Folsom SOI the Elk Grove SOI Area does not contain an iconic feature that is not subject to higher level regulatory oversight. LAFCo took a specific interest in the Folsom Oak Woodlands perhaps the lack of higher agency oversight compelled LAFCo to impose special requirements in that case, but I would propose that that same condition is not the case in Elk Grove's SOIA. LAFCo should allow the appropriate State and Federal agencies to assert jurisdiction on specific projects at the appropriate time.

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The DEIR contains discussion about Elk Grove's General Plan Policies on Tree Preservation and Mitigation, but does not appear to have considered the adopted tree ordinance which is the implementation of those policies. The City adopted tree ordinance provides a clear picture of what mitigation should be expected at the project level. The DEIR mitigation measure Bio-5 is not consistent with the City's adopted policies. In keeping with my comments, above I would suggest that the mitigation is not appropriate for SOI amendment and should be removed, but at a minimum this measure should be revised to reflect the City's adopted tree mitigation policies. I have similar concerns about the agricultural mitigation for which the City of Elk Grove has adopted policies which are not taken into account by the DEIR. The mitigation calls for identification of specific set-aside lands prior to annexation which is not typical and is far in advance of when the impact might occur.

The mitigation measures relative to the SSHCP are not consistent with the theme of the plan as presented to the public by the SSHCP group. This has been described for years as a willing participation plan both on the mitigation and impact side. The mitigation measures appear to take away that voluntary nature while it doesn't explicitly require participation in the plan. It does lay out a separate track that appears to be a mirror image of the SSHCP, a plan that is not yet finalized.

During the public comment opportunity, held on November 2, 2011, I heard a number of comments from representatives from environmental groups requesting more mitigation. As I have indicated above, the project is not one that creates any impacts. In order for development to occur under the jurisdiction of the City of Elk Grove within the SOIA, future CQEA study will be required. At that time, the interested parties will have the ability to comment. Further, impacts to species will be considered by the responsible agencies with permitting authority. There are not significant unregulated resources within the SOIA and I would encourage LAFCo to view the SOIA for what it is; a designation of a Sphere of Influence that makes no change to the land use authority or the ability for anyone to develop or create impacts.

Sincerely,

J. Gillum

Jim Gillum

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SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

ECOS
ENVIRONMENTAL
• COUNCIL •
OF SACRAMENTO

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Via Electronic Mail

18 November 2011

Don Lockhart, Assistant Executive Officer
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Re: Comments on Elk Grove Sphere of Influence Amendment Draft Environmental Impact Report (LAFC #09-10)

Dear Mr. Lockhart,

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

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

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

BIOLOGICAL RESOURCES

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

General Comments

- Impact determinations are faulty. The biological resource section misuses the California Natural Diversity Database (CNDDB) throughout by indicating that the data base is a record of absence (i.e. by assuming that if a species does not show up in the CNDDB, then it's not there). The CNDDB has a clear disclaimer for users on this point. This does not constitute a good faith effort at full disclosure (see CEQA Guidelines, 15003(i) and 15151).

- The misuse of the CNDDB leads to bizarre results such as the conclusion that, for example, there are no northern harriers within 5 miles of the project site (and a listing of the potential for such as "moderate" based on habitats), no recorded occurrences within 5 miles and low potential for occurrence of white tailed kite, no recorded occurrence within 5 miles and moderate potential for occurrence of greater sandhill cranes. For all of these species (and many more), there is real data available (Audubon Christmas counts, Cosumnes River Preserve surveys, the South Sacramento Habitat Conservation Plan (SSHCP) mapping and incidence of occurrence data, as well as resources from the Stone Lakes National Wildlife Refuge surveys) that should be used. All discussed species must be re-examined using the more complete resources available.

- While the DEIR mentions the proximity of Stone Lakes, but only as a geographical fact; no mention is made of the Cosumnes River Preserve. No discussion is included of the habitat relationships (the SOIA area as buffer and foraging area for species using those core protected areas), cumulative public investment, uniqueness, etc. Again, this does not constitute a good faith effort at full disclosure (see CEQA Guidelines, 15003(i) and 15151).

- The DEIR fails to use or reference any of the data or analysis developed for the SSHCP draft. It concludes (without support) that there's no conflict between the SSHCP and the SOI expansion. This information is clearly inaccurate and does not constitute "substantial evidence" (see CEQA Guidelines, 15064(f)(5)) of a less than significant impact.

- The conclusion that there is no conflict between the SOI expansion and the SSHCP is unsupportable based on the flooding issue with the greater sandhill crane that is discussed further below (see CEQA Guidelines, 15064(f)(5). Additional conflicts exist with the Swainson's hawk habitat.

- Mitigation measures are inadequate. MM LU-3, which requires participation in the SSHCP when it is completed, is deferred mitigation and not acceptable to mitigate potentially significant and unavoidable impacts to a less than significant impact. CEQA Guideline 15126.4(a)(1)(B) states that "Formulation of mitigation measures should not be deferred until some future time. However, measures may specify performance standards which would mitigate the significant effect of the project and which may be accomplished in more than one specific way." In this instance, formulation of mitigation measures for biological impacts is clearly deferred to the future development of a "habit conservation plan" whose contents are presently unknown. Notably, this mitigation measure contains NO performance standard. The requirement that such a plan be developed "in consultation with" US Fish and Wildlife Service (FWS) and California State Department of Fish and Game (DFG) does not require that the plan and its mitigation strategy be approved by those agencies--only that the City consults with these agencies. Mitigation is thus improperly deferred. Substantial evidence does not support the proposed Finding of the DEIR that the "plan" will mitigate biological impacts to less than

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

- Mitigation measures MM BIO 1a and MM BIO 1b are also deferred mitigation and as such not acceptable to mitigate potential significant and unavoidable impacts to a less than significant level (CEQA Guidelines 15126.4(a)(B)).

- Beyond the inadequacy of MM BIO 1a and 1b, the wording of these measures is also imprecise and confusing.

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

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

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

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

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

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

The SSHCP has a very good species account that could be utilized to improve table 3.4.2 and the treatment of greater sandhill crane in general in this DEIR. Given that the SOIA expansion area is within the plan area for the SSHCP, it is somewhat surprising that SSHCP mapping and species accounts were not relied upon. The entire area of the SOIA expansion is included in the primary conservation area for greater sandhill cranes in the most recent draft of the SSHCP (see attached figure 7-20: Primary Conservation Area for Greater Sandhill Crane in the SSHCP Plan Area). An examination of the primary conservation area map included as figure 7-20 clearly indicates "consolidated species occurrences" well within 5 miles of the SOIA. Given this and the availability of all habitat components and the fact that there are regularly greater sandhill cranes in the vicinity (both to the south and to the west), the "potential for presence" status needs to be changed from moderate to HIGH. Interestingly, in the special status species impact analysis (3.4-36) the DEIR states: "State fully protected greater sandhill crane and state threatened Swainson's hawk have a high potential to occur within the project area." This appears to be an admission that our assertion is indeed correct. Moreover, in addition to being fully protected the greater sandhill crane is also a state listed "threatened" species. Greater sandhill crane is listed by DFG as a fully protected species (which means that a special statute was passed at some time to protect it:
http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#Birds. Greater sandhill crane was also listed under CESA in 1983
http://www.dfg.ca.gov/wildlife/nongame/t_e_spp/fully_pro.html#Birds.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional General Biological Resources Comments

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

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

AGRICULTURAL RESOURCES

Farmland of Local Importance Discussion is Inadequate

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

Sacramento County has defined Farmland of Local Importance as follows:

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

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

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

Mitigation Measure AG-1 Inadequate

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

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

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

The Mitigation Measure should be modified as follows:

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

WATER SUPPLY

Overview

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

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

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

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

Environmental Impact of Increased Water Use

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

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

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

> The EIR on the EG SOI Request needs to carefully evaluate the water impacts of urban development within the SOI. To do this it must consider the potential water demand from a reasonably likely development scenario that would have a high demand for water, such as low-density residential use throughout the proposed SOI. Assumptions regarding water conservation should be in line with targets established by the Water Forum Agreement.
>
> The potential demand for water needs to be compared with the historic pumping of groundwater and any diversion of any Cosumnes River water for irrigation within the SOI. The EIR must look at the range of irrigated acreage over the last 20-30 years, crops grown on that acreage and their associated water demand, and pumping data to

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

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

Cumulative Water Demand and Water Forum Agreement Consistency

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

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

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

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

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

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

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

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

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

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

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

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

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

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

GREENHOUSE GASES

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

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

Analysis of Alternatives Is Incomplete

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

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

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

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

Impact Analysis Is Flawed

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

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

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

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

Table 1- GHG Emissions Metrics

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

Population + Work force = Service Population (sp)

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

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

553,992 MT/yr/ 93,000 service population = 5.96 MT/yr-sp

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

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

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

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

ECOS Recommended GHG Reduction Mitigation Measures

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

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

Impact on Sacramento County Greenhouse Gas Targets Is Not Provided

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

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

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

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

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

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

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

Flooding Impacts Due to Climate Change Is Not Addressed

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

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

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

GROWTH INDUCEMENT

Inaccurate Information in Population and Housing Section

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

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

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

Analysis of Growth Inducing Impacts is Inadequate

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

> In summary, the proposed project would maintain existing land use designations and zoning and would not result on [sic] the construction of new homes, businesses, roads, or utilities. Therefore, the proposed project would not directly induce substantial population growth and impacts; however, the project may indirectly induce substantial population growth (page3.13-5)."

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

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

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

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

The Recommended Mitigation Measure is Inadequate

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

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

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

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

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

CUMULATIVE IMPACTS

The Cumulative Impacts Analysis is Inadequate and Incomplete

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

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

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

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

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

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

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

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

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

- The cumulative impact on Agricultural Resources (4.2.2) is incomplete. The project mention's the impact that the Southeast Connector will have on farmland but does not include impacts from other projects in the list, particularly the 20,000 acres of land that will be made available for urban development in the newly adopted Sacramento County General Plan. The DEIR includes no cumulative agricultural land loss data of these projects and the proposed project.

- The cumulative impact on Air Quality (4.2.3) analysis incorrectly assumes that a 35% reduction in precursor emissions associated with an Air Quality Mitigation Plan would mitigate the air quality impacts to less than significant and be consistent with the SMAQMD's Air Quality Attainment Plan. Likewise, the cumulative impact on Greenhouse Gas Emissions (4.2.7) initially identifies the wrong air basin and then incorrectly concludes that this and other projects would mitigate their impacts to less than cumulatively significant. How can this conclusion be reached?

- The cumulative impact on Biological Resources (4.2.4). The statement that "generally biological resource impacts tend to be localized depending on the species or habitat to

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

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

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

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

- Cumulative impacts need to be examined and analyzed as if the entire SOIA area was going to be developed. This is the intent of the SOIA effort and the inevitable outcome in terms of development. This is potentially the only opportunity to look at the "cumulative impact" on species of the entire SOIA area being developed. The cumulative impacts need to be determined on a species by species basis and using the scenario that all of the SOIA will be lost as viable habitat.

- The cumulative impact on hydrology and water quality (4.2.9) is inadequate in that the analysis does not take into account the cumulative impact of the project on water demand and the ability for water providers—particularly the SCWA—to provide water to the project to meet the cumulative demands of the project. (See also comments in water section.)

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

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

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

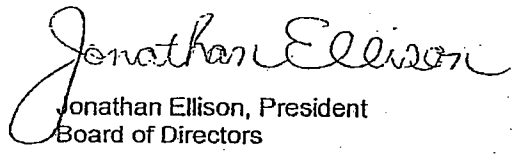
The analysis of cumulative impacts on population and housing must look at holding capacity data for unincorporated Sacramento and its cities, as well as the holding capacity of the 20,000 acres included within the scope of the newly adopted Sacramento County General Plan, the proposed Folsom annexation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

CONCLUSION

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

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

Yours very truly,



Jonathan Ellison, President
Board of Directors

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

Smallwood Letter (FOSH-4)

Response to Comment FOSH-4-1

The comment states that the author was hired to comment on the 2011 Draft EIR and outlines the author's experience. Comment letter FOSH-4 responds to the original 2011 Draft EIR and not to the current RDEIR. Friends of Swainson's Hawk resubmitted comment letter FOSH-4 with the organization's May 14, 2013, comment letter on the RDEIR. However, Friends of Swainson's Hawk does not state how the organization's comments on the Draft EIR relate to the RDEIR. As explained in Master Response 9, LAFCo requested new comments be submitted on the RDEIR, and thus, pursuant to CEQA Guidelines Section 15088.5(f)(1), a written response to FOSH-4 is not required by CEQA. Nonetheless, the comments are addressed below to the extent they can be applied to the RDEIR.

Response to Comment FOSH-4-2

The comment is a comment on the Draft EIR and summarizes the author's observations in or near the proposed SOIA Area. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to comments on the Draft EIR.

Response to Comment FOSH-4-3

The comment summarizes and interprets CEQA's public information purpose. The comment states the Draft EIR contained insufficient information about biological resources in the proposed SOIA Area. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 related to the adequacy of the biological resources baseline presented in the RDEIR and Master Response 1 related to level of analysis in the RDEIR.

Response to Comment FOSH-4-4

The comment addresses the adequacy of the biological baseline presented the Draft EIR. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 related to the adequacy of the biological resources baseline presented in the RDEIR and Master Response 1 related to level of analysis in the RDEIR.

Response to Comment FOSH-4-5

The comment address the need for the proposed SOIA as presented in the Draft EIR. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment FOSH-4-6

The comment addresses the adequacy of the Draft EIR's description of the proposed SOIA biological resources and the adequacy of the level of analysis in the Draft EIR. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this

comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 related to the adequacy of the biological resources baseline presented in the RDEIR and Master Response 1 related to level of analysis in the RDEIR.

Response to Comment FOSH-4-7

The comment addresses the adequacy of the Draft EIR's inventory of biological species likely to occur in the proposed SOIA. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 related to the adequacy of the biological resources baseline presented in the RDEIR and Master Response 1 related to level of analysis.

Response to Comment FOSH-4-8

The comment addresses the Draft EIR's discussion of the presence of greater sandhill crane in the proposed SOIA Area. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 for a discussion of greater sandhill crane in the proposed SOIA Area.

Response to Comment FOSH-4-9

The comment addresses the Draft EIR's discussion of the presence of the northern harrier and adequacy of the Draft EIR's data sources. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please see Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources. Table 3.4-3 recognizes that suitable foraging habitat is present within the SOIA Area within grasslands and ruderal habitats. Impact BIO-1 of the RDEIR recognizes that if the SOIA is approved, potential future development could have potentially significant impacts, would be subject to CEQA review, and would have to comply with existing regulations including FESA, CESA, MBTA, and CDFG Code. (DEIR pages 3.4-49 though 3.4-40) Mitigation Measures BIO-1a, BIO-1b, and BIO-1c are imposed to reduce the impacts on raptors by avoiding or mitigating for habitat loss, creating buffers around nesting raptors, and conserving forging habitat. Nonetheless, the RDEIR concludes the impact will be significant and unavoidable. (DEIR pages 3.4-41 through 3.4-45)

Response to Comment FOSH-4-10

The comment addresses the Draft EIR's discussion of the burrowing owl. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, the RDEIR characterizes the burrowing owl as having a high potential to occur within the proposed SOIA Area and mitigates for impacts to that species. (RDEIR pages 3.4-19 and 3.4-40, 3.4-41 through 3.4-44.)

Response to Comment FOSH-4-11

The comment addresses the Draft EIR's discussion of sharp-shinned hawk, golden eagle, ferruginous hawk, prairie falcon, and merlin. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please see Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources. The RDEIR describes the habitat common for these species (RDEIR pages 3.4-18 through 3.4-23), acknowledges that future development of the proposed SOIA, if the SOIA is approved, may have an impact on special status species. Mitigation Measures BIO-1a, BIO-1b, and BIO-1c impose mitigation to reduce the impacts on special status species by requiring avoidance or mitigation of special status species, creating buffers around nesting raptors, and conserving foraging habitat. Nonetheless, the RDEIR concludes the impact will be significant and unavoidable. (DEIR pages 3.4-41 through 3.4-45)

Response to Comment FOSH-4-12

The comment addresses the Draft EIR's discussion of peregrine falcon and coast horned lizard. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please see Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources and Master Response 1 with respect to level of analysis. The RDEIR describes the habitat common for these species (RDEIR pages 3.4-18 and 3.4-21) and acknowledges that future development of the proposed SOIA, if the proposed SOIA is approved, may have an impact on special status species. Mitigation Measures BIO-1a, BIO-1b, and BIO-1c impose mitigation to reduce the impacts on special status species by requiring avoidance or mitigation of special status species, creating buffers around nesting raptors, and conserving foraging habitat. Nonetheless, the RDEIR concludes the impact will be significant and unavoidable. (DEIR pages 3.4-41 through 3.4-45)

Response to Comment FOSH-4-13

The comment addresses the Draft EIR's discussion of special status bats. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please see Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources and Master Response 1 with respect to level of analysis. The RDEIR describes the habitat common for these species (RDEIR pages 3.4-23 through 3.4-24) and acknowledges that future development of the proposed SOIA, if the SOIA is approved, may have an impact on special status species. Mitigation Measures BIO-1a, BIO-1b, and BIO-1c impose mitigation to reduce the impacts on special status species by requiring avoidance or mitigation of special status species. Nonetheless, the RDEIR concludes the impact will be significant and unavoidable. (DEIR pages 3.4-41 through 3.4-45)

Response to Comment FOSH-4-14

The comment addresses the Draft EIR's discussion of riparian habitat. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this

comment can be interpreted to apply to the RDEIR, please see Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources and Master Response 1 with respect to level of analysis. Please refer to Response to Comment SLNWR-12 for discussion of riparian habitat.

Response to Comment FOSH-4-15

The comment addresses the Draft EIR's discussion of riparian habitat. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources and Response to Comment ECOS-2-18 regarding wetland impacts.

Response to Comment FOSH-4-16

The comment addresses the Draft EIR's use of the CNDDB. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources.

Response to Comment FOSH-4-17

The comment addresses the Draft EIR's discussion of wildlife movement corridors in the Draft EIR. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources.

Response to Comment FOSH-4-18

The comment suggests the Draft EIR should discuss migrating birds. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources.

Response to Comment FOSH-4-19 through 4-22

The comments suggest the Draft EIR should discuss the proposed SOIA's impact to giant garter snakes and other species and addresses the adequacy of the Draft EIR's discussion of Swainson's Hawk. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 8 with respect to the adequacy of the RDEIR's discussion of biological resources, Master Response 1 with respect to level of analysis, and Response to Comment FOSH-4-9 with respect to the RDEIR's analysis and mitigation of impacts to raptors.

Response to Comment FOSH-4-23

The comment addresses the Draft EIR's discussion of cumulative impacts. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 2 with respect to

cumulative impacts and Master Response 8 with respect to adequacy of the RDEIR's discussion of biological resources.

Response to Comment FOSH-4-24

The comment addresses deferred mitigation. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 1 related to deferred mitigation.

Response to Comment FOSH-4-25

The comment addresses the Draft EIR's discussion of avoidance of special status species. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, the RDEIR describes the habitat common for special status species and acknowledges that future development of the proposed SOIA, if the SOIA is approved, may have an impact on special status species. (RDEIR pages 3.4-12 through 3.4-26) Mitigation Measures BIO-1b imposes mitigation to reduce the impacts on special status species, but the RDEIR concludes the impact will be significant and unavoidable. (RDER pages 3.4-42 through 3.4-45.)

Response to Comment FOSH-4-26 and 4-27

The comments discuss Draft EIR Mitigation Measure BIO-1(a) and suggest it is deferred. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 1 regarding deferred mitigation.

Response to Comment FOSH-4-28

The comment discusses Draft EIR Mitigation Measure BIO-1b. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 1 regarding deferred mitigation and Master Response 8 regarding adequacy of adequacy of the RDEIR's discussion of biological resources. Please also refer to RDEIR pages 3.4-42 through 3.4-45 concluding the impact is significant and unavoidable.

Response to Comment FOSH-4-29

The comment discusses Draft EIR Mitigation Measure BIO-1b. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments.

Response to Comment FOSH-4-30

The comment states that Draft EIR Mitigation Measure BIO-2 is deferred and states that wetland restoration or preservation is inadequate mitigation. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please refer to Master Response 1 regarding deferred mitigation. Wetland

restoration and preservation constitutes mitigation of impacts to wetlands pursuant to CEQA Guidelines Section 15370 (d).

Response to Comment FOSH-4-31

The comment relates to Draft EIR Mitigation Measure BIO-3. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments.

Response to Comment FOSH-4-32

The comment questions the adequacy of the Draft EIR's mitigation of Impact BIO-4. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, the comment asks LAFCo to prove the efficacy of the mitigation measure. CEQA requires the lead agency to commit to a mitigation measure, but not to provide proof of the success of the mitigation measure. Please see Master Response 1 related to adequacy of mitigation.

Response to Comment FOSH-4-33

The comment relates to the SSHCP. The comment relates to Draft EIR Mitigation Measure BIO-3. Please refer to Response to Comment FOSH-4-1 and Master Response 9 related to Draft EIR comments. To the extent this comment can be interpreted to apply to the RDEIR, please see Master Response 8 related to the SSHCP.

Chryss Meier - FW: Elk Grove's SOI expansion

THEW
Page 1 of 2

From: "Lockhart. Don" <LockhartD@saccounty.net>
To: 'Chryss Meier' <CMeier@brandman.com>
Date: 4/1/2013 8:43 AM
Subject: FW: Elk Grove's SOI expansion
CC: 'Madeline Miller' <madeline@motlaw.com>

RDEIR public comment below.

Don Lockhart, AICP
Assistant Executive Officer
Sacramento LAFCo
1112 I Street, Suite 100
Sacramento, CA 95814-2836
916.874.2937
916.874.2939 (FAX)
Don.Lockhart@SacLAFCo.org
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From: Janet Thew [mailto:gavelgoddess@gmail.com]
Sent: Saturday, March 30, 2013 5:51 PM
To: Lockhart. Don
Subject: Elk Grove's SOI expansion

Mr. Lockhart,

I just read through the documents online, and want to express my opposition to the increase. I concur with SACOG in believing that the city does not need this expansion, and probably won't for decades. There is ample land available to them. LAFCO's responsibilities include limiting sprawl and protecting open space and ag lands. Approving this unnecessary expansion would be a violation of that critical responsibility. 1

Thank you,

Janet Thew

THEW
Page 2 of 2

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"Our lives begin to end the day we become silent about things that matter" Martin Luther King, Jr.

"Take sides. Neutrality helps the oppressor, never the victim. Silence encourages the tormentor, never the tormented." –Elie Wiesel

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INDIVIDUALS

Janet Thew (THE)

Response to Comment THE-1

The comment expresses opposition to the proposed SOIA and addresses the need for the proposed SOIA. Please refer to Master Response 7 regarding need for the proposed SOIA.

Barbara Morse Wackford
5618 Delcliff Circle
Sacramento, California 95822

April 30, 2013

Don Lockhart, AICP Assistant Executive Officer
Sacramento Local Agency formation Commission
1112 I Street, St 100
Sacramento, Ca 95814

Re: Recirculated Draft Environmental Impact Report for the Proposed City of Elk Grove Sphere of Influence (SOI) Amendment

Mr. Lockhart,

I represent the Morse family, a group of fourth generation land owners in the SOI study area of Elk Grove. The land we represent was purchased by our ancestors in the 1860's. We currently maintain the second family farm house that was built in 1922 on the property. The land itself was farmed until around 1960.

We represent approximately 200 acres which has not been farmed for a profit in the last 50 years. We have lived through the decline of the affordability of keeping a family farm and seen our land dwindle from over 1000 acres, to the mere 200 we own today. Many of our family members were forced to sell their land since farming was no longer viable.

Our property lies just north of Eschinger Road in the vicinity of Bruceville Road . This property is 1.5 miles, just a 2 minute drive, south of Kammerer Road which is planned to be a major connector road between Interstate 5 and Highway 99, with direct access to Bruceville Road. In addition we are 4.9 miles from the proposed Mall site and the new Kaiser medical facility, a 6 minute drive. The South Sacramento Habitat Conservation Plan aligns its principles with "smart growth" advocating shortening commute times, reducing auto trips, reducing traffic congestion and providing housing choices closely aligned with the aging population. All of these principles focus on close proximity.

We have been working with the County since the South Sacramento Habitat Conservation Plan draft was prepared in 2007. We have attended many of the public hearings and workshops including the Elk Grove SOI hearings. As you may recall, the original SOI request was for a much larger area of land. As hearings were held and discussion ensued, the SOI area was reduced by a third of the previously proposed area to a much more realistic boundary which is before us today. These recommendations were made with a great deal of public input and thought.

In prior meetings with County staff, it was our understanding their studies indicated the area we are asking be included in the SOI does not significantly impact the opportunity to provide the needed habitat conservation land for this particular study area of the SSHCP

(Zone 9). Staff provided scenario documentation which takes this into account in the SSHCP plan.

My biggest fear is what occurred when the Urban Limit Line was moved from Elk Grove Blvd to where it is today on Kammerer Rd. Basically a land rush ensued that caused an unbelievable inflation of land values which in turn inflated home cost to an unprecedented high. Today we are living with our own mistakes. 1

The City of Elk Grove is still evolving. Shaping the community and developing into a viable, thriving place for people to live, work and play will take time. The city's future will depend on some opportunity for future growth. Where will people live and work if we don't allow the City to continue to develop a comprehensive growth plan? The SOI is a small pocket in the overall area plan. It is the logical future transition area for the City of Elk Grove. We encourage your moving forward in that regard as partners and focusing on the future needs of the region. 2

We strongly recommend the SOI boundaries remain as proposed by the City of Elk Grove generally described as the areas south of Bilby Road/Kammerer Road and Grant Line Road, extending south to Eschinger Road and the FEMA 100-year floodplain boundary for the area east of State Route 99, extending east just past Freeman Road, and extending west towards interstate 5 and the Union Pacific Railroad tracks.

We support the cities SOI request and recommend approval of the RDEIR allowing the process to move forward.

We are available to discuss our comments and concerns at your convenience. I can be reached at bwackford@aol.com or (916) 422-1429.

Thank you for sharing our thoughts with the LAFCO Commissioners.

Appreciatively,

Barbara Morse Wackford, representing the Morse Family

Sharon Morse Helmar, Bruce Morse, Bonnie Morse West, Archie C. Morse
Jane Morse, Scott Morse, Sandra Morse Haight, Mathew Morse, Tim Morse
Kevin Morse, Larkin Morse Penrose

cc: City of Elk Grove
County of Sacramento

Barbara Morse Wackford (WACK)

Response to Comment WACK-1

The comment refers to the 1993 County GP Urban Limit Line resulting in increased land speculation and related inflated home costs. Social and economic impacts are not analyzed under CEQA (CEQA Guidelines Section 15382). As provided in Master Response 1, the CEQA Guidelines state, "evidence of social or economic impacts which do not contribute to, or are not caused by, physical impacts on the environment, is not substantial evidence."

Response to Comment WACK-2

Support for the project is noted.

From: "Lockhart. Don" <LockhartD@saccounty.net>
To: 'Chryss Meier' <CMeier@brandman.com>
CC: 'Madeline Miller' <madeline@motlaw.com>, "Brundage. Peter" <BrundageP@sa...
Date: 4/24/2013 10:43 AM
Subject: 4/23/13 Workshop Public Comment

See below.

Don Lockhart, AICP

Assistant Executive Officer

Sacramento LAFCo

1112 I Street, Suite 100

Sacramento, CA 95814-2836

916.874.2937

916.874.2939 (FAX)

Don.Lockhart@SacLAFCo.org

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-----Original Message-----
From: Thorpe. Diane On Behalf Of Commission. Clerk
Sent: Wednesday, April 24, 2013 10:38 AM
To: Lockhart. Don; Brundage. Peter
Subject: FW: The LAFco Commissioners

-----Original Message-----
From: Kathleen Claudon [mailto:k.claudon@gmail.com]
Sent: Tuesday, April 23, 2013 9:29 PM
To: Commission. Clerk
Subject: To: The LAFco Commissioners

To: The LAFco Commissioners
Re: Elk Grove SOI

My Thoughts following the April 24 workshop this evening in Elk Grove:

Thank you
It was a very informative meeting, just too brief.
I spoke to a farmer, a developer, two First Carbon Solutions consultants,
a LAFco commissioner, several homeowners. Each was articulate and helpful in providing a piece of the complex puzzle.

I now feel more optimistic about the future of Elk Grove. The LAFco commissioners have a challenging task in determining if and how Elk Grove should increase its SOI. I learned that
if the vote is four or more no votes, then no SOI increase for now. I did not hear a complete argument for that decision, and it may be difficult to say no to an eager city request.

My reservations are perhaps not permitted factors to argue for a no vote, but I will share them.
Those reservations pertain to evidence of poor planning to date, and many empty buildings, and unsold commercial space in the existing boundaries. If the excuse is "the poor economy" then all the more reason to right the ship first.
Perhaps the city is too young to "adopt" more land to steward. Perhaps they need to demonstrate wise stewardship with projects already in various stages of development: Aquatics/Civic Center, SEPA, Soccer Stadium, Shopping Center, Krammerer Rd. In just a few years we will all know if our city is mature enough to be rewarded with an increased SOI. 1
If the above reservations can be factored in along with my concerns for southward sprawl, and a need for habitat protection near the River, then I offer my three preferences:

1. a no vote until the City rights its ship in terms of development and planning

a modified yes vote, allowing for
either:
2. a smaller southern SOI with a binding requirement that land along both sides of the river be preserved forever, and enough open space to help our very poor air quality
or:
3. a Northern SOI which would benefit Elk Grove and Sacramento if developed properly. 2

Having just moved from the central coast, I look forward to contributing in a positive way to the future of Elk Grove where my three young grandchildren will grow up.

Thank you for all that you do,

kathleen claudon 831-238-0862
just moved to Stonelake
k.claudon@gmail.com
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Kathleen Claudon (CLA)

Response to Comment CLA-1

The comment expresses opposition to the proposed SOIA due to the commenter's perception of poor planning and vacant land within the City. Please refer to RDEIR Section 2, Project Description, regarding the need for the project. Also, see Master Response 6.

Response to Comment CLA-2

The comment expresses opinions concerning potential approvals or disapprovals of the proposed SOIA and alternatives. Please refer to Master Response 7 regarding LAFCo and the City's authority to set the project objectives and determine how those objectives will be met. The comment requests LAFCo either deny the proposed SOIA or approve alternatives similar to Alternative 2 (Alternate SOI Boundary; RDEIR, page 5-12) or Alternative 3 (Enhanced Regional Alternative; RDEIR, page 5-16) with additional open space and land preservation. As discussed on RDEIR pages 5-21 to 5-22, Alternative 2, the Alternative SOI Boundary, would have environmental impacts similar to the proposed SOIA. Alternative 3 would reduce the severity of several of the proposed SOIA's significant and unavoidable impacts. LAFCo may deny the proposal, or modify and approve or may approve the SOIA as proposed by the City, despite the significant and unavoidable impacts, if LAFCo finds that significant economic, legal, social, technological, and other benefits outweigh the unavoidable adverse environmental effects of the project (CEQA Guidelines Section 15093 (a)).

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION
1112 I Street, Suite 100 • Sacramento, CA 95814 • (916) 874-6458 • Fax (916) 874-2939

Proposed City of ELK GROVE Sphere of Influence Amendment
(LAFC# 09-10/ SCH # 2010092076)

Recirculated Draft Environmental Impact Report (RDEIR)

Tuesday April 23, 2013 6:00 – 7:30 p.m.

PUBLIC COMMENT CARD

The public is encouraged to provide written comment on the Proposed RDEIR. The Public Comment period for the RDEIR closes **May 21, 2013 at 4:00**.

PLEASE PRINT CLEARLY

I am HIGHLY against expanding the sphere of influence of Elk Grove.

- Expanding cuts into important ag land, much needed for economy & for producing food 1
- expanding cuts into resources either needed for ag or there isn't enough and must be bought elsewhere. ex water, energy 2
- expanding takes away wildlife habitat, that is quickly diminishing due to sprawl such as this ex Swainson's Hawk 3
- quality of life of residents will be poor. They will have to drive long distances for work, (HIGH commute time = LOTS of gas usage) also, residents will live amidst ag pollution such as (dust, noise, ag chemicals -fertilizers, pesticides- in water 4
- quality of ag land will be diminished due to closer proximity of sprawl (higher traffic = worse air quality = poorer quality of wine grapes) 5

PLEASE PRINT CLEARLY

Name Liz Cantor
Address 5443 College Oak Drive Apt 25
Sacramento, CA
E-mail lizzcantor@gmail.com
Affiliation (Optional)



Please submit form to Don Lockhart, Assistant Executive Officer
or mail form to: Sacramento Local Agency Formation Commission
1112 "I" Street; Suite 100
Sacramento CA 95814
e-mail: Don.Lockhart@SacLAFCo.org

Liz Cantor (CANT)

Response to Comment CANT-1

The comment states expansion of the sphere of influence would affect agricultural land. This is not a comment on the adequacy of the environmental document. The RDEIR addresses the agricultural resource impacts of development of the SOIA Area in Section 3.2.

Response to Comment CANT-2

The comment states expansion of the sphere of influence would require resources, including water and energy. The comment does not relate to the content or adequacy of the environmental document. Impacts related to water supply and hydrology are addressed in RDEIR Sections 3.16 and 3.9, respectively. Impacts related to energy are addressed in RDEIR Section 3.7.

Response to Comment CANT-3

The comment broadly addresses impacts of the proposed SOIA to wildlife habitat. The comment does not provide specific concerns with the content or adequacy of the environmental document. Mitigation Measures BIO-1a, BIO-1b, BIO-1c, BIO-2, and BIO-5 are applied to reduce impacts to biological resources. However, as discussed in Impact BIO-1, adverse effects on any species identified as a candidate, sensitive, or special-status species would remain significant and unavoidable.

Response to Comment CANT-4

The comment provides a general comment about impacts to quality of life for residents, including effects related to traffic, dust, noise, and agricultural chemicals. The RDEIR considers automobile travel and gasoline usage and associated emissions in RDEIR Sections 3.3 and 3.7, respectively. The RDEIR found that application of Mitigation Measures AIR-2, AIR-5, AIR-6, and AIR-7 would reduce impacts to local residents from project-generated construction dust, criteria pollutant hotspots, toxic air contaminants, and odor to less than significant. Regarding interactions between agricultural uses and adjacent developed uses, there is currently a portion of the City of Elk Grove that experiences such interaction between agricultural and urban uses. With approval of the proposed SOIA, the location of the agricultural/urban interface may change, but the factors typically associated with the interface would be the same.

Response to Comment CANT-5

The comment states increased traffic will result in air quality impacts, which would in turn affect the quality of grapes. However, the comment does not provide evidence that proximity to traffic result in an impact to agricultural productivity. As provided in CEQA Guidelines Section 15064(f), the decision as to whether a project may have a significant effect must be based on substantial evidence. The effects of the proposed SOIA on air quality are addressed in RDEIR Section 3.3.

April 23, 2013

LAFCO Meeting, Elk Grove

We want a vision and a plan to go with it. When that is mentioned, we always get the answer that we do have a vision/plan called our General Plan. This amounts to a dog chasing its tail because every part of the General Plan has been manipulated by staff and PMC to gain whatever the advantage du jour of the moment is.
Advantages of a General Plan is surety that this guiding document provides structure and certainty for the future.....until someone wants to change it! Originally, they told us it would provide that structure because it can only be changed (once a year, twice a year??), but later we found out that they had ways of getting around that by bundling changes together and then only counting the bundle as one change.

1

We want measurable goals and measurable progress.

We want accountability and transparency.

The Urban Services Boundary is there for a reason, to keep development away from the Cosumnes River, the last undammed river in California.

We must be smart about how we proceed and allowing PMC to drive our future is a big mistake in my opinion.

We want semantics that are not designed to leave wiggle room for developers. Semantics, language that has the same meaning to us as it does to staff and others.

Sarah Johnson
SJOHNSON@SUREWEST.NET
916-686-5858

Sarah Johnson (JOHN-1)

Response to Comment JOHN-1-1

Opposition to the project is noted. The comment does not provide comment as to the content or adequacy of the environmental document. Therefore, no additional response is required.

My name is Tom Mahon and I live at 10171 Grant Line Road, East of Highway 99 and South of Grant Line Road in the proposed SOI area. Our great grandfather started the ranch in 1882 and we have been continuously producing agricultural products, from hops, fruit and grains to beef for over 130 years. We've always had a strong connection to Elk Grove. We were very pleased with the City Council's decision to remove the floodplain from the SOI. However, we feel that the upland portion of our own ranch could be of benefit to the community. I'm not talking about houses, not that there is anything wrong with houses, but Elk Grove needs jobs. With our proximity to Highway 99, the railroad, the connector and I-5 it seems to me that with enough careful planning this area could become a center of employment within the city of Elk Grove. We would support an income and job producing vision that would not interfere with our agricultural practices. Wouldn't it be nice if people that live in Elk Grove could also work here? Thank you.

1

Tom Mahon (MAHO)

Response to Comment MAHO-1

The comment expresses support for the project. No response is required.

JAM
Page 1 of 1

From: "Commission. Clerk" <commissionclerk@saccounty.net>
To: 'Chryss Meier' <CMeier@brandman.com>
CC: 'Madeline Miller' <madeline@motlaw.com>
Date: 5/2/2013 1:39 PM
Subject: FW: Elk Grove Expansion

RDEIR comment below.

-----Original Message-----
From: Allen Jamieson [mailto:jamiesonallen1@gmail.com] On Behalf Of Allen Jamieson
Sent: Wednesday, May 01, 2013 2:46 PM
To: Commission. Clerk
Subject: Elk Grove Expansion

Please stop the expansion plan for Elk Grove. Fill up the housing you now have. Plan to NOT consume more ag land and open space, which cannot be replaced. Better housing plans -- higher downtown density, etc -- is a far better solution no matter how you slice it! 1

Allen Jamieson
3225 Freeport Blvd
Sacramento 95818
COUNTY OF SACRAMENTO EMAIL DISCLAIMER:
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Allen Jamieson (JAM)

Response to Comment JAM-1

Opposition to the project is noted.

May 1, 2013

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Suzanne Pecci
10212 Equestrian Drive
Elk Grove, CA 95624

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

Re: Recirculated DEIR for Proposed City of Elk Grove SOIAA

Dear Mr. Lockhart,

The RDEIR Agricultural Resources Section Indirect Farmland Conversion, . Impact AG-3 states the "most likely" compatibility issues between future urban development in the SOIAA and adjacent agriculture are most likely noise, odor, lighting and tractor/truck traffic. The DEIR is silent on the most notable and egregious urban-rural compatibility issues, .fugitive dust from farming operations and pesticides use in farming operation that include fertilizer, rodenticides and herbicides. Its not the tractors and trucks and farming equipment making noise in the fields. It's what the trucks and tractors and farming equipment are doing in the fields and what farming operation they are engaged in performing.. 1

The Agricultural Element of the County of Sacramento General Plan Urban Encroachment Section acknowledges that …"farming next to urban areas often results in complaints regarding pesticides and dust, smoke, odor or noise generated by accepted farming practices." 2

Fugitive dust from farmer's tractors plowing, tilling and discing the soil, and animal raising have socio-economic impacts on this region and measurable and well-documented short-term and long-term health consequences to the general population, with the very youngest and oldest sectors of the population most at risk. According to an Air Resources Board publication, about on Fugitive Dust, http://www:arb.ca.gov …'fugitive dust aka coarse dust or particulate matter (PM10) is classified as primary, coming directly from the source. Fugitive dust not coming from a combustion source accounts for 90%of all primary PM10 emission. PM 10 pollution in California is widespread and severe .. About half the monitoring sites measure more than twice the State standard based on minimizing adverse health effects. In California fugitive dust from farming operations contributes 170 tons per day (tpd) PM10, areas of exposed ground and unpaved roads, 521 tpd PM(10), food and agricultural processing, 15 tpd PM10. Although not exempt from Nuisance Laws, fugitive dust rules exempt farming operations and unpaved public roads because of the failure to meet the State and Federal ambient air PM10 standards with the caveat that in the future stricter rules may be adopted in California'… 3

With reference to LAFCo policy paper previously referenced, which speaks to the legislative mandate that LAFCO Commission …"decisions must balance the competing needs for affordable housing, economic opportunities, **public safety** and preservation." Mitigating AG-3 with the city of Elk Grove's mandatory no buffer policy and the Right to Farm disclosures in title reports fails to meet the test of balance with regard to public health and safety. 4

The DEIR needs to be amended with respect to the foregoing issues and recirculated for public review and comment.

Respectfully Submitted,

Suzanne Pecci

Suzanne Pecci (PEC-1)

Response to Comment PECCI-1-1

The comment states that the RDEIR does not address issues associated with fugitive dust in farming operations or pesticide use. The Air Quality section of the RDEIR addresses fugitive dust, also known as PM_{10}, extensively, beginning on page 3.3-21 of the RDEIR. Page 3.3-16 of the RDEIR also states that Sacramento Metropolitan Air Management District (SMAQMD) rules, specifically Rule 403: Fugitive Dust, in this case, do not apply to the proposed SOIA at this time because it does not propose any land use change. The RDEIR goes on to state that SMAQMD rules will apply to future applications for annexation and future development that may occur within the SOIA Area.

Impacts associated with pesticide use are addressed in RDEIR Section 3.8, Hazards and Hazardous Materials. Specifically, the Regulatory Framework subsection, beginning on page 3.8-4, discloses the regulations associated with protecting public health from the adverse effects of pesticides that would apply to the project, including oversight by the California Department of Pesticide Regulation. Impact HAZ-1, beginning on page 3.8-12, addresses impacts associated with the routine transport, use, or disposal of hazardous materials, including pesticides. Impact HAZ-4, on page 3.8-17, addresses issues associated with development on sites with possible past hazardous materials use, including historic pesticide use from agricultural practices.

Response to Comment PECCI-1-2

The comment indicates that the Sacramento County General Plan states that farming adjacent to urban uses results in complaints. Land use compatibility impacts related to agricultural activities are addressed in Impact AG-3 on RDEIR pages 3.2-18 through 3.2-21. The RDEIR found that Mitigation Measure AG-3 would reduce some impacts, but the measure would not fully mitigate agriculture/urban interface conflicts, especially concerning farm equipment and vehicle conflicts on area roadways and potential trespassing and vandalism to active farmlands and growth pressures on farmland in proximity to urban uses in the City. The impact would remain significant and unavoidable. The Air Quality section of the RDEIR discloses estimated air emission levels and uses as thresholds of significance air quality standards adopted to be protective of human health, such as those related to particulate matter. Agricultural spraying is regulated by the California Department of Pesticide Regulation, which focuses on preventing health problems that can be caused by pesticide air toxins and reducing pesticide emissions that contribute to air pollution.

Response to Comment PECCI-1-3

The comment explains regional issues associated with fugitive dust (PM_{10}), but does not comment on the analysis of the RDEIR. See the Project Impacts and Mitigation Measures subsection in the Air Quality section, starting on page 3.3-21 of the RDEIR, for an analysis of particulate matter.

Response to Comment PECCI-1-4

The comment suggests that the SOIA may adversely affect public safety and that Mitigation Measure AG-3 does not mitigate for public health and safety. Mitigation Measure AG-3 requires that the City prepare an agricultural land use compatibility plan prior to any application to annex portions of the

SOIA Area to the City and that prospective buyers of property adjacent to agricultural areas be notified through their title report of the potential for inconveniences associated with farming activities. The analysis discloses that there are no feasible mitigation measures that could guarantee that conflicts between development and agricultural uses would be eliminated. The impact (Impact AG-3) concluded that conflicts between development and agricultural uses would be significant and unavoidable.

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May 1, 2013

Suzanne Pecci
10212 Equestrian Drive
Elk Grove, CA 95624

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

Re: Recirculated Draft EIR for Proposed City of Elk Grove Sphere of Influence Amendment

Dear Mr. Lockhart,

In Accordance with Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5, Sacramento LAFCo failed to include for public review and comment "significant new information" in the RDEIR of March 2013 with respect to the Nov. 9, 2011 Amendment to the Sacramento County General Plan. 1

The amended General Plan Agricultural Element implementing the Agri-tourism-Wine Country Economic Development Element directly affects the agricultural land in and adjacent to the SOIAA. Agri-tourism -Wine Country was not included in the RDEIR Agricultural Resources Section 3.2 , Impact AG-3 in the list of incompatibilities in the rural-urban interface for public review and comment as it should have been. Agri-tourism-Wine Country creates significant new impacts and causes for conflict in the SOIAA between rural and urban uses that include: greenhouse gases; increased visitor traffic; fugitive dust from farm operations and travel on unpaved surfaces; potential for pesticide pollution through drift and water supply contamination; farm equipment and farm operation noise and new agricultural uses, as well as incompatibility issues in the form of increased traffic of tourists and migrant workers; presence of visitors from outside the area; and, increased noise from wine events and farm events. 2

The amended General Plan and Agricultural Element Agri-tourism-Wine Country component will have significant impacts on the health and safety of urbanized areas of the SOIAA adjacent to the agricultural area as well as urbanized areas amidst agricultural holdings within the SOIAA remaining in farming, or agri-tourism. The Agri-tourism-Wine Country component has the potential to nullify the participatory rights of the urban population in the SOIAA by eliminating conditional use permits which provides for public notification and input. " Reducing the regulatory obstacles" has the potential to put the health and safety of urbanized areas at risk. For example, "the relaxation" by the fire marshal of requirements for paved roads and parking lots throughout the Agri-tourism Wine Country results in fugitive dust (solid particulate matter PM10 coming primarily from the soil and suspended in the air by wind and human activities). According to Air Resources Board Compliance Division Assistance Program public handouts, areas of exposed ground and unpaved roads contribute 521 tons per day of coarse particulate matter (PM10)to the air pollution in California. The Agri-tourism Wine Country component proposes to encumber grant deeds and the property rights of purchasers in urbanized areas of the SOIAA with The Right to Farm and the Sacramento Farm Ordinance. This action is an infringement on "the bundle of rights" a property 3

receives in the purchase of real property.. California Civil Code expresses the idea that land ownership includes free and occupied space for indefinite distances upward as well as downward, as well as the property owner's rights to "quiet enjoyment" of the property. The recording of the Right to Farm and the Sacramento Farm Ordinance in grant deeds infringes on the rights of property owners in that it for all practical purposes, this action precludes property owners from seeking remedy and relief under the law and even from regulatory agencies for farming practices that have personal adverse impacts on their right to the "quiet enjoyment" of their property implied in the "bundle of rights". Examples of issues that might affect this implied right to "quiet enjoyment" would be: noise from farm operations and uses; pesticide drift; and migrant dust from farming operations. 3 (cont.)

Some elements of the Agri-tourism-wine Country component that need to be studied in the RDEIR for their incompatibilities with urbanization of the SOIAA are: urban farms; "buffers" planted with agricultural crops;. farm-stays; migrant worker housing; roadside fruit stands; agricultural processing plants and wine processing plants; wine tasting rooms and unlimited wine events for large numbers of people; and the fact many operations are "by right" and can't be affected by local ordinances. 4

IAgri-tourism Wine Country reads like an idealized concept-of a return to an agrarian society. There is no balance with respect to the health and safety and specific needs of an urban population. There is nothing to evidence that urbanization can thrive and be successful in such an agriculturally oriented environment. -The Agri-tourism Wine c Country component needs to be analyzed in the RDEIR Agricultural Resources Section Indirect Farmland conversion, Impact AG-3 with respect to conflicts between future urban uses within the SOIAA. Although the agricultural zoning of the SOIAA and adjacent areas remains the same, t there are many new farming operations and new allowed uses in Agri-tourism-Wine Country that do not currently exist.. There needs to be a an opportunity for public review and comment of Agri-tourism-Wine Country, as it changes the whole analysis and discussion in this section of the RDEIRand requires appropriate new mitigation measures to ensure that both the urban and rural populations can succeed and thrive. Agri-tourism-Wine Country is not a distant vision .. Promoting Agri-tourism/wineries and the Sacramento Wine Country as a "destination" has already commenced. , Sacramento Valley Wine Country is clearly foreseeable in the very near future as evidenced by the increase of grape production in the SOIAA and adjacent floodplains. 5

Pursuant to the Public Resources Code Section 21092.1 and CEQA Guidelines Section 15088.5, LAFCo's failure to provide for public review and comment relative to the General Plan and Agricultural Element amendment Agri-tourism-Wine Country component in the RDEIR has resulted in a fundamentally flawed document basically inadequate in nature such that meaningful public review and comment are precluded. 6

Respectfully submitted,

Suzanne Pecci

Attachment 1- Agri-tourism Press Release

Suzanne Pecci (PEC-2)

Response to Comment PECCI-2-1

The comment states the RDEIR failed to disclose significant new information with regard to the Sacramento County General Plan. The information to which the comment refers is addressed in Responses to Comments PECCI-2-2 through PECCI-2-5, and no changes to the RDEIR are required.

Response to Comment PECCI-2-2

The comment states that the project does not evaluate the potential for adverse environmental impacts associated with the development of uses associated with agri-tourism and Wine Country uses. The comment references the Sacramento County General Plan's Economic Development Element and Agricultural Element.

In addition, the Sacramento County General Plan promotes agri-tourism in unincorporated county lands, but agri-tourism-Wine-Country is not an adopted land use designation in the County's Land Use Element. Agri-tourism could be a use that occurs on lands designated in the County General Plan as Agricultural, but it is not its own land use designation. There are no plans currently under consideration for agri-tourism or wine production in the County or development proposals in the SOIA Area. Without knowing the type and location of land uses, potential impacts cannot be determined. Any evaluation of potential environmental impacts of plans to add agri-tourism or wine production would be evaluated by Sacramento County. Because the SOIA does not include the development of agri-tourism uses associated with wine production, the RDEIR is not required to evaluate the potential for impacts of another project or another jurisdiction's changes in policy.

The RDEIR evaluates the potential for conflicts with agricultural lands, which could possibly include lands used for agri-tourism and wine production. As discussed in Response to Comment PECCI-1-2, impacts due to agriculture/urban interface conflicts were determined to be a significant and unavoidable impact. As mentioned above, the RDEIR does not evaluate potential environmental impacts associated with other projects or changes in the plans and policies of other jurisdictions.

Response to Comment PECCI-2-3

The comment discusses potential impacts associated with agri-tourism in Sacramento County. This is not an impact of the proposed SOIA. See Response to Comment PECCI-2-2.

Response to Comment PECCI-2-4

The comment discusses potential impacts associated with agri-tourism in Sacramento County. This is not an impact of the proposed SOIA. See Response to Comment PECCI-2-2.

Response to Comment PECCI-2-5

The comment discusses potential impacts associated with agri-tourism in Sacramento County. This is not an impact of the proposed SOIA. See Response to Comment PECCI-2-2.

Response to Comment PECCI-2-6

The comment states that the failure of the RDEIR to analyze changes that could occur resulting from the Sacramento County General Plan results in a fundamental flaw of the RDEIR. Effects of the Sacramento County General Plan are not effects of the proposed SOIA that would need to be addressed in the RDEIR. The information to which the comment refers is addressed in Responses to Comments PECCI-2-2 through PECCI-2-5, and no changes to the RDEIR are required.

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May 15, 2013

Susan Mason
6836 Romanzo Way
Elk Grove, California 95758

Peter Brundage, Executive Director
Sacramento Local Agency Formation Commission
1112 I Street, Suite 100
Sacramento, CA 95814-2836

Mr. Brundage,

I am a resident of Elk Grove. I support smaller government. I therefore urge you and your Commission to deny the application from the City of Elk Grove for the amendment/expansion of a Sphere of Influence (SOI) in the Southeast Area.

I am opposed to losing land that is mostly designated for agriculture to a city that disregards the protests of its residents. 1

I want the City of Elk Grove to use the vacant land and buildings within the city before looking outside city limits.

Sincerely,

Susan Mason

Susan Mason

Susan Mason (MAS)

Response to Comment MAS-1

The comment opposes the project and addresses the potential conversion of agricultural land. Please refer to Master Response 7 regarding the need for the project and RDEIR Section 3.2 regarding conversion of agricultural land.

Chryss Meier - FW: Elk Grove SOI DEIR

From: "Lockhart. Don" <LockhartD@saccounty.net>
To: 'Chryss Meier' <CMeier@brandman.com>, 'Madeline Miller' <madeline@motlaw...
Date: 5/15/2013 9:29 AM
Subject: FW: Elk Grove SOI DEIR

RDEIR comment below.

Don Lockhart, AICP
Assistant Executive Officer
Sacramento LAFCo
1112 I Street, Suite 100
Sacramento, CA 95814-2836
916.874.2937
916.874.2939 (FAX)
Don.Lockhart@SacLAFCo.org
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From: Sarah Johnson [mailto:sjohnson@surewest.net]
Sent: Wednesday, May 15, 2013 8:43 AM
To: Lockhart. Don
Subject: Elk Grove SOI DEIR

The DEIR lacks good future transportation planning . The California Traction Railroad corridor which is nearby, should be considered for future passenger rail/commuter rail service. Currently, there is a 27 mile segment, Lodi Junction to Elder Creek Road, that is unused, but is designated for future use. In order to properly plan for future use, mass transit MUST be part of the process. The days of auto-centric planning are over and alternative modes, pedestrian, bicycle, and all possible modes must be part of the plan in order to provide service to all new areas. 1

Sincerely,
Sarah Johnson
9612 Kent Street
Elk Grove, CA n95624

916-686-5858
sjohnson@surewest.net

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Sarah Johnson (JOHN-2)

Response to Comment JOHN-2-1

The comment states the California Traction Railroad Corridor for future passenger rail/commuter rail must be part of the planning process. As discussed in Master Response 1, the proposed SOIA does not include any land use entitlements, so the precise location of any future development is currently not known. However, Mitigation Measure TRANS-5b requires preparation of a complete Transit Master Plan for the proposed SOIA Area that identifies roadways to be used by bus transit routes, locations for bus turnouts and pedestrian shelters, locations for bus transfer stations, alignment for fixed-route rail service, and location of rail service stations. Implementation of this measure would ensure all possible modes are included in the proposed SOIA Area, as noted in the comment.

Sacramento LAFCO

Attn; Diane Thorpe

1112 I Street, Suite 100

Sacramento, CA 95814

Diane,

Our family owns many properties directly on Grant Line Rd, Wilton Road, Sloughhouse Rd, and Dillard Road totaling approximately 4000 acres (APN's listed below).We are in total support of the Proposed Elk Grove Sphere of Influence. We have followed this SOI and EIR reports as they progressed throughout the years and believe that it is well designed and best for Elk Grove. 1

APN's;

126-0040-004

126-0040-005

126-0040-007

126-0040-010

126-0040-011

126-0040-012

126-0040-013

126-0040-019

126-0060-032

126-0060-035

126-0060-037

126-0060-045

134-0360-022

134-0360-046

134-0360-048

134-0360-052

134-0130-011

134-0120-002

134-0130-012

134-0130-010

Thank you,

John Kautz

Gail Kautz

Stephen Kautz

Kurt Kautz

Jack Kautz

Joan Kautz

Kautz Family (KAU)

Response to Comment KAU-1

Support of the project is noted.

May 20, 2013

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LAFCO

Don Lockhart

1112 I Street, Suite 100

Sacramento, CA 95814

Dear Sir:

I am a 20+ year resident of Elk Grove and have followed the SOI process since its earliest days. I am writing to inform you of my displeasure with the thought our city growing by nearly 8,000 acres.

My first concern is where will the water for these new homes come from? Our water tables have been dropping in the eastern rural area of Elk Grove for the past several years. My fear is that the availability / supply of this precious resource will become harder to replenish. With the current idea at the State Capital to send even more of our water to southern California, I'm concerned that water will become too precious for me to afford. 1

Traffic is another area of concern. Our local roads have wobbled between a D and F rating for many years now. I do not see our city managing traffic flows at current population and I wonder how they will react to 40,000 or so more people to support on our streets. 2

Open Space/rural space are being paved over at a horrific rate in Elk Grove. Our city does a poor job of planning in a cohesive manner, hop scotching here and there without much thought or reason. Just recently, our area had one of the highest foreclosure rates in the nation; our commercial vacancy rate was astronomical and our homes-to-business imbalance has been a long standing issue with our council. Expending our borders without significant, well thought out, citizen reviewed and approved development plans are a disaster waiting to happen. Diluting our home values even more than the downturn of 2008-2010; adding these new acres into play will erode our values even more. Our city council cannot be trusted to turn away development plans that are not in our best interest. 3

In closing, I hope you understand that I lack the professional and technical skills to address the EIR in anything more than an emotional, albeit, passionate state. Please understand that many residents in Elk Grove are unaware of the SOI in general and the EIR specifically. I have tried to educate my neighbors, but many are turned off by the seemingly endless reports, meetings, rumors, gatherings and mis-information. I believe the city has done the minimum amount of community outreach so as to limit the amount of adverse comments. Hopefully, your group will not be lead astray by the city's effort to run roughshod over the people's desires. 4

Regards,

Kathleen Lee

9120 Quail Terrace Way

Elk Grove, CA 95624 (916) 685-3381

Kathleen Lee (LEE-1)

Response to Comment LEE-1-1

The comment expresses concern regarding the availability of water for future uses in the proposed SOIA Area. Water supply is addressed in RDEIR Section 3.16. Please also refer to Master Response 4.

Response to Comment LEE-1-2

The comment expresses concern about an additional 40,000 people driving on the streets. Traffic impacts related to roadway operations (level of service) are analyzed in Impacts TRANS-1 and TRANS-2 for Existing Plus Project Conditions and Cumulative Conditions, respectively. Mitigation Measure TRANS-1 would reduce the severity of the impact by requiring a Transportation Improvement Plan and funding mechanism to be established to provide service levels consistent with the City's and County's General Plans, as applicable. However, as identified in the RDEIR, Existing Plus Project Conditions and Cumulative Conditions impacts would remain significant and unavoidable after incorporation of mitigation.

Response to Comment LEE-1-3

The comment pertains to the City's ability to provide appropriate land use planning, and the proposed SOIA's potential to reduce existing housing values. The City's ability to provide appropriate land use planning is addressed in Master Response 7. Economic effects of the proposed SOIA are not studied in the RDEIR, as they are not significant effects on the environment (CEQA Guidelines Sections 15064(e) and 15382).

Response to Comment LEE-1-4

The comment refers to community outreach. Please refer to Response to Comment ECOS-1-8.

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May 20, 2013

Mr. Don Lockhart

c/o LAFCO

1112 I Street, Suite 100

Sacramento, CA 95814

As a long time resident of Elk Grove, I am very concerned of the proposed Sphere of Influence application that is currently before your board for review.

Let me be perfectly blunt about this; **Elk Grove does not need to expand its borders** now or for anytime in the foreseeable future. Your EIR only concerns itself with anticipated future urban growth for the next 20 years.

We currently have acres of vacant office buildings, hundreds of thousands of square feet of office space that has never been occupied. We seemingly continue to plow over our "open space" for the benefit of developers only concerned about making a buck and not in the degradation of the "quality of life" that poor planning and piece-meal projects inevitably bring to those of us who actually live here. Our city council has been, and remains, developer driven to the detriment of its citizens. 1

"Mitigation" for lost open space and accompanying habitat(s) is a concept that while well-meaning, has been largely a failure and a façade to enable and justify destruction of valuable land. 2

The jobs-to-housing imbalance in Elk Grove is so bad that every candidate for mayor last year ran his/her platform on bringing more jobs here. Yet, the roughly 8,000 acres proposed for future annexation should LAFCO approve the SOI, has a majority of the acreage penciled in for future homesites! Our surface roads and freeways are already terribly impacted due to the local (Elk Grove) job imbalance. Bringing conservatively 20,000 (5 homesites per 4,000 acres) more homes into Elk Grove puts roughly another 30,000 vehicles on our surface roads and highways during our already congested commute times. This is not proper planning. It's not smart planning. It's about building out and creating a better tax base for a city that has a reputation for unwise spending and tax breaks and incentives for developers. 3

The fact that the SOI would lead to residential or even commercial building anywhere near the Suburban Propane facility which just last week had an emergency power outage creating smoke from one of the towers is alarming. The area within a three-to-five mile radius of those tanks would be leveled should a terrorist act occur there or a disaster strike. Yet, this is exactly where the SOI is proposed. 4

Additionally, services such as police and fire would be further taxed upon future annexation of this land. EGPD already receives 65% of the city's gross budget yearly. Expanding borders would lead to both reduced services and response times or increased taxes to pay for increases in personnel. These issues were not dealt with in your EIR. 5

The EIR seems to be inadequate when also looking at the Zone 40 water availability if/when the acreage is built out. This cannot be ignored. It is crucial to sustainability. Wells in the Sheldon area are already requiring deeper drilling in order to maintain their current water needs. 5 (cont.)

Lastly, The EIR discredits a potential option without stating a coherent reason to do so. If the city must adopt an SOI for future annexation, the north-east option seems to make more sense (see pg 5-3). This option contains the Vineyard area and is even slightly larger than the proposed southern option under consideration. This region is already under purview of the EGUSD. Elk Grove already services the area. There is a current need to build both a middle and high school in the area and this would allow students to attend school closer to home and relax current bussing needs. It would also keep parents, teachers, and support staff off our burdened streets and freeways while creating new jobs. 6

Please consider carefully the affect on current residents of this area should the SOI be approved. Many residents have no idea what the SOI is or what it means. This is by design.

Respectfully submitted,



Steven M. Lee

Elk Grove resident

(916) 685-3381

Steven Lee (LEE-2)

Response to Comment LEE-2-1

The comment expresses opposition to the City's development patterns and does not raise questions or concerns about the adequacy of the RDEIR or a significant environmental issue related to the proposed SOIA. Therefore, no response is provided. (See *Citizens for East Shore Parks v. State Lands Commission* (2011) 202 Cal.App.4th 549.)

Response to Comment LEE-2-2

The comment generally addresses mitigation for lost open space and habitats. The project's potential impacts related to loss of agricultural land and habitat are analyzed in Impacts AG-1, AG-2, AG-3, BIO-1, BIO-2, LU-3, and LU-4 (RDEIR, pages 3.2-15 through 3.2-21; 3.4-39 through 3.4-44; 3.10-68 through 3.10-71). As identified in the RDEIR, Impacts AG-1, AG-2, AG-3, BIO-1, LU-3, and LU-4 will be significant and unavoidable even after implementation of feasible mitigation (RDEIR, pages 3.2-15 through 3.2-21; 3.4-39 through 3.4-44; 3.10-68 through 3.10-71). Impact BIO-2 will be reduced to less than significant with the imposition of Mitigation Measure BIO-2.

Response to Comment LEE-2-3

The comment addresses the need for the land use distribution within the proposed SOIA and the traffic generation from these land use. As described in Master Response 1, no land use plan or entitlement is proposed as part of the SOIA. The land use mix in the RDEIR is estimated based on the existing land use designation mix in the City's General Plan to provide the most detailed and conservative analysis of probable environmental effects. Please refer to Master Response 1. In addition, the Transportation and Traffic section of the RDEIR discloses that the proposed SOIA could add more than 218,000 vehicle trips per day to the existing roadway network and deteriorate the level of service on at least ten existing roadways (Impact TRANS-1; RDEIR, page 3.15-30 through 3.15-31). The RDEIR proposes mitigation to address these impacts. However, because the location and intensity of future development is not known at this time, it is not certain that identified improvements would reduce potential impacts to a less than significant level. Therefore, the RDEIR concludes the traffic impacts would be significant and unavoidable (RDEIR, page 3.15-32 through 3.15-33).

Response to Comment LEE-2-4

The comment refers to the potential for development near the Suburban Propane facility. Please refer to Response to Comment GRASP-4.

Response to Comment Lee-2-5

The comment expresses concern that annexation of land within the SOIA Area would increase taxes, reduce services, and adversely affect response times for police and fire protection. Impacts PSU-1 (RDEIR, pages 3.14-19 and 3.14-20) and PSU-2 (RDEIR, pages 3.14-20 and 3.14-21) address the potential physical impacts on fire and police protection service, respectively. An EIR does not address issues regarding taxation and financing of public services. With regard to the provision of public services, an EIR determines whether or not a project would result in a demand for new or expanded

facilities that could have adverse impacts on the physical environment during their construction. If it is determined that a project would result in the need for new facilities, then an EIR may require mitigation to provide for land on which to construct facilities or funding to develop them. In the case of the proposed SOIA, the City of Elk Grove requires that all new development provide development impact fees that are used for the developing facilities, as well as additional personnel and equipment.

Refer to Master Response 4 regarding Zone 40 water availability.

Response to Comment LEE-2-6

The comment expresses preference for the Alternate SOI Boundary Alternative and states the RDEIR discredits that alternative without reason. The RDEIR does not dismiss or discredit the Alternate SOI Boundary Alternative. As stated on RDEIR page 5-16, "The Alternate SOI Boundary Alternative would avoid some of the proposed project's significant unavoidable impacts except traffic and noise. In addition, this alternative would lessen the severity of other impacts, including those associated with aesthetics; agricultural resources; hydrology and water quality; land use and planning; and utilities. This alternative would advance most of the project objectives." The RDEIR does, however, identify the Enhanced Regional Alternative as the environmentally superior alternative because it would reduce the severity of the proposed project's significant unavoidable impacts associated with aesthetics, agricultural resources, air quality, biological resources, geology, soils, and seismicity, hazards and hazardous materials, land use and planning, transportation and utilities (RDEIR, page 5-22).

Scott Taylor
6203 Greenhaven Drive, Apt. C
Sacramento, CA 95831
judgetaylor@hotmail.com

RECEIVED
MAY 21 2013
SACRAMENTO LOCAL AGENCY
FORMATION COMMISSION

May 20, 2013

Via electronic mail Don.Lockhart@saclafco.org

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

RE: Comments on the City of Elk Grove Proposed Sphere of Influence Amendment Recirculated Draft Environmental Impact Report [LAFC #09-10]

Dear Mr. Lockhart:

This letter will provide you with my comments in opposition to the City of Elk Grove's ("City") Proposed Sphere of Influence Amendment ("SOIA"). I am very concerned about the environmental impacts of the SOIA, which includes the entire list of environmental issues identified in Section 3 of the Recirculated Draft Environmental Impact Report ("RDEIR"). Specifically, the agricultural resources, biological resources, land use and planning, and population and housing are environmental issues that need to be strongly considered in making the decision to deny the City's request of their SOIA.

I. Agricultural Resources

First of all, on page 3 of 3.2 Agricultural Resources the table 3.2-1 provides that there is no percentage of County inventory of Prime Farmland, but there is six percent in the SOIA area. Additionally, the FMMP data shows that an average of 1,654 acres of Important Farmland is removed annually within the County. In granting the SOIA this precious farmland will be added to the annual totals, but it can be avoided if the Sacramento Local Agency Formation Commission ("Commission") denies the City's request. 1

Furthermore, nearly 100 percent of the 7,869 acre SOIA request sits on prime farmland under Government Code section 56064, as well as farmland of statewide and local importance, and unique farmland. The land is being utilized for important things as row crops, orchards, vineyards, as well as dairy and livestock operations. Table 3.2-5 provides that a majority of the SOIA area 6,625 acres are being utilized for crop commodities. 2

This same land being used now for these precious commodities will be used by future generations and their crop commodities. 2 (cont.)

Additionally, there are active Williamson Act contracts within the proposed SOIA area that need to be considered. I have done a reconnassiance mission and visited the SOIA area and saw the land being utilized in an agriculturally productive way. 3

The City's own policies are in conflict with each other, see pages 3.2-12 through 14. For example, Policy CAQ-2 provides that loss of agricultural productivity is an accepted consequence, and that planning outside the city limits anticipates the retention of significant areas of agricultural production outside the current city limits. The policy is calling for significant areas to be retained, but at the same time loss of this "significant" land is an accepted consequence. And Policy CAQ-3 discusses the creation of new agricultural land in the Sacramento region. How can you create land; and how can you keep taking it away and building on it. The answer is you cannot in either case. Furthermore, the City is utilizing there General Plan from 2003, but things have changed quite considerably, and as such the City needs to re-do their General Plan to account for significant changes in the economy including housing and job decreases as well as non-growth of the population. If the City recalibrates there General Plan they will find there is no need to expand and create more unnecessary urban sprawl. And the birth rate in the Sacramento County and Elk Grove area have gone down considerably in the last 10 years. 4

The Commission's Standard E.1 on page 3.2-12 provides that a change in prime agricultural land can happen, but only if certain criteria are met. Here, the criteria hasn't been met. Notably James Humes, City Council member of Elk Grove spoke on May 1, 2013, at the Commission's last meeting and he said he didn't know if the City needed 8,000 acres or not, but a journey of a 1,000 miles begins with one step. Quite honestly, I don't think the City knows what they are doing. There doesn't seem to be a proposal that is planned, orderly or efficient in planning and developing the City. Under Standard E.1, subsection (d) there is prime land not non-prime land that the City wants to use that they have not planned for. Notably, the RDEIR under Standard E.1 excludes subsections (b) and (c). 5

As in the first Draft EIR this RDEIR discusses mitigation, but there still are some significant and unavoidable impacts as a result of the SOIA being approved. 6

The Commission needs to consider the irreparable damage that this would have on the prime agricultural land that makes up the nearly 100 percent of the SOIA. If the SOIA is granted and inevitably built upon than the prime agricultural land to be utilized for current crop commodities and other environmentally friendly uses will be gone forever. 7

II. Biological Resources

The proposed SOIA and nearby areas would result in direct impact to special status plants, animal species, sensitive natural habitat and trees. 8

There are several wildlife species that are federally endangered, threatened, or delisted, and either state endangered, threatened or of special concern. Specifically, the Swainson Hawk which has a high presence in the proposed SOIA area is considered to be a threatened species by the California Fish and Wildlife Commission. Under the California Endangered Species Act the state of California considers a threatened species as one present in such small numbers throughout its range that it is considered likely to become an endangered species in the near future in the absence of special protection or management. 9

The California Department of Fish and Wildlife continues to monitor and study the Swainson Hawk to help protect and manage the species. The Swainson Hawk is considered a threatened species, and to approve this proposed SOIA the Commission would be directly aiding in advancing the designation from threatened to endangered in the immediate future. If the Commission denies the SOIA application by the City it will be helping in the special protection and management needed for this species. 10

Additionally, there are special status plant species that are considered threatened, endangered or rare. Also, there are riparian habitats and sensitive natural communities located in and around the proposed SOIA area. For example, there is over 200 acres of freshwater wetlands and ponds located within the proposed SOIA area. These waters provide for a natural habitat for natural plants and animals. Furthermore the Consumnes River still borders a portion of the proposed SOIA West of Highway 99. If the proposed SOIA application is approved, residential and commercial building from the City's alleged organized plan will ensue. In turn, this will cause the removal of precious breeding, roaming and feeding land, along with the causation of hazardous waste, pollution, and other unnatural waste either directly or indirectly to enter the water source causing the water to be polluted which will have a significant negative impact to the natural habitats of the area inclusively not to mention public health. 11

The City's Policy CAQ-7 encourages development clustering provided that urban infrastructure capacity is available for urban use. Here, in the city of Elk Grove there are over 5,000 acres of vacant land within the City limits, and there is over 2.4 million square feet available for retail and commercial use. And the SOIA area east of Highway 99 does not allow for clustering which is part of the SOIA area. This policy is in contradiction to the City's own request for the SOIA. 12

The Commission needs to deny the SOIA application, because the environmental impact to these biological resources would be significant and unavoidable. The proposed SOIA would eliminate a natural habitat for several threatened, endangered, or rare plant and animal species, along with the sensitive natural communities and riparian habitat. 13

Additionally, when the Consumnes River Floodplain floods every seven to ten years the animal species need the ability to migrate and forage in the non-flooded area, which would be North of the Consumnes River into the proposed SOIA area. 13 (cont.)

III. Land Use and Planning

On page 3.10-1 the RDEIR refers to the City using their General Plan (2003). Granted for planning purposes entities have planning documents, but those documents may at times need to be revised and amended to reflect the realities of life. In the last 10 years things have happened and changed considerably. For example, the new birth rate has gone down, the housing bust hit the City and County pretty hard, and there is a significant amount of inventory for use by the City in wanting to build housing and retail space. 14

On page 3.10-7 of the RDEIR under North it refers to the Southeast Policy Area which is a proposed project to include 984 single-family homes and 200 multi-family units and a mall. This again shows that there are already proposed projects in place outside of the SOIA and the significant surplus available already within the City. 15

The *Cortese-Knox-Hertzberg Local Government Reorganization Act* of 2000 ("Act") makes the Commission the responsible agency for the approval of the SOIA and for implementing the Act. Under Government Code section 56301 the Commission is responsible for ". . . discouraging urban sprawl, preserving open-space and prime agricultural lands, efficiently providing government services, and encouraging the orderly formation and development of local agencies based upon local conditions and circumstances. . . ." And under Government Code Section 56377 the Commission in reviewing the SOIA request should encourage development of existing vacant or non-prime agricultural lands for urban uses before any proposal is approved, and development or use of land for other than open-space uses, as is the case here, it should be guided away from existing prime agricultural lands to non-prime agricultural lands, which the City already has plenty of. 16

Page 3.10-71 sums up the entire land use and planning of the entire SOIA. The second paragraph or first big paragraph starting with "The proposed SOIA . . . ." discusses that the SOIA proposal does not identify development proposals or changes to the City's General Plan, but approval of the SOIA by the Commission provides for future urbanization and permanent conversion of open space uses to urban uses would be potentially significant. I would say it would be significant not potentially significant, and the impacts would be significant and unavoidable causing permanent loss of this precious open space. 17

The City and County of Sacramento along with the Commission need to put more thought into their decisions and planning, and not just think of the right now and succumb to social, political or pressures (being paid by developers for campaigns.) The City needs to take off their "gr$$n colored" lenses of their glasses and be better stewards of the land. If you drive through the City you can see there really isn't any cohesion or methodology 18

in developing the City that has occurred, it is urban sprawl at the highest dollar at the expense of the precious land. 18 (cont.)

IV. Population and Housing

On page 3.13-6 the RDEIR indicates that the proposed project would maintain existing land use designations and zoning and would not result in the construction of new homes, businesses, roads, or utilities, but earlier in this same section it states that the approval of the SOIA would induce growth of the area and eventually it would be built upon for new housing and businesses. And at the same time the RDEIR uses the words like "unanticipated market conditions." Just because Elk Grove wants to set themselves up to "cash in" on this gold rush that is somehow projected into the future shouldn't be a reason for the Commission to grant their wish. It's like the "pie in the sky" expression. 19

The Mitigation Measures sound good on paper, but in reality, despite following the process in development, the mitigation measures should be used now in submitting this SOIA. The City should revise and update their General Plan from 2003 as things have changed. The City and County need to focus on the existing urbanized areas by utilizing the existing surplus to benefit the economy instead of looking to prime agricultural land. 20

V. Conclusion

There are still errors and omissions in the RDEIR that are significant. For example, the study for the biological resources was not sufficient. From reading the RDEIR the only person, one person, spent maybe part of a day reviewing the actual site of the SOIA. There is almost 8,000 acres and to do a thorough job would take time – days if not weeks – to complete an evaluation of the biological resources in the SOIA area. Maybe the one person did, I don't know, but it doesn't appear that it was. The observation did not include a detailed survey conducted regarding the three species that are either state threatened or of special concern. Without a detailed survey there is no inclusion of specific items regarding the species, such as foraging, migration, breeding, and feeding behavior. 21

The Commission has their work cut out for them to make a well-rounded and informed decision. I would request that each member of the voting Commission read the entire RDEIR, conduct their own tour of the proposed SOIA area and the non-SOIA area, and gather their own intelligence on this matter. They should not rely on the RDEIR, which appears to sometimes be written in a circular manner and subjective slant favoring the City. 22

I again am troubled by this RDEIR and the circular arguments, lack of mitigation measures and the realization that this land needs to be preserved. I request that the Commission deny this SOIA request by the City. I know it is the right thing to do. In denying this request I would also ask that the Commission admonish the City for not taking a more deliberative and methodical approach to their planning, which includes 23

utilizing the already existing in-fill, vacant land and buildings within the City limits and not look for virgin prime agricultural land to make it easy for them. The City needs to be forced into doing their job and quit being lazy about their planning processes. 23 (cont.)

Sincerely,

/S/

Scott Taylor

Scott Taylor (TAY)

Response to Comment TAY-1

The comment expresses opposition to the project and references the County inventory of farmland categories based on the 2010 FMMP data. Total percentage of County inventory is calculated from the County 2010 inventory of 211,744 acres, so the Prime Farmland within the SOIA boundaries is less than 1 percent (0.20%) of the overall County Prime Farmland inventory. The comment indicates that in granting the SOIA, the farmland will be added to the annual total of farmland lost, but can be avoided if LAFCo denies the City's request. The No Project Alternative discloses the comparative environmental effects of denial of the proposed SOIA (see RDEIR page 5.9 for the impacts on agriculture for the No Project Alternative).

Response to Comment TAY-2

The comment notes the types of crops currently in production in the SOIA Area. This is not a comment on the adequacy of the RDEIR. The RDEIR discloses current crop commodities in the SOIA Area in Table 3.2-5 on page 3.2-6.

Response to Comment TAY-3

The comment relates to Williamson Act lands within the proposed SOIA. The RDEIR explains that approximately 2,474 acres of the proposed SOIA area are covered by Williamson Act contracts and that property owners have filed Notices of Non-Renewal on approximately 548.8 acres to initiate contract termination (RDEIR, page 2-3). RDEIR Exhibit 2-5 shows the Williamson Act lands within the SOIA (RDEIR, page. 2-15). RDEIR Exhibit 3.2-1 shows the types of farmland in the SOIA, and Exhibit 3.2-2 shows the crops in the area (RDEIR pages 3.2-7 through 3.2-9). Impact AG-2 (RDEIR, pages 3.2-18) analyzes the proposed SOIA's impact on existing Williamson Act contracts as follows:

> There are approximately 24 parcels within the SOIA Area that are under Williamson Act contracts. These 24 contracts, which represent approximately 2,474 acres, are "ongoing" contracts, meaning that the property owners have not applied to be released from the contracts. Removal of these properties from their Williamson Act contracts represents a potentially significant impact, as it would allow for the conversion of these properties to urban uses. Approval of the SOIA itself would not directly prompt Williamson Act contract cancellations or non-renewals. However, future proposed annexations with specific developments could prompt such actions. Therefore, the impact of removing these properties from their Williamson Act contracts is taken into account when considering the impacts associated with the loss of farmland within Sacramento County.

Mitigation Measure AG-1 proposes agricultural land conservation as mitigation (RDEIR, pages 3.2-16 through 3.2-18; Master Response 1). Thus, the RDEIR analyzes the proposed SOIA's impact on Williamson Act contracts.

Response to Comment TAY-4

The comment contends that the City's General Plan policies are in conflict with each other and because the General Plan was adopted in 2003, the City should revise its General Plan to consider changes that have occurred in the City in the past 10 years. General plans are long-term policy documents that are intended to provide guidance to cities and counties for growth and development. General plans usually have a long time horizon, and a document that provides guidance for 20 to 30 years is not unusual.

The Elk Grove General Plan was prepared with a 20-year time frame, so considerations for growth through 2023 were considered. While the General Plan was originally adopted in 2003, it was last amended in November 2009, so it reflects changes in conditions and policy direction that occurred until then. Courts have also recognized that general plans often contain numerous policies emphasizing differing legislative goals, a project may be "consistent" with a general plan, taken as a whole, even though the project appears to be inconsistent or arguably inconsistent with some such policies (*Sequoyah Hills Homeowners Association v. City of Oakland* (1993) 23 Cal.App.4th 704, 719).

Courts strive to "reconcile" or "harmonize" seemingly disparate general plan policies (*No Oil*, *supra*, 196 Cal.App.3d at page 244). For example, where a general plan land use map or diagram permits certain land uses, it is unlikely that textual policies encouraging open space preservation would be seen as trumping the map or diagram designation. See also Master Response 3 for information on policy consistency.

Response to Comment TAY-5

The comment notes LAFCo Policies General Standard E.1(b) and E.1(c) are not reflected in the RDEIR Section 3.2, Agricultural Resources, regulatory setting. Policy E.1(b) refers to Master Services Elements of affected agencies, and E.1(c) concerns development where a "substantial portion of the subject land is likely to occur within five years." The discussion provided in the comment refers to the Agricultural Resources section of the RDEIR. LAFCo Policies General Standard E.1(b) and E.1(c) are not relevant to environmental impacts on agricultural resources and therefore are not reflected in RDEIR Section 3.2, Agricultural Resources. See also Master Response 3 regarding policy consistency.

Response to Comment TAY-6

The comment states there are mitigation measures included in the RDEIR but there are still significant and unavoidable impacts resulting from the proposed SOIA. The comment is noted. The RDEIR identified significant impacts for aesthetics, agricultural resources, air quality, biological resources, land use, noise, traffic/transportation, and utilities and service systems.

Response to Comment TAY-7

The comment states LAFCo needs to consider impacts of the proposed SOIA on prime agricultural land. The RDEIR acknowledges the potential loss of agricultural land and recognizes once

agricultural land is developed for nonagricultural uses, the loss is permanent. As discussed in RDEIR Section 3.2, Agricultural Resources, the loss of Important Farmland was considered a significant and unavoidable impact after implementation of Mitigation Measure AG-1.

Response to Comment TAY-8

The comment notes potential impacts on special-status species and habitats. As discussed in Master Response 1 and identified in RDEIR Section 3.4, if the proposed SOIA is approved, the effects of buildout of the proposed SOIA Area will result in significant impacts to plants and wildlife.

Response to Comment TAY-9

The comment provides information regarding the Swainson's Hawk status, which is also presented in RDEIR Subsections 3.4-2 and 3.4-3 of Section 3.4, Biological Resources.

Response to Comment TAY-10

The comment recommends denial of the proposed SOIA due to potential impacts on Swainson's Hawk. The comment is noted. Refer to Impact BIO-1 on RDEIR pages 3.4-39 through 3.4-45 for a discussion of impacts on Swainson's Hawk.

Response to Comment TAY-11

The comment refers to special-status plant species and sensitive habitats and notes that development and hazardous waste and pollution could affect these resources. The RDEIR recognizes that future development could have potentially significant impacts on wetlands, ponds, special-status plants, and riparian areas. Refer to the discussion in Impact BIO-2. With regard to hazardous waste, the discussion of Impact HAZ-1 discloses that the proposed SOIA, if approved, could result in effects associated with reasonably foreseeable urbanization of the proposed SOIA Area. Construction of subsequent projects in the proposed SOIA Area, if the proposed SOIA is approved, would be required to comply with applicable building, health, fire, and safety codes. Hazardous materials could be used in varying amounts during construction and occupancy of subsequent development projects in the proposed SOIA Area. Implementation of and compliance with applicable federal and state laws and regulations that are administered and enforced by the City of Elk Grove would reduce impacts associated with the routine use, storage, and transportation of hazardous materials in the proposed SOIA Area to a less than significant level.

Response to Comment TAY-12

The comment states that the project is inconsistent with Elk Grove General Plan Policy CAQ-7 and that there are 5,000 acres of vacant land within the City. See Master Response 3 and Master Response 7.

Response to Comment TAY-13

The comment provides a recommendation to Sacramento LAFCo to disapprove the proposed SOIA based on the biological impacts identified in the RDEIR and flooding of the Cosumnes River. The

comment does not raise questions, comments, or concerns about the adequacy of the RDEIR analysis and significance determinations.

Response to Comment TAY-14

The comment questions the use of the City of Elk Grove General Plan in Section 3.10, Land Use and Planning. The City of Elk Grove General Plan is one of eight plans and policies upon which the RDEIR bases the land use descriptions and analysis: "Sacramento LAFCo Policies, Standards, and Procedures Guidelines; Sacramento County General Plan; the Sacramento County Zoning Ordinance Code; the Sacramento County Elk Grove Community Plan; the Sacramento County Laguna Community Plan; the City of Elk Grove General Plan; the Stone Lakes National Wildlife Refuge Comprehensive Conservation Plan; the Sacramento Delta Land Use and Resource Plan; and the Draft South Sacramento Habitat Conservation Plan" (RDEIR, page 3.10-1). As discussed in Master Response 1, the RDEIR made assumptions regarding land uses within the proposed SOIA Area based on the City of Elk Grove's General Plan land use designation mix and ratios that would occur within the city limits by the City's General Plan buildout in order to provide the most detailed environmental analysis of the probable environmental effects of the proposed SOIA (RDEIR, page 2-25). Please refer to Master Response 1. The comment also questions the use of the City of Elk Grove General Plan in determining the need for the proposed SOIA. Please refer to Master Response 7 for a discussion of the need for the proposed SOIA.

Response to Comment TAY-15

The comment challenges the need for the proposed SOIA. Please refer to Master Response 7 regarding the need for the proposed SOIA.

Response to Comment TAY-16

The comment addresses the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000 and the need for the proposed SOIA. Please refer to Response to Comment FOSH-1-4 for a discussion of the RDEIR's treatment of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000. The comment suggests LAFCo should encourage the development of existing vacant and non-prime agricultural lands. The proposed SOIA does not involve any proposals for development and thus does not encourage development in any particular location. Please refer to Master Response 1. The comment also addresses the need for the proposed SOIA. Please refer to Master Response 7.

Response to Comment TAY-17

The comment states the finding of a "potentially significant" impact related to conversion of open space should be "significant." Under Impact LU-4, the SOIA's potential to generate a significant impact from the conversion of open space resources is identified as potentially significant prior to mitigation. After incorporation of Mitigation Measure AG-1, this impact was determined be remain significant and unavoidable.

Response to Comment TAY-18

The comment expresses opposition to the proposed SOIA based on the commenter's perceived lack of land use cohesion in the City and the presence of urban sprawl at the expense of the land. The comment urges the City of Elk Grove, the County of Sacramento, and Sacramento LAFCo to consider long-term planning decisions. The comment is noted and will be considered by the decision-makers.

Response to Comment TAY-19

The comment raises concerns regarding inconsistencies between the proposed SOIA's discussion of direct and indirect grown-inducing impacts. As described in Master Response 1, at this point, no land use plan or development project is proposed. Therefore, as discussed in Responses to Comments ECOS-2-136 and ECOS-2-137, there are no direct growth-inducing impacts. However, the RDEIR acknowledges that in the long term, if market conditions support development in the proposed SOIA Area, and after part or all of the proposed SOIA Area is annexed, and particular development projects are proposed and approved, the indirect impact of the proposed SOIA may eventually be commercial and residential construction (RDEIR pages 3.13-5 through 3.13-6).

The comment also expresses opposition to the proposed SOIA. Please refer to Master Response 7 regarding the need for the SOIA.

Response to Comment TAY-20

The comment addresses the adequacy of the mitigation measures and the need for the proposed SOIA. Please refer to Master Response 1 and Master Response 7.

Response to Comment TAY-21

The comment states the biological resources analysis was not sufficient. See Master Response 8 for a discussion of the adequacy of the RDEIR's biological resources discussion.

Response to Comment TAY-22

The comment states that the RDEIR has a "slant favoring the City," but provides no specific description or examples. In accordance with CEQA Guidelines Section 15121(a), the EIR is an informational document to inform decision-makers (in this case, LAFCo) and the public generally of the significant environmental effects of the proposed project and identifies possible ways to minimize the significant effects and describes reasonable alternatives to the proposed project. The LAFCo Commissioners will consider the information in the RDEIR along with other information presented to them.

Response to Comment TAY-23

The comment recommends denial of the proposed SOIA and disagrees with the proposal to develop Prime Farmland. The comment is noted.

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FORMATION COMMISSION

May 20, 2013

Sacramento Local Agency Formation Commission
112 I Street, Ste. 100
Sacramento, CA 95814

Commissioners Jimmie Yee, Mike Singleton, Ron Greenwood, Gay Jones, Susan Peters, Kevin McCarty, Christopher Tooker

re: City of Elk Grove request to increase its Sphere Of Influence (SOI)

Commissioners:

As residents of rural Elk Grove, where we rely on wells for our water supply, septic systems for waste, and a ditch system, as opposed to storm drains, to handle excess surface water, we request the application by the City of Elk Grove to expand the southern boundary not be approved.

We have lived in our home since the summer of 2010, though the property is old farmland land and has been occupied for many, many years. Each winter we have lived here our property has flooded (please see photo attachments). We are not located near a river or a stream but our property has been inundated strictly by surface runoff which flows in ditches throughout the rural area. These ditches were built to prevent exactly what they are now contributing to—flooding. They are either not large enough to handle the amount of water they carry or are not properly maintained.

We have spent the last three years attempting to have the City of Elk Grove rectify the situation, speaking to the City Senior Engineer as recently as last week, in an attempt to have work done. 1

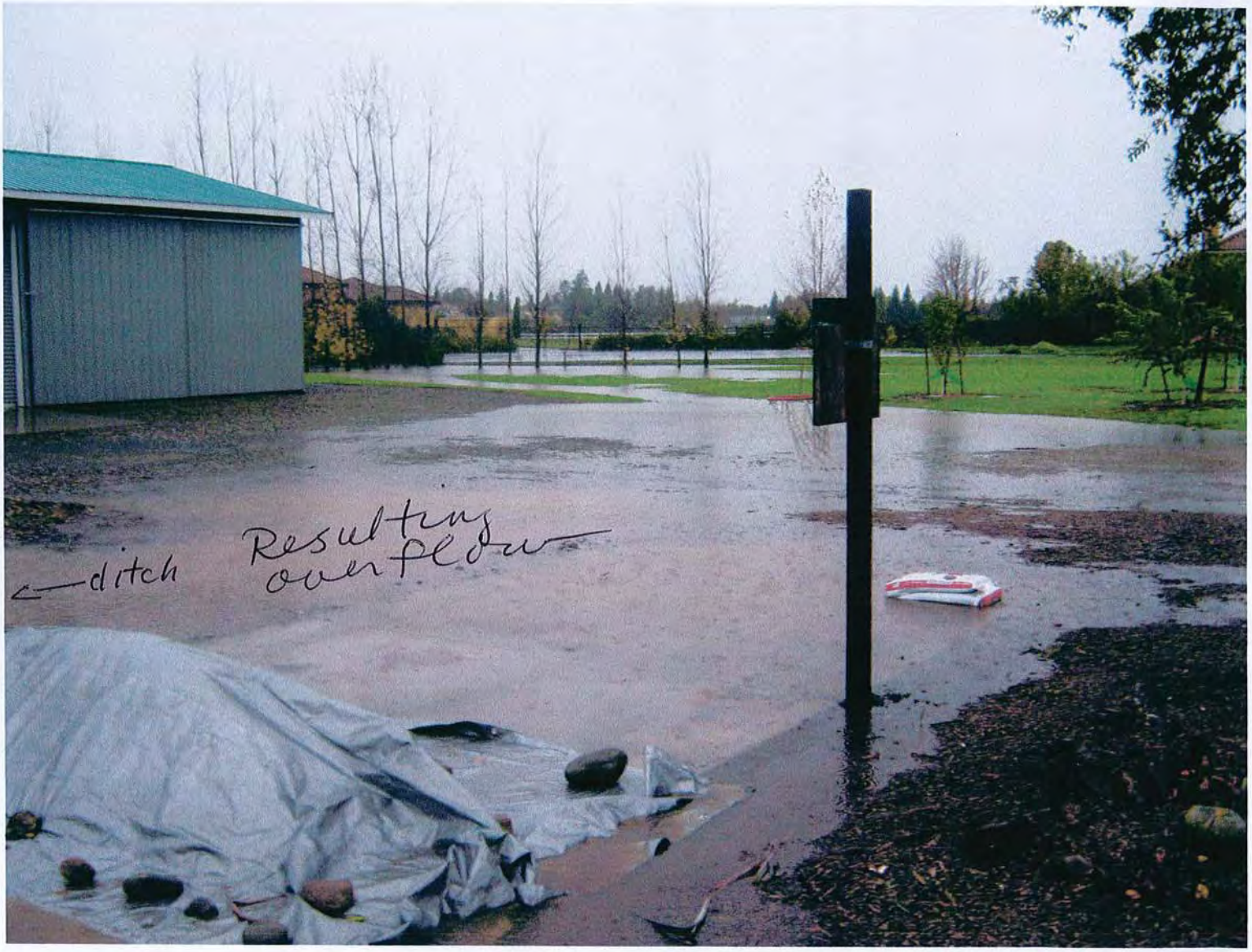
The point being, the City of Elk Grove is ill equipped to take care of the needs of the residents who reside within the current boundary, this being only one example, and to add to the existing problem by bringing on more land, more residents and more infrastructure demands only invites further problems.

Water will continue to be a problem, be it too much, too little, flood water, irrigation water or drinking water. The city makes note of potential future problems due to global warming in the City of Elk Grove's Climate Action Plan adopted March 27, 2013 which is on the city's website. Elk Grove needs to address the problems at hand before looking to future growth.

Thank You,
Ed Owen Diane C. Owen

Ed and Diane Owen
dianeoooowen@yahoo.com 8690 Mecca Road, Elk Grove, CA 95624 916 525-1716


Ditch


ditch
Resulting
overflow

Ed and Diane Owen (OWEN)

Response to Comment OWEN-1

The comment addresses localized flooding that occurs repeatedly on the commenter's property and expresses concern that the project would exacerbate flooding conditions. The existing condition referenced in the comment is not a result of the proposed SOIA. However, for new development in the proposed SOIA Area, Mitigation Measure HYD-3 requires preparation of a Master Drainage Plan for the proposed SOIA Area or modification of the City's existing Stormwater Master Plan to incorporate development proposals to ensure there are new or increased flooding impacts on adjoining parcels in upstream and downstream areas.

Lockhart. Don

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MAY 21 2013
SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

From: Thorpe. Diane on behalf of Commission. Clerk
Sent: Tuesday, May 21, 2013 4:05 PM
To: Lockhart. Don
Subject: FW: Contact Sacramento LAFCo Commission Members
Importance: High

From: webmaster@saclafco.org [mailto:webmaster@saclafco.org]
Sent: Tuesday, May 21, 2013 1:20 PM
To: Commission. Clerk
Subject: Contact Sacramento LAFCo Commission Members

Contact Sacramento LAFCo Commission Members

This form was submitted on: 05-21-2013 1:19:59 PM

Name:
Theresa Blue

Email Address:
adblue1@comcast.net

Subject:
Elk Grove Proposed Sphere of Influence

Message:
Effective May 1, 2013 CSD has implemented a fire engine brownout for Elk Grove do to financial restrains. This is an important community service that has been reduced. Granting a sphere of influence for additional land annexation without assurance to adequate fire protection does not seem prudent.

1

COUNTY OF SACRAMENTO EMAIL DISCLAIMER:
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If you are not the intended recipient, please contact the sender immediately and permanently delete the original and any copies of this email and any attachments thereto.

Theresa Blue (BLUE)

Response to Comment BLUE-1

The comment expresses concern that expanding the SOI and annexing additional lands may adversely affect fire protection services. The project does not include annexation of lands, as the comment suggests. The discussion of Impact PSU-1 on RDEIR pages 3.14-19 and 3.14-20 addresses the potential impacts on fire protection services in the SOIA Area. The RDEIR determined that implementation of City of Elk Grove General Plan Policies PF-1, PF-7, and SA-32 would ensure adequate fire protection capacity in the SOIA (RDEIR, page 3.14-19).

Lockhart. Don

From: Michael <thegeneralwelfare@surewest.net>
Sent: Tuesday, May 21, 2013 2:06 PM
To: Lockhart. Don
Subject: ELK GROVE SOI DEIR (2010092076) COMMENT MONASKY
Attachments: LAFCO ELK GROVE DEIR SOIA MAY 21 2013 COMMENTS MONASKY.doc

Mr. Lockhart:

Please accept my comments, attached.
They refer to the Recirculated Draft Environmental Impact Report CEQA EIR SCH#2010092076.

I request that a Health Impact Assessment be performed as a part of the environmental review process.
I also request that more realistic numbers and scenarios be used in the determination of effects of the project upon air quality and traffic congestion. 1

Thank you.

Michael Monasky
Elk Grove, CA

Comments by Michael Monasky, RCP, RRT-NPS
on the Recirculated Draft Environmental Impact Report (DEIR)
regarding the Sphere Of Influence Application (SOIA)
made by the City of Elk Grove
before the Sacramento County Local Agency Formation Commission (LAFCo)
Tuesday, May 21, 2013

First: This project appears to promulgate and perpetuate a legacy of suburban sprawl . ***The DEIR does not take into consideration an assessment of the impacts of the proposed project upon human health***. Air quality and motor vehicle traffic congestion will be exacerbated below the already poor scores that exist in my community. Air quality holds a direct relationship with vehicle miles traveled (VMT), which is also a parameter in projected congestion. Having even more vehicles driving about as this project proposes ignores the already devastating condition of congestion on Elk Grove's roads. The DEIR also ignores the physical suffering of its citizens who experience reactive airway disorders such as asthma and chronic obstructive lung disease. 2

Elk Grove is not a walkable community. The turning radius at most of its suburban intersections allows high vehicular speeds that make walking risky at best. In addition to high rates of cardiopulmonary disorders, there is an epidemic of obesity that affects all our citizens from childhood to old age.

Therefore, it seems to me to be appropriate to ask that a Health Impact Assessment (HIA) be added to the Final Environmental Impact Report (FEIR). This HIA should include a report of the current state of cardiopulmonary disease in Elk Grove, and the expected exacerbation of human health due to degradation of air quality, increases in VMT, and further, forced reliance upon individual automobile travel. 3

The California Environmental Quality Act (CEQA) does not directly require that a HIA be performed, since effects upon human health are not considered. The federal Council on Environmental Quality (CEQ) operates under the National Environmental Policy Act (NEPA). It includes human health as an effect (equivalent to impact) which must be considered in projects which require performance of a federal Environmental Impact Statement (EIS).

Although CEQA prevails over NEPA in this case, many federal funds and jurisdictions weigh in on this project. For example, the connector road from Hood-Franklin to El Dorado Hills benefits from federal transportation funding. Additionally, the South County Habitat Conservation Plan includes federal agencies among its stakeholders. There is precedence in San Francisco County where the Department of Public Health has engaged in HIA activities with the local planning agencies. 4

Second: The alternative scenarios for this project do not include the proposed effects of the project upon air quality and traffic congestion. In fact, t***he main project has not been scoped to report*** the expansion of homes and commerce in the proposed expansion of the city's Sphere Of Influence; much less ***the adverse effects such expansion will have upon the atmosphere and our city's roads***. Pollution and congestion have been mentioned in only the most abstract sense, and only after the numbers for expansion and growth were toned down due to the economic credit collapse of 2008. 5

It's ironic that, although this is not an economic or market study, the DEIR depends heavily upon economic and market analysis to predict numbers for VMT, traffic congestion, and air pollution. Further irony is demonstrated by the DEIR's conclusion: that congestion and pollution are bad now, and made worse by the expansion of Elk Grove's municipal SOI. 6

Respectfully submitted
Michael Monasky, RCP, RRT-NPS
Elk Grove, California

Michael Monasky (MON)

Response to Comment MON-1

The comment requests that a Health Impact Assessment be included as a part of the environmental review process. See Responses to Comments MON-3 and MON-4 for information on the inclusion of a Health Impact Assessment. The comment also requests that "more realistic numbers and scenarios" be used to determine impacts on air quality and traffic congestion. However, the comment does not provide any information or evidence showing that the numbers and scenarios used in the RDEIR analysis are not appropriate for use in the analysis and does not provide suggestions for sources of "more appropriate or more realistic" information that could be used in the analysis. The air quality analysis in the RDEIR was modeled based on development assumptions for the proposed SOIA Area described on RDEIR pages 2-25 and 2-26. Detailed modeling and a Health Risk Assessment requested in the comment would require detailed development plans that are not proposed as part of the SOIA.

Response to Comment MON-2

The comment states that the proposed SOIA promotes suburban sprawl and will have negative effects on human health due to impacts on air quality and increases in traffic congestion. The primary focus of an EIR is to analyze the potential for impacts on the physical environment that could possibly result from the project. The RDEIR also analyzes the potential for impacts on human health in Section 3.3, Air Quality, and Section 3.8, Hazards and Hazardous Materials, which disclose potential adverse effects to the public or the environment. The Air Quality section discloses estimated air emission levels and uses as thresholds of significance air quality standards adopted to be protective of human health. The discussion of Impact AIR-3 on RDEIR pages 3.3-26 through 3.3-28 discloses the operational air quality impacts, including those from mobile sources (automobiles) and recognizes that one of the major contributing factors to air quality impacts are emissions from vehicles. See also Response to Comment MON-1.

Response to Comment MON-3

The comment requests that a Health Impact Assessment be added to the FEIR and states that consideration of human health is required by the National Environmental Policy Act (NEPA). Note that the proposed SOIA analysis is conducted pursuant to the California Government Code and is not a federal project subject to NEPA. While the project does not specifically include a Health Impact Assessment (also called a Health Risk Assessment), several sections of the RDEIR address issues that affect human health, including Air Quality, Greenhouse Gas Emissions, and Hazards and Hazardous Materials. See also Response to Comment MON-1.

It is important to note that, at this time, there are no development proposals for the SOIA Area, and impacts on traffic and air quality, particularly those associated with effects on human health, cannot be analyzed in specific detail. Further environmental review will be required for annexation of areas within the SOIA Area, as well as for future development proposals. While not required, EIRs may

include a Health Impact Assessment or Health Risk Assessment, particularly when determining impacts on air quality. It is possible that such studies may be required for future development.

Response to Comment MON-4

See Response to Comment MON-3.

Response to Comment MON-5

The comment states the RDEIR does not include the effects of the project or alternatives on air quality and traffic. Air quality and traffic impacts of the proposed SOIA are addressed in RDEIR Sections 3.3 and 3.15, respectively. Both sections rely on development assumptions discussed in Section 2, Project Description, to determine the potential effects of development of the SOIA Area. The alternatives analysis contains discussions for both air quality impacts and traffic impacts, as provided on RDEIR pages 5-9, 5-11, 5-13, 5-16, 5-18, and 5-20.

Response to Comment MON-6

The comment suggests that the RDEIR transportation and traffic and air quality analyses rely on an economic study. No economic study is referenced in the transportation and traffic or air quality sections of the RDEIR, and the comment does not refer to a specific study. The air quality and traffic analyses rely on the land use assumptions described in Master Response 1 (RDEIR, pages 3.3-21 and 3.15-15). The RDEIR discloses that the proposed SOIA may have significant and unavoidable transportation and traffic impacts and air quality (RDEIR, pages 3.3-21 through 3.3-24, 3.3-26 through 3.3-29, 3.15-27 through 3.15-38).

COPY

MEETING

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION

In the Matter of:
Recirculated Draft Environmental Impact Report for the City of Elk Grove Sphere of Influence Amendment (LAFC-09-10) [CEQA-EIR SCH#2010092076]

SACRAMENTO COUNTY ADMINISTRATION CENTER

BOARD CHAMBERS

700 H STREET

SACRAMENTO, CALIFORNIA

WEDNESDAY, MAY 1, 2013

5:35 P.M.

JAMES F. PETERS, CSR, RPR
CERTIFIED SHORTHAND REPORTER
LICENSE NUMBER 10063

A P P E A R A N C E S

COMMISSIONERS:

Mr. Mike Singleton, Vice Chairperson

Mr. Ron Greenwood

Ms. Gay Jones

Mr. Kevin McCarty

Mr. Christopher Tooker

STAFF:

Mr. Peter Brundage, Executive Officer

Mr. Don Lockhart, Assistant Executive Officer

Ms. Diane Thorpe, Commission Clerk

ALSO PRESENT:

Ms. Nikki Carpenter

Mr. Joe Daehling

Ms. June Daehling

Ms. Connie Georgia

Mr. Jim Gillum

Mr. Pat Hume, Elk Grove City Council Member

Mr. Taro Ichiburú, Elk Grove City Planning Director

Ms. Judith Lamare, Friends of the Swainson's Hawk

Mr. Larry Lawrence

Ms. Sharon Lynes

Mr. Tom Mahon, Mahon Ranch

A P P E A R A N C E S C O N T I N U E D

ALSO PRESENT:

Ms. Nancy Miller, Miller & Owen

Mr. Mike Minasian

Ms. Chryss Meier, Michael Brandman Associates

Mr. Ed Owen

Mr. Jim Pachl, Friends of the Swainson's Hawk

Ms. Suzanne Pecci

Mr. George Phillips

Mr. Jesse Roseman, The Nature Conservancy

Mr. Scott Taylor

Ms. Barbara Wackford

Ms. Mike Wackman

Ms. Lynn Wheat

Mr. Sean Wirth, Sierra Club

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P R O C E E D I N G S

COMMISSION CLERK THORPE: Next item is Item number 6, Recirculated Draft Environmental Impact Report. Public Comment for the City of Elk Grove Sphere of Influence Amendment.

VICE CHAIRPERSON SINGLETON: Yeah.

COMMISSIONER TOOKER: Mr. Chair, do we have to take any comments on subjects not on the agenda?

VICE CHAIRPERSON SINGLETON: That's what I was going to ask.

COMMISSION CLERK THORPE: I'm sorry. We did miss that. Should we go --

COMMISSIONER TOOKER: Yeah. We don't know if we have --

VICE CHAIRPERSON SINGLETON: We have public comment and you went on to 6.

COMMISSION CLERK THORPE: Sorry.

VICE CHAIRPERSON SINGLETON: Yes, public comment from the floor that's not on the agenda.

Any public comment?

COMMISSIONER TOOKER: So is there anyone in the audience who wants to comment on something that's not before us tonight?

If so, come forward.

VICE CHAIRPERSON SINGLETON: I don't see anybody.

Now, may we continue, please.

COMMISSION CLERK THORPE: Continuing for Item number 6, Recirculated Draft EIR for City of Elk Grove, Sphere of Influence Amendment.

VICE CHAIRPERSON SINGLETON: Okay.

ASSISTANT EXECUTIVE OFFICER LOCKHART: Good evening, Chair, members of the Commission. A little bit of housekeeping before we introduce the -- or before we begin the presentation. This evening we are receiving public comment on the recirculated Draft Environmental Impact Report for the project the City of Elk Grove Sphere of Influence Amendment Application.

We do have a court reporter available -- or he's in the room, James Peters. As a result of that, it's very imperative that folks, when you are speaking, please do be clear about your name and use the microphones. It would be very helpful for the benefit of the record.

In that same vein, we had a workshop in the community last week, and we had sign-in sheets. And some of the folks who were kind enough to sign in, the email addresses are not fully legible. It would be helpful, whether you're here tonight or going forward, if you just want to click on www.saclafco.org, my name or any staff name or Commission clerk with just an email, we can add you to our list, and that way we'll be sure we have your

most clear and complete information.

With that, I'd like to move to a brief overview of the project and staff presentation. And again, the item tonight that we're receiving -- opening a public hearing on receiving public comment and then closing the public hearing is specific to the recirculated Draft EIR.

General comments about the project itself will be appropriate not during that public hearing, but at any time during further proceedings. The project itself will be brought back for public hearings with all components, the Final EIR, the application, the municipal services review, the Executive Officer's report. That's anticipated. The public hearings are scheduled. We are anticipating that September, October.

So a brief overview of the recirculated Draft EIR. The Commission will recall we initially issued a Notice of Preparation on the project in September of 2010. We provided a 45-day public review period, extended that to 60 days. As a result of the magnitude and the content of comments received, the Commission thought it more prudent to, rather than go through an line-item edit, re-issue the entire document for the benefit of ease of reading by members of the public and affected agencies.

So the entire document, cover to cover, has been recir -- has been recirculated. It was released March

21st. The comment runs through 4 p.m. on May 21st. Public comment was encouraged in a community workshop April 23rd in the City of Elk Grove. It's also encouraged this evening. At all times, written comments are encouraged and can be submitted by U.S. mail or directly by email.

The project, as proposed, is about 8,000 acres south of the City of Elk Grove. The recirculated draft touches upon alternatives project -- project alternatives, potential impacts, potential mitigation measures. For the benefit of going forward, there are some discrepancies in the executive summary that's attached to your item for this evening. Between the tables and the text and -- regarding biological and climate change impacts, those will be brought into consistency for the benefit of the record going forward.

All right. Going back just for the information, your Commission had heard from public testimony a request to have staff go to the community to receive testimony or to receive public comment on the environmental document. We also, at your direction, provided an overview of a Sphere of Influence and our processes -- LAFCO'S processes, what LAFCO is.

We had about a half hour for that, and then we took about an hour and 45 minutes for public input. We

did receive about 20, 22 public comments, most of which focus did not identify themselves. So going forward on the public record will be problematic with anonymous comments.

The issues that LAFCO is going to really look into touch upon your oversight for plan and orderly growth, the provision of utility services, public services, open space, and parks, water availability and sustainability of water, both in providing potable water and treatment thereof; impacts to agriculture and biological resources, and traffic -- as well as traffic. Keeping in mind that the scenario of analysis for the document, there is not a firm land-use plan. We'd worked with city staff. We'd developed some projections out of the adopted general plan, as far as land-use distribution. That's what we used as our baseline for analysis.

As the Commission knows, LAFCO has no land-use authority, so we're not taking any land-use actions. We're speaking only to a Sphere of Influence, which is a policy boundary indicating a direction of growth, ultimate urbanization for a city.

Subsequent to any action of development would necessitate an annexation. The lands to be annexed would have to be within the Sphere of Influence first. The jurisdictional change does not occur until there's an

annexation. So as we go forward this evening, it's important for folks to understand there's a step this evening being considered for environmental implications of a Sphere of Influence.

We're kind of staying at a, if you will, bird's eye view, a 30,000-foot elevation as far as what may or may not transpire, and how the means, availability, and capacity of services as things go forward, in the event that there is a proposed annexation by the City or others, that's when you drill down and really get into capacities and alignments and that sort of thing for services.

Just to remind the Commission and audience, we are closing the comment period in May, may 21st. At that time, the comments will be put into the mix for the consideration of staff and the environmental consultant. All that's parallel to this, we're also working on the municipal services review, and the overall staff analysis considering public input and other resources agency input into formulating the Executive Officer's report that will be the recommendations. All of this will be brought forward to the Commission for your consideration.

This evening we do have the consultant MBA, Michael Brandman Associates, Chryss Meier will give a brief PowerPoint presentation to kind of touch upon document, give a little bit more expanse than what I've

referred to. And we also have City staff, Taro Echiburú, Planning Director for the City of Elk Grove would like to say a few words at the outset.

So with that, I'd be happy to answer any questions or else introduce Chryss.

VICE CHAIRPERSON SINGLETON: Commissioners, do you have any questions of Mr. Lockhart?

Thank you, Mr. Lockhart. Appreciate it.

And I believe now we can open up to public comment.

Oh, the consultant, I'm sorry. Sorry.

PROJECT MANAGER MEIER: That's okay. Is there a clicker for the --

ASSISTANT EXECUTIVE OFFICER LOCKHART: Yeah, right there.

VICE CHAIRPERSON SINGLETON: Front and center.

ASSISTANT EXECUTIVE OFFICER LOCKHART: I'm sorry.

(Thereupon an overhead presentation was presented as follows.)

PROJECT MANAGER MEIER: It's just the mouse. I got this. Okay. How do I get it up on the --

ASSISTANT EXECUTIVE OFFICER LOCKHART: Can we get the PowerPoint please for Item 6?

COMMISSION CLERK THORPE: Chris, what is that --

PROJECT MANAGER MEIER: Or I could gesture it

out.

COMMISSION CLERK THORPE: There's a sticky there. What does it.

PROJECT MANAGER MEIER: There's a sticky. Attach pad can be used as a pointer.

There we go. Excellent. We're good to go.

Hi. Chryss Meier with Michael Brandman Associates, the environmental consultant on the project. As he said, I'm going to do a brief overview of the recirculated Draft EIR, the contents, and the --

VICE CHAIRPERSON SINGLETON: Excuse me a second.

PROJECT MANAGER MEIER: Uh-huh.

VICE CHAIRPERSON SINGLETON: If you stand in the center of those and put them together --

PROJECT MANAGER MEIER: Is that better?

VICE CHAIRPERSON SINGLETON: There you go.

PROJECT MANAGER MEIER: Oh, am I in stereo?

VICE CHAIRPERSON SINGLETON: Now, you're good.

COMMISSIONER GREENWOOD: You can raise the podium a little bit.

COMMISSIONER TOOKER: And pull them up.

PROJECT MANAGER MEIER: Oh, thank you.

VICE CHAIRPERSON SINGLETON: Yeah, you can pull them up there.

COMMISSIONER JONES: We do often have a

challenge --

PROJECT MANAGER MEIER: This is so high-tech. That is comfortable.

VICE CHAIRPERSON SINGLETON: Now, you don't have -- you don't have to lean in. You can just talk and you'll be good to go.

PROJECT MANAGER MEIER: They seem like antennae on a -- okay.

VICE CHAIRPERSON SINGLETON: Yeah.

PROJECT MANAGER MEIER: So now we're good to go.

VICE CHAIRPERSON SINGLETON: Yes, you are.

PROJECT MANAGER MEIER: Okay. So I'll go ahead and advance it.

So as I said, I'll be going over the project understanding, the milestones to date, a little bit of the contents of the EIR, and then the next steps going forward.

But first, I'm going to go over, just briefly, CEQA requirements, what is the scope of CEQA, just so there's a general understanding of what the purpose of the document was for.

CEQA looks at the potential foreseeable environmental impacts of a project proposed. As such, you have to do an environmental review, disclosure, take public comments, and then address those comments and come

forward with a full analysis of potential environmental effects. CEQA does not look at financial or social impacts of a particular project, unless those could foreseeably result in an environmental impact.

In addition, CEQA does not look at the merit or need of a project. It just does an analysis of the project as proposed.

So the proposed project that's analyzed within the recirculated draft EIR is of the Sphere of Influence amendment area. As discussed, it's south of the existing City of Elk Grove. The current Sphere of Influence is coterminous with the city boundary. The project, as proposed, would expand that south by about -- well, just under 8,000 acres.

Currently, that project site is mostly in agricultural use. The EIR gets into detail of how many acres of what land use, as well as existing zoning and general plan designations.

The area -- can you still hear me?

For some reason I thought I got quieter.

VICE CHAIRPERSON SINGLETON: You're good.

PROJECT MANAGER MEIER: Okay. As you can see, it is bounded by Kammerer Road, Grant Line and so forth. I don't need to go through those items, because you can see it right here.

Here we go. Just south of the City of Elk Grove, you can see that main portion. The area that's east of 99 was pulled back out of the 100-year floodplain, of the Cosumnes River. As stated, it's about 8,000 acres. The project was only for the Sphere of Influence amendment area. There's no planning activity. There's no land-use entitlements proposed, as part of the project.

So in order to provide an environmental analysis of what could occur farther down the line, as resulting from the project, a series of land-use assumptions were generated. Those land-use assumptions were provided only for the purposes of analysis. It was not proposed as part of the project. Those land-use assumptions are provided within the project description, if someone wants to go and see the exact acreage of what was analyzed within the EIR.

Milestones to date. The NOP was issued quite some time ago, 2010. At that time, it was circulated for public input as to what would go into the Draft EIR. The Draft EIR was then prepared and circulated in 2011. At first, it was released for the full 45 days required by CEQA. LAFCO saw fit to extend that comment timeline in order to facilitate community and agency comments on the Draft EIR.

At the completion of that, there was a period of review going over the public comments to determine the

appropriate path, or course of action, for going forward. At that point, you could go forward with a Final EIR, and go for an approval. As talked about -- as Don talked about, it was decided to go ahead and recirculate the entire Draft EIR, open it back up to public comment, incorporate comments, address concerns that had been received to date, modify the EIR bulk of those modifications, and trying to address comments and concerns being in biology, hydrology, a little bit of clarification in traffic, and so forth.

As discussed by Don, there was a summary of changes to the Draft EIR, which was released along with the recirculated Draft EIR, that provides an overview path of what areas change. It does not provide, however, a very detailed listing of like grammatical changes and so forth.

So the recirculated draft EIR has been released for 60 days, which is the recommended maximum amount of time for a public comment. That public comment period closes May 21st at 4:00 p.m. And I want to make it clear, as to all involved, that comments can come in written form, they can be verbal comments. All comments are treated equally. Email comments are given the same weight as letters.

So contents of the EIR. It's important to note

that Elk Grove is not a full service city, so utilities was given a full treatment. So what is the service to the SOI area now, what's provided by others, how would that change under the project as proposed. So, as you can see, potable water is provided by other agencies and so forth.

The EIR identified several levels of potential impacts. There was one impact area that was deemed to be just less than significant across the Board, which was mineral resources. There were several areas that were deemed to be less than significant after mitigation was incorporated, and then some select areas where a potential impact was identified, mitigation was applied, and then even after mitigation the impact would be significant unavoidable.

The impacts that were less than significant with mitigation are listed there, as you can see, cultural through public services. That means either subsections within those general topic areas were already less than significant, or mitigation was able to get that potential impact to less than significant.

However, as mentioned, there were some areas that were identified as significant unavoidable even after incorporation of mitigation. On this table, the general topic areas are there on the left. Under the mitigation column, the number stands for the number of unique

mitigation measures identified within that section, and then just a general overview of what the mitigation contents were.

So for esthetics, two mitigation measures, one for tree protection and design guidelines for glare, and that's how you read it.

I don't know if you Commissioners want me to go through each impact area, but -- just an overview. The unique outlier was for noise. The potential impacts analyzed within the EIR found that there was really no feasible mitigation to incorporate in order to reduce those potentially significant impacts, but all other impact areas some mitigation was identified.

As required by CEQA, the EIR looked at project alternatives. We looked at three project alternatives, the required no project, what if existing conditions continued, and there was no modification of the Sphere of Influence boundary.

An alternate boundary alternative. And I have an exhibit to show that. It was a larger area, almost 11,000 acres, and it was located northeast of the city, the North Vineyards Station Specific Plan, the Vineyard Springs, and then an additional about 6,000 acres. So together, about 11,000.

And then the third alternative reviewed was the

enhanced regional alternative. A smaller area, just over 4,000 acres, contained within the footprint of the project as proposed. So basically within that footprint scaled back. It contains approximately 3,000 acres that is identified within the Sacramento Area Council of Governments preferred scenario, the Blueprint Preferred Scenario, and then an area east of 99, and I have an exhibit for that, that is within the county's Urban Service Boundary.

So, as you can see in this exhibit, this is the alternate boundary alternative, and it's the red -- composed of those three red items in the upper right-hand corner, and where it's located in relation to the proposed project and to the city itself.

And this is the enhanced regional alternative location. The alternative is that red-hatched line that's being identified by someone with a nice pointer. And it's contained completely within the footprint of the proposed project.

I think we had a question on that last time, but I don't remember what it was.

So that's a brief overview of the contents of the EIR. So where are we at at this point? It's out in public comment period. We're receiving public comments already. That's going to go until the 21st at 4 p.m.

After all the comments are received, they'll be gone through, and we'll start preparing response to comments. And the response to comments will go into the Final EIR.

The Final EIR preparation will contain both identification of the comments, the response to comments, and an errata portion of clarifications, modifications, and amendments to the contents of the EIR.

Comments received can run the gamut of questions, generalized comments, but also suggestions of modifications that people would like to see from agencies and from the public. After the Final EIR is prepared, it will be submitted for consideration.

If people want to find locations of the recirculated Draft EIR, there are physical copies out and about in the community, as well as at the LAFCO office. At the LAFCO office they have a physical copy, two of the libraries within the community, as well as the city hall. And all of the files are also available electronically at LAFCO's website.

So contacts for the environmental process. Primarily, going through LAFCO, Don Lockhart over there at your guys's -- and the email address for people if they want to submit an email, and then my contact info as well.

The end.

VICE CHAIRPERSON SINGLETON: Okay. Thank you.

Okay. I think we're ready for some public comment. Let me just --

ASSISTANT EXECUTIVE OFFICER LOCKHART: For the benefit of clarification for the court reporter, we will open the public hearing at this time.

VICE CHAIRPERSON SINGLETON: And I wanted to remind the people coming up to speak, let's try to stay on track with the recirculated EIR, because that's what we're here to do, and speak loud. You have three minutes.

EXECUTIVE OFFICER BRUNDAGE: If Taro is -- yeah, we have a presentation from the city staff, Taro, for just a -- before the comments really start.

VICE CHAIRPERSON SINGLETON: Oh, I didn't have that here.

EXECUTIVE OFFICER BRUNDAGE: I know.

VICE CHAIRPERSON SINGLETON: Try it again.

ELK GROVE PLANNING DIRECTOR ECHIBURÚ: Good evening Mr. Chair and members of the Commission. My name is Taro Ichiburú. I'm the City of Elk Grove Planning Director.

I don't actually have a presentation. I just have some brief comments. I want to thank your staff for the work on this recirculated Environmental Impact Report. And the city believes that the report that has been put out adequately addresses the environmental effects of the

city's proposed project.

The city also understands that this -- tonight's meeting is one focused on environmental effects, and comments on the Environmental Impact Report, and wishes to respect that step of the process.

That said, the city looks forward to having an opportunity to discuss the merits of the project, when their right time comes. And we also are confident that, at that time, we'll be able to address many of the issues that have been raised throughout the beginning of this process regarding our application.

So with that, if are there any questions of me?

VICE CHAIRPERSON SINGLETON: Commissioners, any questions for him?

COMMISSIONER GREENWOOD: I have one question.

VICE CHAIRPERSON SINGLETON: Mr. Greenwood.

COMMISSIONER GREENWOOD: You know, one topic that keeps coming up is the timeliness of the application. And I guess originally when you applied was during the heyday when things were are of ramping up. Obviously, things dropped and collapsed and kind of now leveling off again. Do you still see the need for the city from that standpoint, knowing where we are right now and where we're headed?

ELK GROVE PLANNING DIRECTOR ICHIBURÚ: Yes, we

do. And again, I think that when the application is heard before the Commission, we can certainly discuss more of the details on the merits. But, in short, the city's desire to plan for the future comes more from that very statement, desire to plan for the future, rather than to address an immediate need.

COMMISSIONER GREENWOOD: And you're looking out approximately how far, if you're looking?

ELK GROVE PLANNING DIRECTOR ICHIBURÚ: We have looked at this application as being -- in full annexation, this would be the ultimate city limits. It's a process that started with the city's annexation in the year 2000. So we were already 13 years in, and we haven't done any actual planning. And the city council decided that it was time to begin the planning process, and that's really the driving force for this application.

COMMISSIONER GREENWOOD: And if I have may, one other question?

VICE CHAIRPERSON SINGLETON: Absolutely.

COMMISSIONER GREENWOOD: I don't mean to -- it's mentioned even in the EIR that there are -- were alternative sites. And I gather you looked at alternative sites before submitting the application or have you considered other alternative sites?

ELK GROVE PLANNING DIRECTOR ICHIBURÚ: Yes. The

city council went through quite a long process of determining what the actual application should be, the original alternatives, actually looked at the council, we're much larger, and through a pretty long drawn out public process, the boundaries were shifted down, so to speak. And this is the final desired proposed boundaries that the city council voted on. The alternatives that you see in your EIR are alternatives that came from your staff.

COMMISSIONER GREENWOOD: From our staff?

ELK GROVE PLANNING DIRECTOR ICHIBURÚ: Correct.

VICE CHAIRPERSON SINGLETON: Thank you, Mr. Greenwood.

ELK GROVE PLANNING DIRECTOR ICHIBURÚ: Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, sir.

Any others, Mr. Brundage or Mr. Lockhart?

EXECUTIVE OFFICER BRUNDAGE: No, we're good to go.

VICE CHAIRPERSON SINGLETON: Okay.

EXECUTIVE OFFICER BRUNDAGE: Thanks.

VICE CHAIRPERSON SINGLETON: Certainly.

COMMISSIONER TOOKER: I do have a question. I have a question of staff regarding the EIR before we proceed with comments.

As you're aware, LAFCO is responsible, among

other things, for determining whether sufficient water is available to support development within the proposed SOI expansion area.

Obviously, if water is consumed, then there could be some potential impacts on water supply. I notice you have a section in the EIR on hydrology, drainage, and water. Does that include a discussion about the availability of water and the potential impacts of that water being used by urban development in the area?

ASSISTANT EXECUTIVE OFFICER LOCKHART: We do discuss the implications of availability and the impact on existing groundwater resources. We all are also, keep in mind, a companion document to the nuts and bolts of some of that is the municipal services review. This area lies within the service area of the Sacramento County Water Agency. We have their input in preparation of this document in preparation of the NSR.

And in order to move the project ahead, your Commission will have to make findings that there is, indeed, a sustainable -- an available and sustainable water supply. So there is discussion in the document. That was -- the previous draft there were considerable comments provided from public -- primarily from public, dealing with water availability, downstream impacts from surface drainage of high water, and then also biological.

So that's one of the reasons why we revisited those chapters in the recirculation -- or in the recirculated draft.

COMMISSIONER TOOKER: So even though the county said the water would be available, the EIR does have to look at the use of that water and the impact on supply?

ASSISTANT EXECUTIVE OFFICER LOCKHART: At the sphere level, it has to identify, correct. Keep in mind, you have -- there's water use there now. There's agricultural uses there now. So it's not -- the source there is 100 percent groundwater. Going forward, it could be a commingled source of surface water and groundwater. Those impacts and implications will be -- continue to be fleshed out. I think you'll get better information through the municipal services review, which we'll be bringing to you.

COMMISSIONER TOOKER: I just wanted the public to understand that we are responsible for looking at the availability issue, but also the consequences of using that are addressed in the EIR.

ASSISTANT EXECUTIVE OFFICER LOCKHART: Absolutely.

COMMISSIONER TOOKER: Thank you.

VICE CHAIRPERSON SINGLETON: Commissioners, any questions?

COMMISSIONER GREENWOOD: I'm fine.

VICE CHAIRPERSON SINGLETON: I'm going to open public comment now.

(Laughter.)

ASSISTANT EXECUTIVE OFFICER LOCKHART: Public comment is welcome at this time.

VICE CHAIRPERSON SINGLETON: I'm not trying to be pushy.

(Laughter.)

VICE CHAIRPERSON SINGLETON: The first one I have here Connie Georgia, is that correct?

After her, will be Lynn Wheat.

MS. GEORGIA: Good evening, Commission members.

VICE CHAIRPERSON SINGLETON: Good evening.

MS. GEORGIA: Is that better?

VICE CHAIRPERSON SINGLETON: That's fine.

MS. GEORGIA: Thank you for your comments about water. I live in Elk Grove and I'm on a well, and I am concerned about if my well will go dry.

One of the duties of LAFCO, per the SOI application project description, is to determine if the planned SOI area is appropriate for planning purposes for potential future urbanization. Because it is also the LAFCO goal to preserve agriculture and open space and discourage sprawl, this land selection for Elk Grove's SOI

is inappropriate. It extends beyond the USB and is sprawl. It is primarily agriculture with foraging and nesting habitat present.

If we approach need for the reason -- region, other areas have been selected to meet future growth needs as shown by other approved projects, Spheres of Influence, and choices for public transit. It has also been projected that job growth for the region will not primarily be in Elk Grove.

I'd like to think of your Commission as a bank, safekeeping our lands. It seems inconceivable to me that this application is requesting almost 8,000 square acres of land for a Sphere of Influence, when less than 1,500 square acres have been projected by the City of Elk Grove for forecasting before the housing bubble burst. And this need has now been pushed to some time in the next 50 years, not 10 or 20 years.

The forecast, if updated, might very well show no need at all. Can you conceive of a business going into a bank for a loan and saying my projections show I need $1,500, but I'm applying for 8,000, just in case.

The residence of our region have put their trust in you for the safekeeping of our agriculture and open space. I just that you will determine that best decision for them.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, Ms. Georgia.

Ms. Wheat. And after her, I have Ed Owen will be after you.

Good evening.

MS. WHEAT: Good evening. My name is Lynn Wheat, and I'm a resident of Elk Grove. And I'm here tonight to speak on the DEIR.

I have concerns. The DEIR is based on Elk Grove's general plan, which was adopted in 2003. Since that adoption of that plan, it's been amended and re-zoned 25 times. So truly our city does not reflect the 2003 adopted general plan. And I would suggest that if they're using that to base this expansion and the need for 8,000 acres, it's not right.

Even the market study that the city did, didn't -- at the top of the market didn't indicate that the city needs this amount of land. I believe that this needs to be addressed more adequately within the DEIR.

Also, I would suggest that social and financial needs do need to be concerned. There will be significant consequences to this. Please do drive to our area and look at our neighborhoods. We do not have strong neighborhoods. Many of our residents are in need. And

should this continue out, how will we be able to provide those services to the city that we have now.

Another concern that I have is I don't believe that the alternatives were really significantly addressed or vetted between -- before the residents. And the intense outreach to residents within our city, I don't believe it has occurred, as was mentioned by our planning director.

And I thank you again for sending the Commissioners to Elk Grove to speak to the residents. I believe that was valuable, and I would like to see more of that occur before this process is completed, so truly dialogue can take place.

This is important. This is a big time change, and we really need to look at protecting our ag lands. There's very little left within this region, and I believe that we do need to address that. So please do take your time with this. I appreciate your time. I appreciate the diligence you're doing in reviewing the documents, and listening to us as residents. This is about future generations. This isn't just about me today.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, Ms. Wheat.

Ed Owen.

MR. OWEN: Okay. Let's see if I can get this right.

How's that?

VICE CHAIRPERSON SINGLETON: You're good.

MR. OWEN: Good. Well, it's been a year since I first attended the LAFCO meeting, and I want to appreciate you all for taking and having the patience to deal with this very sensitive subject.

I, too, live in Elk Grove. My property is dependent on wells. And one of my -- my well is a test well for the city -- County of Sacramento. I've seen the water fluctuate as much as six feet. I've seen it come up and down based on the rain. This is going to be a year that we're going to have a major drop in that water table.

I've also stood on my back concrete pad in front of my garage looking across at my shop. And I've seen about a foot and a half of water just standing running across my property like a river, and I will be sending photos of that on a later date.

And my concern is with the paving over of the floodplain down along the Cosumnes River. It's going to just get higher and higher. And so what's going to happen, I don't know, ten years from now, five years from now, but it is something that really I'm concerned about.

So Sacramento -- excuse me, Elk Grove is 156,000

people in a 15 mile radius square miles of land. The Sacramento region it's the most -- let me read it, I guess. It is the city with the worst jobs-to-housing imbalance in Sacramento region, with a ratio of 0.58, as compared to say Rancho Cordova where it's 2.2 to 2.

So, anyway, the -- okay. Anyway, it talks about the -- provide sufficient land to accommodate a job 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.

Well, it's been a year, and we still have not improved the job-to-housing ratio. So, matter of fact, we're declining. We have a lot of businesses closing. We have a few businesses replacing the ones that have closed. So I guess the reason I'm up here is because, you know, we can think about what's important for the developers and what's important for the city, what's important for right now, but we have to look at the future.

And I have six grandchildren living in Elk Grove, and I'm concerned about their future. I'm concerned about the fact that I may not have water to water irrigate my crops in another year or two. Who knows what's going to happen. I just hope we don't have another dust bowl like they had in the midwest.

So thank you for your time, and I was a little bit going to talk about other things, but I'm going to go from there.

VICE CHAIRPERSON SINGLETON: Thank you, Mr. Owen.

I'm sorry, I didn't tell you beforehand. We have Larry Lawrence and then after that I think it will be a Dale Mahon.

Larry Lawrence.

MR. LAWRENCE: Mr. Chair and members of the Commission, thank you for giving me this opportunity to speak tonight. My name is Larry Lawrence. And I'm one of the owners of property in the Elk Grove Sphere of Influence. And I've been there all my life. I was born and raised in Elk Grove. And I'm in favor of the city's findings, and also I'm okay with the EIR findings as well.

Thank you.

VICE CHAIRPERSON SINGLETON: Okay. Dale Mahon.

MR. PHILLIPS: Good evening, Commissioners and members of the Commission. My name is George Phillips. Actually, I'm sitting in for Dale.

I'm a later slip submittal, but I'm here on behalf of a number of owners on the east side of 99, and I'd like to introduce them.

VICE CHAIRPERSON SINGLETON: I'm sorry. Could you say your name again, please?

MR. PHILLIPS: George Phillips.

VICE CHAIRPERSON SINGLETON: George Phillips.

MR. PHILLIPS: Those here this evening with me, if they could show their hands to you -- a show of hands and give you an indication of who's here this evening, is Dale and Pat Mahon, Joe and June Daehling, John and Jack Kautz, Tom Mahon, and Herb Garms on behalf of the Mosher Ranch.

These are landowners, many of whom have owned their properties and worked their properties for generations. They've looked at Elk Grove Incorporated or not, before incorporation, as their homes. That's where they went to school, where their children went to school, their social center, their social network, their family centers.

Their properties are all inside the USB, have been for 20 years, since 1993 and adoption of the Sacramento County general plan. And, as you know, the purpose of a Sphere of Influence for any city or special district is to indicate what appropriate and logical ultimate boundaries are for either that city or that special district.

And given the fact that these properties are inside and have been inside the Urban Services Boundary for two decades, it's logical to assume, under the

relevant planning document, which is the County's general plan, that these areas will -- these lands will urbanize at some point in time.

None of these landowners have any development proposals at this time. They are all actually working these properties. They're working ranches and working farms. But again, we're talking about ultimately, and who the best provider of services might be once that urbanization occurs.

And we would offer to you that that logical service provider is the City of Elk Grove. And so having said that, we're here this evening to express our support. We've reviewed the recirculated Draft EIR. We find it to be adequate and supportive of the project proposed, and in front of you, and look forward to it going forward for the preparation of the Final EIR and ultimately your action on the Sphere.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, Mr. Phillips.

Is there a Nikki Carpenter, is that correct?

After that, we'll have Sharon Lynes.

MS. CARPENTER: Good evening, Commission members. And thank you for serving. I know that this takes away from the time that you have. My concerns are I, too, am a

Sheldon resident, and have my own well. I, over the -- I have been here considerably longer than Ed has, and over the years I have watched the fluctuation in that county well. I've lived on my property for 32 years.

The Planning Director's comments that the city has been looking at expanding its sphere since it became a city in 2000, that is because of developers. It is not because the community. There's one word that a large number of the community members have used at council meetings repeatedly, for the council members as well as the staff, "transparency".

There is no transparency in Elk Grove. They do everything behind closed doors. These supposed meetings that they've had and all this input regarding moving forward with jobs and developing other areas is bunk. It's been done behind closed doors. It's developer driven. The only reason they want this clear area of land rather than the small parcels of land.

They can't even decide whether they want an aquatic center, a major league soccer stadium, houses in the Madera area. They -- we can't trust them with 8,000 more acres. I'm not saying that never, because there will be a time, but until our city can get their act together, and they can develop the land that we have within the community appropriately to get that jobs-to-housing ratio,

we do not need another 8,000 acres for them to willy-nilly deprive the rest of us of our home values and everything else that we hold dear in our community.

Thank you very much.

VICE CHAIRPERSON SINGLETON: Thank you.

Sharon, is it, Lynes?

MS. LYNES: Yes. Correct. Good job.

VICE CHAIRPERSON SINGLETON: I'm sorry. Excuse me. After that, it will be Judith Lamare.

MS. LYNES: Pardon me?

VICE CHAIRPERSON SINGLETON: After this it will be Judith Lamare.

MS. LYNES: Oh, I see. Yes.

Yes, you said that correctly.

VICE CHAIRPERSON SINGLETON: Thank you.

MS. LYNES: My name is Sharon Lynes an Elk Grove resident for 38 years this Saturday. I've been here a long time.

VICE CHAIRPERSON SINGLETON: Congratulations.

MS. LYNES: Just a correction, the Wilton folks, their -- I believe their official name is WAG, really actually put a lot of pressure on the City of Elk Grove to take the floodplain that goes to the Cosumnes River between Grant Line and the river, they really pressed hard and got their way to have the City of Elk Grove take that

portion of the floodplain out of the SOI.

That is the only reason that happened. They had a lot of pressure. They had a lot of people, and it happened and they were successful. That's why we have the current boundaries, and that went on for quite awhile.

So -- and also, too, just as an addition, I do have in my possession a map -- I did not bring it tonight -- that shows that the east side Grant Line Road -- is it east? -- east of Grant Line to the river, I have a map that shows that folks that live in that area at, gosh, 2002 I believe is the date of the map, were planning on developing, wanted to develop Elk Grove into schools, homes. I don't particularly see businesses in this map. That is something I can have someone send to you. I do not have a computer, so I'll try to get that to you. I thought someone had presented that earlier in a presentation.

But Nikki did make the comment about the developers, and that is exactly what we all know is true. There is no need right now for an SOI. We know that the developers need, at least 10 to 15 years, to buy the cheap farm land before it is re-zoned, before they can -- they happen to buy it at a cheap price, so they can afford to build.

This is really what the application is all about,

and we all know that. We are not ignorant people. We have read the Sacramento Bee for many years, and Elk Grove Citizen, attended many meetings. I've been doing this since prior 1995 with the county.

This is something the Elk Grove Council would desire, but not the citizens. And we have talked to the citizens. They are not here tonight, but we have their information. I talked to a lady today from -- that has a shop in Elk Grove -- Old Elk Grove, she had no clue as to the SOI application. She didn't even know what an SOI was, so she and I will have a discussion later.

But just a couple of things here. This is why I do not support the SOI nor the EIR. EIRs -- let' face it, the City of Elk Grove is paying for this EIR to be written. And I have read several EIRs in the past, and that is always the purpose. So I really believe there's a conflict of interest between the people that write the EIR, even though it was a very good presentation, and I know it's a valid EIR, at least the revised version, I hope, but it is a conflict of interest. When they pay for the EIR, you know that the EIR will favor their position. So that's always my complaint about these situations.

But some of these points were covered in -- oh, I only have eight seconds. What I want to see happen is to -- LAFCO to deny the application for the SOI for this

reason --

VICE CHAIRPERSON SINGLETON: Okay. Excuse me, ma'am, you're going to have to wrap it up, your time is up.

MS. LYNES: I will. I want the citizens -- the city and the citizens take care of the -- take care of and improve on what unused land we now have, the infill. Let's take care of the infill. Let's take care of the closed mall. It's not even opened yet. And let's take care of us first, and then in the future years open it up for an SOI, but not now. Today is not the time.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you so much.

Ms. Lamare.

MS. LAMARE: Good evening, Mr. Chairman, members of the Commission --

VICE CHAIRPERSON SINGLETON: Excuse me. After that will be Susan, I think it's, Pecci.

MS. LAMARE: Oh, sorry.

VICE CHAIRPERSON SINGLETON: Sorry about that.

After. You're up. I'm just saying after you.

Go ahead. Thank you.

MS. LAMARE: Okay. Judith Lamare, Friends of the Swainson' Hawk. This is your decision. The SOI is a threshold decision, big picture, should the area urbanize.

And so the EIR is yours and you need to feel that it fulfills that foundation for your decision. And having a hearing about that EIR three weeks before the close of comments is a little difficult, because our consultants haven't finished their review. You know, our consulting attorney hasn't finished their review. We can't really spend tonight providing you with all that information.

I think you should have another hearing to address the issue of does the EIR address the countywide or cumulative impacts which concern LAFCO, which pertain directly to your decisions.

We don't think so, because the EIR relies a great deal on the Elk Grove 2003 general plan EIR, which, of course, has nothing to do with the LAFCO, and not only is outdated, and does not include much of the information available in the past 10 years, but doesn't address LAFCO's specific statutory requirement to guide, development away from agriculture and open space, unless you can make certain findings about that pro -- you know, the critical timeliness of moving forward with it.

We believe this EIR is -- inappropriately uses the CNNDB, the statewide database, when the city itself has developed more recent data, critical data, information that's very important for assessing impacts.

There was no attempt to assess the full impact on

the Swainson's Hawk. In our comments on the previous EIR, we identified over 40 nesting pairs that depend on the SOI area. This EIR completely ignores those pairs. Does not try to assess the impact on the population, doesn't look at the countywide impact on the population.

I will say again, the EIR consultant ignored our NOP comments. They ignored most of our comments in the DEIR. This EIR ignores a very substantial conflict between the SOI approval and the South Sacramento County HCP simply by saying, "Oops, isn't approved yet, so we don't have to think about it".

Well, we do need to think about, and you need to think about it, because that is a significant and unavoidable impact. There is not adequate mitigation land to mitigate for all of this that meets the needs -- I'm running out of time.

Okay. So indirect and cumulative impacts are ignored, and I think that it would help if you would look at this EIR in terms of your statutory responsibilities. Thank you for your time.

VICE CHAIRPERSON SINGLETON: Thank you.

Suzanne, is it, Pecci or Pecci?

MS. PECCI: Pecci.

VICE CHAIRPERSON SINGLETON: And after that, it will be Mike Wackman.

MS. PECCI: For the record, my name is Suzanne Pecci. Good meaning, Mr. Chairman and members of the Commission.

In accordance with Public Resources Code Section 21092.1 and CEQA guidelines Section 15088.5, it is my opinion that Sacramento LAFCO failed to include for public review and comments significant new information in the recirculated DEIR of March 2013 with respect to the November 9th, 2011 amendment of the Sacramento County General Plan.

The amendment to the general plan and the agricultural element which contain the new agritourism component directly affects the SOI now, and creates significant new and complex environmental impacts regionally and for the citizens of Elk Grove that include increased visitor traffic, fugitive dust from farm operations, the potential for pesticide pollution of groundwater and pesticide drip.

There are also new significant cultural impacts for Elk Grove residents that were not explored, increased traffic, presence of visitors from outside the area, noise from wine and farm events, and rural, urban interface conflicts involving public health and safety concerns, and basic quality of life issues.

The Sacramento County Ag Tourism Winery Campaign

to encourage Sacramento becoming a destination for wine tourism is no secret. Press releases on the internet dating back to November 2011, and articles appearing in local newspapers promoting the Sacramento County wine country, as well as grow local, buy local campaign are in the news all the time.

Components of the ag tourism measures include, but are not limited to, the significant reduction of regulatory obstacles and the elimination of the need for conditional use permits as business incentives.

It provides for classification for premises under 1,500 feet to sell produce by right. It also includes -- allows small wineries and ag zones to have tasting rooms under 1,500 square feet by right and to host unlimited special events without conditional use permits and public notification.

Significantly, this ag tourism component allows for wine production and bottling plants, and ag processing plants in and around the SOI area. From comments made by Mr. Brundage at the LAFCO Elk Grove workshop on April 23rd of this year to the effect that LAFCO couldn't cover everything, it appears that a decision may have been made by LAFCO perhaps due to factors such as the magnitude and complexity of the project --

VICE CHAIRPERSON SINGLETON: Excuse me, Ms.

Pecci. You're going to have to wind it up, please.

MS. PECCI: Okay -- and the severity of the environmental impacts not to include this information.

Therefore, I feel this DEIR is not representative of the actual project and is fundamentally flawed, such that public comment cannot be given. I suggest that the DEIR be modified to include ag tourism.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you.

Mike Wackman. After Mike will be Tom Mahon.

MR. WACKMAN: Good evening.

VICE CHAIRPERSON SINGLETON: Good evening.

MR. WACKMAN: My name is Mike Wackman, a fifth generation farmer in the Elk Grove area. My brother here Alan, and my other brother didn't make it tonight. He's actually out farming, is Howard Wackman also. So I'm representing all three of us.

The EIR, which has been presented, has been adequately vetted. It's been recirculated now. It's been out on the street. We've had extra time on comments. We've had 60 days, which is more than most EIRs, which we have seen that addresses water issues. It addresses most of the resource issues that you're looking at. And I believe that this EIR is adequate to move forward with the SOI. And we have to remember the SOI is a planning

document. It is a document to allow the city to plan for the future.

It is not instant development. There's a lot of processes that still have to go through in order to move forward with any type of annexation or any other development. So, remember what this EIR is for. It's for an SOI, a planning document, to give the city the ability to plan for the future, yes, 20, 30, 40 years out, because good planning is actually good for agriculture.

What you don't want is poor planning. Planning where you are in a time period where you have, you know, massive growth, and you've got the pressure development. There aren't any developers out there in Elk Grove in the SOI right now. It's us landowners that are looking for the future.

We're farming. We're going to be there for a long time, but we also need a plan for the future and logical growth, and a logical growth of the City of Elk Grove.

So thank you.

VICE CHAIRPERSON SINGLETON: Thank you, sir.

Mr. Mahon. And after that, we have a Joe Daehling.

COMMISSIONER GREENWOOD: Who's speaking now?

VICE CHAIRPERSON SINGLETON: Pardon me?

COMMISSIONER GREENWOOD: Who's speaking now?

VICE CHAIRPERSON SINGLETON: Tom Mahon.

MR. MAHON: Hi. My name is Tom Mahon. And I live at 10171 Grant Line Road, east of Highway 99 and south of Grant Line Road in the proposed SOI area.

Our great grandfather started the ranch in 1882, and we've been continuously producing agricultural products from hops, fruit, and grains to beef for over 130 years. We've always had a strong connection to Elk Grove. We're were very pleased with the city council's decision to remove the floodplain from the SOI.

However, we feel that the upland portion of our own ranch could be of benefit to the community. I'm not talking about houses, not that there's anything wrong with houses, but Elk Grove needs jobs. With our proximity to Highway 99, the railroad, the connector, and I-5, it seems to me that with enough careful planning, this area could become a center of employment within the City of Elk Grove.

We would support an income and job producing vision that would not interfere with our agricultural practices. Wouldn't it be nice if people lived in Elk Grove that also worked there?

Thanks.

VICE CHAIRPERSON SINGLETON: Thank you, Mr.

Mahon.

Joe Daehling, is that correct?

MR. DAEHLING: I'm Joe Daehling. I live on Grant Line Road between Bradshaw and Mosher Roads. We own 400 acres for over 40 years, of which 200 acres will be in the SOI, and I support to be annexed some day to Elk Grove.

We are in no hurry. I plan on farming there for awhile longer, and I'm sure my daughter does too, but there's nothing wrong with good planning. And there was some issues raised about water. I would say almost all this area is flood irrigated. I just want to point this out. Okay. Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, sir.

I guess you have June also. June Daehling.

MS. DAEHLING: Daehling.

VICE CHAIRPERSON SINGLETON: I'm sorry, say again?

MS. DAEHLING: June Daehling.

VICE CHAIRPERSON SINGLETON: Daehling. Thank you. I'm sorry.

MS. DAEHLING: I've lived in the Elk Grove area for 60 years, 40 years of it on Grant Line Road, and I support the SOI.

VICE CHAIRPERSON SINGLETON: Thank you.

Next is Pat Hume, and after that would be Barbara

Wackford.

ELK GROVE COUNCIL MEMBER HUME: Can I have the rest of June's time?

(Laughter.)

ELK GROVE COUNCIL MEMBER HUME: Good even, Commissioners. It's interesting perspective to be on this side of dais. I want to thank you for taking the opportunity to allow me to speak. My name is Pat Hume. I'm a Council Member in Elk Grove. I'm not here in an official capacity, because I haven't vetted my comments with my colleagues, but I don't plan on saying anything too outrageous, so I'm sure they would concur with what I have to say.

I want to first address Commissioner Greenwood's questions of Taro regarding the timeliness of the application, and just state that this application has absolutely nothing to do with development pressure as exists today. What happened was we saw a confluence of events with the south county habitat conversation plan being crafted, that we knew that if we ever wanted to be incorporated and be -- and not be contradictory to that plan that we needed to speak with LAFCO staff and SACOG staff and start working proactively for planning for the future.

And that's really what this was to be is planning

for the future and not allowing that, what I -- I call it like plate tectonics, where the pressure builds, and the pressure builds, and the pressure builds, and then there's this catastrophic release.

And so we wanted to actually take the downturn and get out in front of things a little bit. And so what we've done while the pressure has not been there these last couple years is took the largest contiguous acreage of land within the city limits and initiate a city driven specific plan planning area, rather than developer driven, so that we could address what's going to happen down to Kammerer Road as we're looking at this potential SOI.

And I want to go back to something that Chryss mentioned, which is that this EIR looks at kind of a worst case scenario. It's potential uses, not proposed uses. We don't know how big of an eventual annexation -- that's another important point is what Don has mentioned, and he was quoted in our local paper very eloquently, as this is a step in the process.

The SOI does not equal annexation, does not equal development. We're seven, eight years into it now, and there's probably at least that, if not more, in front of us. But what it is, it's a planning tool. And it gives us the opportunity to determine land uses that we do and do not want to see happen in that area.

I don't know how big an eventual annexation is appropriate. I don't know that -- I can tell you we don't need 8,000 acres today. I don't know that we'll ever need 8,000 acres, but I know that the journey of a thousand miles starts with one step, and this is that step.

And so I'm happy to see this process finally hitting the light of day with you all having this initial meeting. I look forward to many more comments and conversations as we go forward, you know, and doing something creative, and thinking outside the box.

You know, Livermore has a neat idea, where they do kind of cluster densities, and keep vineyards that go through their areas, things like that. Things like, you know, rain water collection via cisterns or whatever else that addresses some of these water issues. Solar homes, that's really starting to hit a critical mass.

So I look forward to those future conversations, but I'm excited that finally we are starting to see this process move forward. And I look forward to the EIR addressing the comments being made.

VICE CHAIRPERSON SINGLETON: Thank you, Mr. Hume.

Ms. Barbara Wackford, and then Jesse Roseman after that.

MS. WACKFORD: Good evening, Commissioners and Jerry Fox. Hello. I'm glad you're here.

I'm here and my name is Barbara Morse Wackford for. And I'm representing the Morse family from the Elk Grove area. And I'd just like to read a prepared statement on why we support the city's Sphere of Influence request and its proposed boundaries.

I represent the Morse family, a group fourth generation landowners in the Sphere of Influence study area of Elk Grove, west of 99. The land we represent was purchased by our ancestors in the 1860's. We currently maintain the second family home that was built in 1922 on the property. The land itself was farmed until around 1960.

We represent approximately 200 acres, which has been farmed for a -- not farmed for a profit in the last 50 years. We have not farmed the land for a profit in the last 50 years. We have lived through the decline of the affordability of keeping a family farm and have seen our land dwindle from over 1,000 acres, which was our original land purchase, to the mere 200 we own today.

Many of our family members were forced to sell their land since farming was no longer viable. Our property lies just north of Eschinger Road in the vicinity of Bruceville Road. This property is 1.5 miles just a two minute drive south of Kammerer Road, which is planned to be a major connector road between Interstate 5 and Highway

99 with direct access to Bruceville Road. In addition, we are 4.9 miles from the proposed mall site, and the new Kaiser Medical Facility, a six-minute drive.

The south Sacramento Habitat Conservation Plan aligns its principles with smart growth, advocating shortening commute times, reducing auto trips, reducing traffic congestion, and providing housing choices closely aligned with the aging population. All of these principles focus on close proximity.

We've been working with the county since the Sacramento Habitat Conversation Plan draft was prepared in 2007. We've attended many of the public hearings and workshops, including the Elk Grove Sphere of Influence hearings. As you may recall, the original Sphere of Influence request was for a much larger area of land. As hearings were held, and discussions ensued, the Sphere of Influence area was reduced by a third of the previously proposed area to a much more realistic boundary which is before us today. These recommendations were made with a great deal of public input and thought. We were at most of those hearings.

My biggest fear is what occurred when the urban limit line was moved from Elk Grove Boulevard to where it is today on Kammerer Road. Basically, a land rush ensued that caused an unbelievable inflation in land values,

which in turn inflated home costs to an unprecedented high. Today, we're living with our own mistakes.

The City of Elk Grove is still evolving shaping the community and developing into a viable, thriving place for people to live, work, and play. And that will take time. The City's future will depend on some opportunity for future growth. Where will be people live and work if we don't allow the city to continue to develop a comprehensive growth plan.

VICE CHAIRPERSON SINGLETON: Excuse me, Ms. Wackford, you're going to have to wind up it, please.

MS. WACKFORD: As Ms. Wheat said, this is about future generations, and that's why we're here, for future generations.

In conclusion, we strongly support the city's Sphere of Influence request, the Sphere of Influence boundaries and recommend approval of the RDEIR allowing the process to move forward.

Appreciated your time.

VICE CHAIRPERSON SINGLETON: Thank you.

Jesse Roseman. And then after that would be Sean Wirth.

MR. ROSEMAN: Good evening, Commissioners.

VICE CHAIRPERSON SINGLETON: Good evening.

MR. ROSEMAN: My name is Jesse Roseman. I work

for The Nature Conservancy. I'm the project director at the Cosumnes River Preserve. This preserve has been around for over 25 years. There's seven partners at the local, State, federal, and nonprofit levels. Over $50 million in public funding has gone into this project, and it's protected over 50,000 acres of critical habitat in this area that's rapidly diminishing. The Cosumnes is very special. It's what brought us out there. It's the only free flowing river coming out of the Sierra.

And that's why it's attracted not only local but international attention as an area of critical importance for the Pacific Flyway, and for a variety of threatened and listed species.

We've provided comments during scoping and the earlier version of the draft. There is additional mitigation in this version. I appreciate the detail, but it's still unclear how a proposed one-to-one goal could be accomplished with almost 8,000 acres proposed for new urbanization, even with mitigation. It's unclear how the affected species would maintain healthy levels while being squeezed onto less and less habitat.

Too much is left out to provide sufficient detail on the impacts to the Cosumnes River Preserve. In fact, the preserve and its resources are still largely absent from the document, despite its close proximity to the

proposed Sphere of Influence. And previous requests to more explicitly include it in this compares with the way Stone Lakes, for example, is more explicitly addressed.

One example is on page 3.15-31, the propose road widening to accommodate project generated traffic along Franklin Boulevard, Bruceville Road, and the Kammerer Road project, which will have impacts on our agricultural buffer, the rural character of the area and its wildlife value. This is certainly a direct, if not indirect, impact, and it's really kind of brushed over in the document, and, in fact, comes up to some easements that we own along with Elk Grove.

So while the traffic analysis did look at the full build-out, in contrast, water supply, flooding, and drainage really left that until a future time. So I think, in particular for groundwater levels and water supply, to ensure enough for a habitat, a sustainable yield of groundwater demand isn't going to be sufficient. We're actually going to need to improve groundwater levels to bring it back to something approaching historic levels.

And, in conclusion, I would just say that the disconnect between this proposal and the sustainable community strategy --

VICE CHAIRPERSON SINGLETON: You need to wind it

up please, Mr. Roseman.

MR. ROSEMAN: -- it isn't clear how Elk Grove will be able to find an overriding consideration necessary for adoption, given the acknowledged impacts in the Sphere of Influence.

VICE CHAIRPERSON SINGLETON: Thank you.

MR. ROSEMAN: Thanks.

VICE CHAIRPERSON SINGLETON: Is it Sean Wirth?

And then we have Jim Pachl, -- Pachl -- Pachl.

MR. WIRTH: Good evening. My name is Sean Wirth. I'm the conservation chair from the Mother Lode Chapter of the Sierra Club. I'm also on the Board of the Environmental Council of Sacramento, and similar to Jude, with Friends of the Swainson's Hawk. We're diligently working on our technical and legal comments for the CEQA part of the SOI. That being said, I'd like to play off a bit on a comment that Don made and express how we feel fundamentally the document is flawed. Don said that, to a very large degree, we need to take a look from 30,000 feet up.

So let's do that for a second, and let's take a look at the environmental setting and geography provided in the biological resource chapter. There's a mention, general mention, of the Cosumnes River Preserve. It happens to be to the east. It's also to the south.

There's a general mention of the Stone Lakes National Wildlife Refuge to the west.

Look 30,000 feet up, you have two major bird areas with animals flowing from there into the SOI area regularly for forage, some for nesting. Jesse made the comment just now that the Cosumnes River is the last free-flowing river the west side of the Sierra Nevada Mountains. That's an active floodplain. That means every seven to ten years that floodplain fills with water. All of the conservation -- that's not exactly right. The vast majority of the conservation for our listed species in our area is within the floodplain. Elk Grove moved its SOIA out of the floodplain. That 8,000 acres that remain in the application are all upland.

So every seven to ten years Stone Lakes gets a huge amount of water. The entire Cosumnes River Preserve basically goes under water and all of those animals, listed species or otherwise, need to go someplace else. They need to be able to go to an upland area that does not flood and feed.

That would be an area just like the SOIA. That is a 30,000 foot view. This is a connected piece of geography, biologically and geologically.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, sir.

Mr. Pachl, is that correct?

MR. PACHL: Good evening, Commissioners. Jim Pachl, representing Friends of the Swainson's Hawk.

You're charge is not just, you know, focusing on Elk Grove's needs, but it's also regional. Regionally, there are thousands of acres vacant undeveloped land within existing city limits, projects that have been approved but haven't gotten off the ground, because there's frankly not market there.

Your charge is to prevent sprawl, development, which obviously this would be, if you approve an SOI for, you know, intended future annexation and development when there's thousands of acres within existing urban area that is -- you know, remains to be developed, or in the case of South Sac basically rebuilt and upgraded to attempt to reverse the blight in that area.

There's going to -- there will be a loss of 8,000 acres of farm land in a region where there are thousands of acres of farm land that have already been eroded by urban development and sprawl development.

Agriculture needs a certain density, a certain critical mass to maintain its viability, its infrastructure. I submit that we are approaching the point at which the critical mass will no longer be there, and you can -- you will see agriculture decline.

You need to think about this. If you're going to consider approving this 8,000 acre SOI, which is definitely intended as the precursor to urban development for the City of Elk Grove, you ask yourself how can you justify this loss of farm land, given, you know, the effects it's going to have on both the regional viability of agriculture and the effect it will have on the attempts of existing cities and even the county and its urbanizing areas to, you know, upgrade and deplete the development that's already been permitted, and simply cannot go forward because there's no longer a market for it.

Thank you very much.

VICE CHAIRPERSON SINGLETON: Thank you.

And it looks like last we have Jim Gillum.

MR. GILLUM: Mr. Chairman, members of the Commission, thank you for the opportunity to speak. I am Jill Gillum, and I represent two land-owning groups, one West of Bruceville Road that comprises about 800 acres of land, and the other south of Kammerer Road at approximately 300 acres of land.

Those owners have asked me to review the environmental document, and I have. I think that the document does an excellent job of looking at a worst case scenario, as we were just talking about, or as we've heard in other comments tonight.

The document has land-use assumptions that are based upon some form of build out that's not what's proposed. And I think that as we get into the latter more detailed review of the projects that will come forward in the future, you will see more concrete and definable impacts of that can be mitigated for and/or assessed.

The need for this project is the ability to logically plan for the future, as City Councilman Hume indicated. And a good example of that is that the Sacramento County Sewer District has been holding off on their planned sewer connections for their ultimate build-out of the Southeast Policy Area and the Laguna Ridge rea, because they don't know what's going to be necessary to serve the ultimate area that will be developed down here.

They've cobbled together a series of interim lift stations that have made development in a logical manner difficult. The city saw the South Sacramento HCP moving forward. And under understanding that element, and understanding the other challenges that face development, decided that this is the appropriate time to look for a Sphere of Influence that was going to take their needs into account for the long-term future.

The City of Folsom did the same thing, and the City of Rancho Cordova did as well at their incorporation.

Both of those cities had significant areas left that were undeveloped. The City of Elk Grove is getting down to a narrow margin of vacant land. They're doing their effort to plan the Southeast Policy Area, which Councilman Hume said earlier, and looking to balance their jobs and housing mix.

So please, look through the EIR, accept the comments. We believe that they've adequately addressed the impacts and look forward to coming back to talk about the merits of the project.

Thank you very much.

VICE CHAIRPERSON SINGLETON: Thank you, Mr. Gillum. And that was the end of

MR. MINASIAN(phon.): Mr. Chairman, I have a comment I'd like to make.

VICE CHAIRPERSON SINGLETON: State your name, please.

MR. MINASIAN: My name is Michael Minasian.

VICE CHAIRPERSON SINGLETON: Give me a speaker card, please.

MR. MINASIAN: Oh, for you convenience. Okay.

I'm concerned about some of the concern -- I live in Elk Grove, and I'm concerned about the way in which community -- the community workshop was held by this agency. There's no conversation between the city and its

citizens, especially regarding whether or not this is really a viable financial endeavor, continuing to spread the city out.

There's no discussion about loss of farm land for when the tunnels go into southern California. In fact, it's been -- I've heard it said that some of this land is looked at by the Governor and by the State of California as mitigation for the loss of that farm land from Courtland south.

I'm concerned about the loss of farm land and wildlife. There's supposed to be something like 4,000 of those acres going to dwelling units or -- either that or it's 4,000 dwelling units. I can't remember. But it's one or the other. And it's a tremendous -- that's what's projected in this EIR.

Now, admittedly, it's not the plan of the city, but who knows what the city is planning at this point. They seem in cahoots with the developers. I'm concerned particularly about the traffic congestion and air pollution, and I will be commenting on those two portions of the EIR. And I don't think they're addressed very well in the EIR.

I was glad that Commissioner Tooker brought up the idea -- the need for water supplies, and I hope that's going to be completed in the EIR as well.

And then finally, one of the things that all the landowners have brought up is this connector. And there's some kind of magic -- there's like fetish that the landowners have said and the developers have looked at and said that well, you know, we've got this connector. We have freeways. We have a rail service there, limited. We have -- and we're going to have this connector.

There's no money for the connector. It's a bankrupt idea, and everybody is depending upon that. I don't understand how we've gotten to this point, because the farming interests here have been viable, and there is good land here. And I'd like to see some of it stay there. And if we did have -- and I share the concerns that were brought up earlier about the ag tourism, that there's going to be, you know, are we going to have kind of an urban ag monster opened here. We'd like to know what that's going to be about too.

So I'm concerned that we haven't looked at just the basic numbers. You know, there's no money to build a connector, so, you know -- and we're depending upon that to bring the -- for the commerce.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, sir. Did we get another speaker's sheet?

MR. TAYLOR: Good evening. My name is Scott

Taylor. I'm a resident of the Pocket Greenhaven area.

And I just want to echo some of the comments that were made earlier as well. I haven't had a chance to look at the entire new draft of the EIR, but I have looked at a good portion of it.

And I think somebody made a comment too, as far as the mitigation elements that were implemented into the Draft EIR.

They addressed it, but it's still -- it still is, in some areas, significant, such as agricultural uses. You know, everybody has been saying a lot of different comments today. There's pros and cons for this project, or for this SOI, I should say. But it seems as though that the Draft EIR really hasn't addressed all the issues, and I know that's part of the process, and that will probably be forthcoming.

But it almost seems as though, from this EIR, and from the SOI application that the city is unsure of what's going to happen, and how much land they actually do need.

And in reviewing the city, if you take your car and drive around, you can see that there's a huge surplus of not only residential property and commercial property. And I think that could be used as more of infill rather than taking this 8,000 acres and using it to eventually annex, and then eventually build on.

And I'm aware that, you know, it's one of those things where technology, population, et cetera, et cetera, but I think the Committee, you members, have a tremendous undertaking, because one of the cornerstones of the LAFCO is to consider urban sprawl and how to curtail that. So I don't envy your decision or where you're seated at.

But I just wanted to go on the record to say that I don't approve of the Draft EIR or the SOI application.

So thank you for your time.

VICE CHAIRPERSON SINGLETON: Thank you, Mr. Taylor.

That's all the speaker sheets I have.

COMMISSIONER GREENWOOD: We're still missing one sheet though. The one gentleman that spoke before, Scott, did not turn one in, I believe.

VICE CHAIRPERSON SINGLETON: Sorry, what's that?

COMMISSIONER GREENWOOD: Do not require a sheet from everybody that speaks to us?

VICE CHAIRPERSON SINGLETON: Yes. Oh, the sheet that's still sitting up there?

COMMISSIONER JONES: Yeah. It needs to be filled out, the one that's on the podium.

MS. MILLER: I'll get it from him.

VICE CHAIRPERSON SINGLETON: Okay. Yeah, because we have to have it on record.

So thank you.

Again, thank you, everybody, for your comments tonight. We appreciate every comment that -- for or against.

Madam Clerk, you want to read number 7, please.

ASSISTANT EXECUTIVE OFFICER LOCKHART: Just to be clear on the staff recommendation. Recommend that the public hearing be closed on this topic.

VICE CHAIRPERSON SINGLETON: Oh, I thought you were going to do that.

Okay. Thank you.

Hey, I'm a rookie, okay.

VICE CHAIRPERSON SINGLETON: Doing great.

(Thereupon the item concluded at 6:59 PM)

VICE CHAIRPERSON SINGLETON: Do we have any comments by Commissioners?

Mr. McCarty, turn it on so we can hear you.

COMMISSIONER McCARTY: I have a question. First, I apologize for missing the big debate, but I had four meetings with advocates on this this week, so I'm well versed on the topic.

(Laughter.)

COMMISSIONER McCARTY: But maybe you did mention this already, Peter or Don, but could you enlighten on the Elk Grove SOI issue? What do you anticipate the schedule

of this in the next few months and hearings, and how many more of these do we have up here and when do you anticipate a possible vote on this issue?

EXECUTIVE OFFICER BRUNDAGE: Don, do you want to take that?

ASSISTANT EXECUTIVE OFFICER LOCKHART: Sure. We've discussed generally the schedule. The first key benchmark being the 21st of May, the close of the public review period for the CEQA document. Upon closure, we will then gather agency and public comments, put those into mix, as far as going forward with the preparation of the final EIR for consideration, the NSR and also the full staff analysis.

We anticipate that to take the better part of the summer, incorporate and also including the July recess of your Commission. And coming back, the public we anticipate hearings to begin -- and I say hearings with an "S", because it may likely be more than one hearing -- in front of your Commission autumn, which September is maybe a little optimistic. October is pretty realistic to say we'll have the full three components, the EIR with mitigation measures, overrides all proposed -- the municipal service review and the full staff analysis with recommendations.

So this schedule is -- has been in our -- on our

website probably for about two -- I think we discussed this in April or -- we're in May now, so March. So it's on there, but maybe what I can do to serve the process a little bit more is I'll move it to our homepage, so it will be right there for quick access when folks click on the website.

And so we're anticipating that the hearings -- you know, we close. We hit the benchmark for the CEQA document on May 21. We work towards analysis. All through the -- now, let's be clear too, the -- May 21 is the closure for comments on the environmental document, not the closure for public dialogue, not the closure for the public to provide input through either the Commission or directly to staff. Anything that -- we have several points of access through our website with single clicks.

Anything that's provided to staff is conveyed to the Commissioners also, so you can -- you're being kept apprised of what we're hearing. So the gist of it is, summer, creation of the final documents for -- final documents for consideration by your Commission, movement towards consideration and decisions by your Commission in the fall.

MS. MILLER: And I just wanted to clarify one comment that Don made. We closed our public hearing tonight, but that doesn't close public comment on the EIR,

which we will, when we hear the comment --

ASSISTANT EXECUTIVE OFFICER LOCKHART: Thank you.

MS. MILLER: -- when we hear the matter again, the public may comment again.

ASSISTANT EXECUTIVE OFFICER LOCKHART: Thank you for that.

COMMISSIONER TOOKER: And just a clarification from counsel, that -- nor does that close the public hearing process on the project, correct?

MS. MILLER: No, that's correct. This was just a hearing -- a public hearing during the Draft EIR review period. That's all. And we just closed that hearing, but public comment will continue to be taken written, email, at every hearing that we have, at every one of our meetings where this matter is agendized.

COMMISSIONER TOOKER: And surely we're going to hold a public hearing to discuss --

MS. MILLER: Absolutely.

COMMISSIONER TOOKER: -- how we meet our charges as LAFCO.

ASSISTANT EXECUTIVE OFFICER LOCKHART: Absolutely.

COMMISSIONER TOOKER: And take public comment on the staff report and other things.

MS. MILLER: Right.

COMMISSIONER TOOKER: Okay. Thank you.

VICE CHAIRPERSON SINGLETON: Ms. Miller, thank you.

COMMISSIONER GREENWOOD: If I may also, I heard some comments tonight that raised some questions of my own. And I'm sure we'll have an opportunity to discuss those topics. I've written them down. And maybe at one of our -- not tonight, but one of our coming up meetings, if you want to, I can send you in a written form that I'd like to be broached at our meetings. There was about ten different items that were like, okay, question, that I'd like to have some answers on them. So if we could do that.

ASSISTANT EXECUTIVE OFFICER LOCKHART: Yes. Thank you.

VICE CHAIRPERSON SINGLETON: Anymore comments by staff?

EXECUTIVE OFFICER BRUNDAGE: I have no comments.

ASSISTANT EXECUTIVE OFFICER LOCKHART: No comments.

VICE CHAIRPERSON SINGLETON: Commissioners?

COMMISSIONER JONES: Mr. Chair, I would just like to also reiterate, along with Commissioner Greenwood, that I have a full page list of follow-up questions. It's information gathering type questions.

COMMISSIONER GREENWOOD: Right. Mine is too.

COMMISSIONER JONES: And with -- I would like -- I can send those to staff, and at some point, written or verbally --

ASSISTANT EXECUTIVE OFFICER LOCKHART: Sure.

COMMISSIONER JONES: -- we can get a dialogue going on that. And I very, very much appreciate each and every citizen, both sides of the issues, and between taking time to come down and speak at this hearing, as well as the April 23rd event that was held.

Participatory civics is what makes things the best that they can be and that's what we keep trying to do. So thank you to each and every individual citizen who approached the podium tonight.

COMMISSIONER GREENWOOD: I'd like to concur with that too. I know there's just a few left, but I wish all of them could hear the same thing, because I feel exactly the same way as Commissioner Jones feels that there was -- it's good to hear the feedback. And I just admire people coming up to the mic and standing up there and talking. I just wish everyone of them had given -- shared their name, but that's their choice. No, we had a really good turnout.

VICE CHAIRPERSON SINGLETON: Yeah. Thank you.

COMMISSIONER TOOKER: I do have a comment and a

concern I was to raise now. And that is, as staff is well aware, we've had a number of comments from members of the public and Commissioners regarding our responsibilities as LAFCO in terms of reviewing and approving or denying or modifying a proposes Sphere of Influence expansion. I would be very interested in knowing ahead of time what the framework or outline of the staff report, Executive Director's report will be and how it addresses our responsibilities under the Cortese-Knox Act, in terms of avoiding sprawl, in terms of providing efficient services where needed.

If they're not needed, what impact that has on our responsibilities and how we will address our responsibility for avoiding the unnecessary consumption of ag lands and important open space. I want to make sure that that's framed in the staff report in a way that responsibly addresses those responsibilities under the Cortese-Knox Act.

Thank you.

VICE CHAIRPERSON SINGLETON: Thank you, Commissioner Tooker.

My only comment is I want to give my best to Commissioner Yee, who couldn't be here tonight, and hope everything is fine with him. And if we have nothing else, we'll adjourn this meeting at 7:09.

(Thereupon the Sacramento Local Agency Formation Commission meeting adjourned at 7:09 p.m.)

C E R T I F I C A T E O F R E P O R T E R

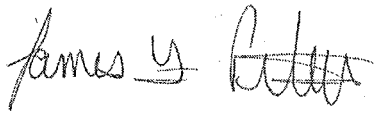
I, JAMES F. PETERS, a Certified Shorthand Reporter of the State of California, and Registered Professional Reporter, do hereby certify:

That I am a disinterested person herein; that the foregoing Sacramento Local Agency Formation Commission meeting was reported in shorthand by me, James F. Peters, a Certified Shorthand Reporter of the State of California;

That the said proceedings was taken before me, in shorthand writing, and was thereafter transcribed, under my direction, by computer-assisted transcription.

I further certify that I am not of counsel or attorney for any of the parties to said meeting nor in any way interested in the outcome of said meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this 13th day of May, 2013.



JAMES F. PETERS, CSR, RPR
Certified Shorthand Reporter
License No. 10063

Responses to Comments at the LAFCo Hearing for the RDEIR, May 1, 2013 (TRANS)

Commenter: Connie Georgia

Response to Comment TRANS-1

The comment expresses concern about domestic groundwater wells going dry. Impact HYD-2 in Section 3.9, Hydrology and Water Quality, of the RDEIR addresses potential impacts associated with groundwater depletion and recharge, and Mitigation Measure USS-1 requires demonstration of adequate, sustainable water supplies for any annexation request for territory in the SOIA Area. As discussed in Impact HYD-2, demonstration of adequate water supplies for future development would ensure that groundwater supplies are not depleted. Also see Master Response 4 for additional information on water supply and groundwater levels.

Commenter: Lynn Wheat

Response to Comment TRANS-2

The comment expresses concern for the need for the project. Section 2, Project Description, provides information regarding the City of Elk Grove's reasoning for proposing the SOIA and the methodology used in developing the land use assumptions as analyzed in the RDEIR. See Master Response 7.

Response to Comment TRANS-3

The comment doubts that assumptions made based on the City's General Plan are appropriate because it has been amended several times and that the built environment of the City does not reflect the 2003 General Plan. As stated in Section 2.2, Project Description, of the RDEIR, the land use assumptions for the proposed SOIA were developed by LAFCo staff, in consultation with City staff, for the purposes of understanding possible environmental effects that could occur in the proposed SOIA Area and do not necessarily represent the City's vision for land use distribution in the SOIA Area. Also see Master Response 7.

Response to Comment TRANS-4

The comment mentions the market study done by the City and states that the City does not need the amount of land proposed as the SOIA Area. Section 2, Project Description, provides information regarding the reasoning for proposing the SOIA and the methodology used in developing preliminary land use assumptions as analyzed in the RDEIR. See Master Response 7.

Response to Comment TRANS-5

The comment suggests that there will be social and financial consequences to the project. The comment also states that the City's neighborhoods are not strong and many residents are in need. See Response to Comment WACK-1 and Comment ECOS-2-78 for information about the analysis of social and economic impacts under CEQA.

Response to Comment TRANS-6

The comment states that City of Elk Grove public outreach for the project was not adequate. Consistent with the CEQA process, the project has gone through several stages of public outreach

during the LAFCo proceedings. As stated in Section 1.0, Introduction, a Notice of Preparation (NOP) was prepared in October 2010 and circulated to the public to assist LAFCo in appropriately scoping the EIR. The Draft EIR was first circulated for public comment beginning in September 2011. After receiving input from the public, LAFCo staff determined that new information needed to be included in the EIR, so another draft in the form of this RDEIR was prepared, giving the public additional opportunity to provide input. All outreach for the project has exceeded the minimum requirements for an EIR.

Response to Comment TRANS-7

The comment states that agricultural land should be considered and that there is very little left in the region. The comment does not state any specific concerts regarding the agricultural resource analysis. Section 3.2, Agricultural Resources, of the RDEIR fully analyzes the potential impacts associated with implementation of the proposed project.

Commenter: Ed Owen

Response to Comment TRANS-8

The comment expresses concern over fluctuating groundwater levels in the commenter's well. See Response to Comment TRANS-1 and Master Response 4. The comment does not specifically address the project or adequacy of the analysis in the RDEIR.

Response to Comment TRANS-9

The comment expresses concern about on-site flooding on the commenter's property. See Response to Comment OWENS-1, which describes Mitigation Measure HYD-3 in the RDEIR.

Response to Comment TRANS-10

The comment references Elk Grove's jobs-to-housing ratio and compares it to the jobs-to-housing ratio in Rancho Cordova. While analysis of socioeconomic impacts is not required under CEQA (see Response to Comment WACK-1 and Response to Comment ECOS-2-78), Impact POP-1 in Section 3.13, Population and Housing, in the RDEIR states that the proposed SOIA could provide the opportunity to develop jobs in Elk Grove, which could improve the jobs-to-housing ratio. The comment does not specifically address the proposed SOIA or the adequacy of the analysis in the RDEIR.

Response to Comment TRANS-11

The comment expresses concern about water supply, but does not specifically refer to the adequacy of water supply discussion in the RDEIR. The potential for the project to adversely affect regional water supply is analyzed in Section 3.16, Utilities and Service Systems, of the RDEIR and in Master Response 4.

Commenter: Larry Lawrence

Response to Comment TRANS-12

Support of the project is noted.

Commenter: George Phillips

Response to Comment TRANS-13

Support of the project is noted.

Commenter: Nikki Carpenter

Response to Comment TRANS-14

The comment states that in the past, groundwater levels in the commenter's well have fluctuated. See Response to Comment TRANS-1 and Master Response 4.

Response to Comment TRANS-15

The comment expresses distrust in the City's intentions in expanding the Sphere of Influence and states that there is a perceived lack of transparency by the City. The comment goes on to suggest that developing other smaller parcels in the City before the 8,000 acres of the proposed SOIA Area would be more appropriate. As stated in Master Response 7, CEQA does not require a lead agency to justify the need for a project. In addition, the EIR process has followed the CEQA requirements for public noticing and public participation. See Response to Comment TRANS-6.

Commenter: Sharon Lynes

Response to Comment TRANS-16

The comment expresses the opinion that there is no need for the project. As stated in Master Response 7, CEQA does not require a lead agency to justify the need for a project. RDEIR Section 2, Project Description, provides information regarding the rationale for the SOIA application and the methodology used in developing preliminary land use assumptions as analyzed in the RDEIR. Opposition to the project is noted.

Response to Comment TRANS-17

The comment states the opinion that the people who write the EIR will favor the position of the entity paying for the EIR, so there is a conflict of interest. The comment goes on to say that the revised EIR is valid, but there is a conflict of interest. The comment is noted.

Response to Comment TRANS-18

The comment encourages LAFCo to deny the project and to use the land that is currently available. Opposition to the project is noted.

Commenter: Judith Lamare

Response to Comment TRANS-19

The comment addresses the CEQA process and expresses difficulty in providing comments due to the timing of the public hearing because there has not yet been enough time for the speaker's attorneys to review the EIR. The public hearing was scheduled within the 60 days maximum allowable public review time frame pursuant to CEQA. The comment is noted.

Response to Comment TRANS-20

The comment provides the opinion that the use of the City's General Plan in developing project assumptions is not appropriate because the document is outdated and much has changed in 10 years. The comment also states that the Elk Grove General Plan does not address LAFCo's statutory requirements to guide land use development away from agriculture and open space. Section 2, Project Description, of the RDEIR explains the rationale for the how the land use assumptions for the project were developed. The comment does not provide evidence that the land use assumptions used in the RDEIR are invalid.

Regarding the use of the Elk Grove General Plan in those development assumptions, it should be noted that general plans are, by nature, long-term policy documents that are intended to provide guidance to cities and counties for growth and development. General plans typically have a long time horizon, and a document that provides guidance for 20 to 30 years is not unusual. The Elk Grove General Plan was prepared with a 20-year time frame, so considerations for growth through 2023 were considered. In any case, while the General Plan was originally adopted in 2003, it was last amended in November 2009, so it reflects changes in conditions and policy direction that occurred until then.

Response to Comment TRANS-21

The comment states that the biological analysis in the RDEIR inappropriately used the CNDDB and did not assess the full impact on Swainson's Hawk. See Master Response 9, which provides some clarification and additional information on the biological analysis.

Response to Comment TRANS-22

The comment states that the RDEIR ignored the commenter's previous comments on the NOP and the original Draft EIR. The comment also states that there is a substantial conflict between the project and the South Sacramento HCP and that there is not adequate mitigation land available to provide full mitigation of the project's anticipated impacts. See Master Response 8, which describes the project's relation to the South Sacramento HCP and the potential for conflicts with the HCP. Also see Master Response 1 for information on the level of analysis. Also see Master Response 9 for information regarding comments submitted on the original Draft EIR.

Response to Comment TRANS-23

The comment claims that the RDEIR does not address cumulative or indirect impacts. While the project does not propose development, the RDEIR provides analysis for environmental impacts that could occur if future annexation and related development occurs, which is essentially analysis of indirect impacts. The comment does not specify where in the RDEIR the analysis of indirect impacts is lacking. As for cumulative impacts, see Section 4, Cumulative Effects, for the RDEIR's analysis of cumulative impacts, as well as Master Response 2.

Response to Comment TRANS-24

The comment states that LAFCo failed to include in the RDEIR significant new information about the November 2011 Sacramento County General Plan update. As stated on page 3.10-16, the RDEIR uses the Sacramento County 2030 General Plan as adopted November 9, 2011. All information and policy consistency analysis regarding the Sacramento County General Plan is based on this most recent update.

Response to Comment TRANS-25

The comment states that the amendment to the Sacramento County General Plan, specifically as related to agri-tourism, directly affects agriculture in the proposed SOIA Area and creates new environmental impacts from traffic, fugitive dust, pesticide pollution, cultural impacts, noise, public health and safety, quality of life, and issues associated with the rural-urban interface. The comment is addressing potential environmental impacts associated with development of agri-tourism uses within the proposed SOIA Area, which is not a part of the proposed project. See Response to Comment PECCI-2-2.

Response to Comment TRANS-26

The comment continues to describe the potential impacts that would occur with the development of agri-tourism uses associated with wine production within the proposed SOIA Area. The comment mistakenly assumes that agri-tourism uses are being proposed as part of the project. Changes to the Sacramento General Plan to include policies to support agri-tourism are not part of the project to amend the City of Elk Grove's SOI and were subject to a separate CEQA process for the General Plan update in 2011. See Response to Comment PECCI-2-2.

Commenter: Mike Wackman

Response to Comment TRANS-27

The comment expresses support for the project and provides the opinion that the RDEIR and associated CEQA process are adequate. Support of the project is noted.

Commenter: Tom Mahon

Response to Comment TRANS-28

The comment expresses the opinion that development of jobs in the proposed SOIA Area would benefit Elk Grove and that careful planning would enable that. Support of the project is noted.

Commenter: Joe Daehling

Response to Comment TRANS-29

The comment expresses support for the project and eventual annexation of portions of the proposed SOIA Area to the City of Elk Grove. Support for the project is noted.

Response to Comment TRANS-30

The comment claims that almost all of the SOIA Area is flood irrigated. However, this is not accurate, since flood-irrigated crops such as rice do not grow in the proposed SOIA Area. The comment does not address the RDEIR analysis specifically.

Commenter: June Daehling

Response to Comment TRANS-31

Support for the project is noted.

Commenter: Pat Hume

Response to Comment TRANS-32

The comment provides clarifying information about the proposed SOIA and the reasoning behind it. In particular, it clarifies that the proposed SOIA is a planning tool that enables to the City of Elk Grove to plan the area, rather than let future potential development or annexation be developer-driven. The comment is noted.

Response to Comment TRANS-33

The comment expresses support for the proposed SOIA moving forward and presents the project as an opportunity to think "outside the box." The comment is noted.

Commenter: Barbara Wackford

Response to Comment TRANS-34

The comment states that land values became inflated when the 1993 County General Plan Urban Limit Line was adopted in the present location, causing inflated home costs. See Response to Comment WACK-1. Support for the project is noted.

Response to Comment TRANS-35

Support for the project is noted.

Commenter: Jesse Roseman

Response to Comment TRANS-36

The comment notes that additional biological resource mitigation has been included in the RDEIR that was not in the Draft EIR, but there is concern that it is unclear how the mitigation would be implemented while allowing affected species to maintain healthy levels. See Master Response 1 and Master Response 8 for additional information on the biological resource mitigation proposed in the RDEIR.

Response to Comment TRANS-37

The comment states that too much is left out of the RDEIR, particularly about the Cosumnes River Preserve, to provide enough detail on the potential impacts on the Preserve. Master Response 8 provides additional detail and analysis on the Cosumnes River Preserve.

Response to Comment TRANS-38

The comment expresses concern over possible changes in groundwater levels, as they relate to ensuring sufficient habitat, and states that they need to be improved so that they reach historic levels. The comment points out that the traffic analysis looked at full buildout of the proposed SOIA Area, but that the analysis of water supply, drainage, and flooding left that until a future time. However, this is an inaccurate statement, as the estimated water demand for the full buildout potential of the

proposed SOIA Area is addressed in the discussion of Impact USS-1 beginning on page 3.16-27 of the RDEIR. See also Master Response 1, which provides information about the appropriate level of analysis and mitigation, where applicable, for the project. Also See Master Response 4, which addresses impacts on water supply, and Master Response 5 for information on hydrologic resources.

Response to Comment TRANS-39

The comment states the opinion that there is a disconnect between the proposed SOIA and the SACOG Sustainable Community Strategy. As stated in the Project Description of the RDEIR and Master Response 1, the proposed SOIA does not propose any changes in land use, annexation, or development, but it recognizes development as a possibility in the future. For this reason, the analysis attempts to analyze effects of development with as much detail as possible, but parcel-specific impacts cannot be accurately predicted at this stage. The proposed SOIA's compatibility with the SACOG 2035 Metropolitan Transportation Plan/Sustainable Community Strategy is addressed in the discussion of Impact LU-2 on page 3.10-68 of the RDEIR. The analysis of Impact LU-2 acknowledges that the proposed SOIA Area conflicts with that document.

Commenter: Sean Wirth

Response to Comment TRANS-40

The comment states the opinion that the RDEIR is fundamentally flawed and describes the geography of the natural areas bordering the proposed SOIA Area to the south, east, and west, which includes both the Cosumnes River Preserve and Stone Lakes National Wildlife Refuge. The comment continues to point out that these areas are in the floodplain, so when they flood, the species in them need to move upland into where the SOIA Area would be. As pointed out in the Project Description of the RDEIR and Master Response 1, the project does not propose any changes in land uses or development, but recognizes it as a possibility in the future. In addition, the biological resources analysis in the RDEIR recognizes that if development were to occur within the proposed SOIA Area in the future, there would be a significant and unavoidable impact on special-status species and habitat. See Master Response 8 and Master Response 9 for additional information on potential impacts on biological resources.

Commenter: Jim Pachl

Response to Comment TRANS-41

The comment questions the need for the project due to available vacant land and states that there is no need for development. Section 2, Project Description, provides information regarding the rationale for the SOIA application and the methodology used in developing preliminary land use assumptions as analyzed in the RDEIR. See Master Response 7.

Response to Comment TRANS-42

The comment states that the project would result in a loss of 8,000 acres of farmland and that enough agricultural land is being lost in the region that it may soon no longer be viable. While the project does not propose to change any land uses, the RDEIR acknowledges that future development could

occur. Impacts AG-1, AG-2, and AG-3 in the Agricultural Resources section of the RDEIR all find potential environmental impacts on agricultural resources to be significant and unavoidable.

Commenter: Jim Gillum

Response to Comment TRANS-43

The comment provides rationale why the project is needed and states the opinion that EIR adequately addressed the possible impacts. The comment is noted.

Commenter: Michael Minasium

Response to Comment TRANS-44

The comment expresses concern over public involvement with the project. The EIR process has followed the CEQA requirements for public notice and public participation. See Response to Comment TRANS-6.

Response to Comment TRANS-45

The comment references the Bay Delta Conservation Plan Project and guesses that some of the land [in the SOIA Area] is planned to be used for mitigation for that project for loss of agricultural land. The comment goes on to express concern over loss of farmland and wildlife in the proposed SOIA Area. It should be noted that the Bay Delta Conservation Plan is a separate project subject to its own CEQA process. Impacts pertaining to loss of farmland associated with the proposed project were acknowledged in the Agricultural Resources section of the RDEIR to be significant and unavoidable. See Master Response 8 and Master Response 9 for additional information on potential impacts on wildlife.

Response to Comment TRANS-46

The comment expresses concern regarding traffic congestion and air pollution, but does not make a specific comment on the adequacy of the RDEIR. See RDEIR Section 3.3, Air Quality and Section 3.15, Transportation/Traffic.

Response to Comment TRANS-47

The comment states that the commenter hopes that water supply will be addressed in the RDEIR. Water supply is addressed in Section 3.16, Utilities and Service Systems, of the RDEIR, and additional information on water supply is provided in Master Response 4.

Response to Comment TRANS-48

The comment expresses opposition to the Capital SouthEast Connector Project. The comment addresses a different project that has been subject to its own CEQA process. The comment does not address the proposed project or the RDEIR. The Capital SouthEast Connector project is, however, addressed in the context of the project in Section 3.15, Transportation/Traffic, and Section 4, Cumulative Effects.

Commenter: Scott Taylor

Response to Comment TRANS-49

The comment states that the project would result in significant impacts. The Agricultural Resources section of the RDEIR acknowledges that impacts on agricultural resources would be significant and unavoidable.

Response to Comment TRANS-50

The comment questions the need for the project and states the opinion that the City of Elk Grove does not seem to know what is going to happen and how much land they will actually need. Section 2, Project Description, provides information regarding the reasoning for proposing the SOIA and the methodology used in developing preliminary land use assumptions as analyzed in the RDEIR. See Master Response 1 and Master Response 7.

Response to Comment TRANS-51

The comment expresses opposition to urban sprawl. Opposition to the project is noted.

SECTION 4: ERRATA

SECTION 4: ERRATA

The following are revisions to the Recirculated Draft EIR. These revisions are minor modifications and clarifications to this document and do not change the significance of any of the environmental issue conclusions within the Recirculated Draft EIR. The revisions are listed by page number. All additions to the text are underline (underlined) and all deletions from the text are stricken (stricken).

Page ES-8 and Page 3.1-10

Mitigation Measure AES-3 is amended as follows:

MM AES-3 To mitigate impacts on visual character, prior to the ~~At the time of~~ submittal of any application to annex all or part of ~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that~~will impose the following conditions on all discretionary projects~~: (1) Trees that function as an important part of the City's or a neighborhood's aesthetic character or as natural habitat should be retained to the extent feasible during the development of new structures, roadways (public and private, including roadway widening), parks, drainage channels, and other uses and structures. (2) If trees cannot be preserved on-site, the City may require off-site mitigation or payment of an in-lieu fee. Trees that cannot be preserved shall be replaced either on- or off-site as required by the City, and trees planted for mitigation should be located in the same watershed as the trees that were removed, when feasible.

Page ES-8 and Page 3.1-11

Mitigation Measure AES-4 is amended as follows:

MM AES-4 To mitigate impacts on light and glare, prior to the ~~At the time of~~ submittal of any application to annex all or part of ~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that~~will impose the following condition on all discretionary projects~~: All projects in the SOIA Area shall comply with the City of Elk Grove's Citywide Design Guidelines by minimizing the use of reflective materials in building design in order to reduce the potential impacts of daytime glare and designing outdoor light fixtures to be directed/shielded downward and screened to avoid nighttime lighting spillover effects on adjacent land uses and nighttime sky glow conditions.

Page ES-9 and Page 3.2-16

Mitigation Measure AG-1 is amended as follows:

MM AG-1 At the time of submittal of any application to change land uses within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that applicants conserve one ~~will require that applicants protect one~~ (1) acre of existing farmland land of equal or higher quality for each acre of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance that would be developed as a result of the project. This protection may consist of the establishment of a farmland conservation easement, farmland deed restriction, or other appropriate farmland conservation mechanism to ensure the preservation of the land from conversion in perpetuity, but may also be utilized for compatible wildlife habitat conservation efforts (e.g., Swainson's Hawk foraging habitat mitigation). The farmland/wildlife habitat land to be preserved must have adequate water supply to support agricultural use. The City shall consider the benefits of preserving farmlands in proximity to other protected lands.

The total acres of land conserved will be based on the total on-site agriculture acreage converted to urban uses. Conserved agriculture areas may include areas on the project site, lands secured for permanent habitat enhancement (e.g., giant garter snake habitat, Swainson's Hawk habitat), or additional land identified by the City. 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. The City shall demonstrate to LAFCo that it shall impose the conservation easement content standards to include, at a minimum: land encumberment documentation; documentation that the easements are permanent, monitored, and appropriately endowed; prohibition of activity which substantially impairs or diminishes the agricultural productivity of the land; and protection of water rights.

In addition, the City shall demonstrate to LAFCo, through policy or adopted planning documents that it will impose the following minimum conservation easement content standards:

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 by an entity acceptable to the City and/or by the City in perpetuity. The entity shall not sell, lease, or convey any interest in agricultural/wildlife habitat mitigation land that it acquires without the City's prior written approval.

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, in an amount determined by the City.

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 or transferred to the City.

Before committing to the preservation of any particular farmland pursuant to this measure, the project proponent shall obtain the City's approval of the farmland proposed for preservation.

Page ES-11 and Page 3.3-24

Mitigation Measure AIR-1 is amended as follows:

MM AIR-1 Prior to the submission of any application to annex ~~territory within~~ <u>any portion of</u> the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will ~~that all discretionary projects~~ prepare an Air Quality <u>Mitigation</u> Plan ~~for the SOIA Area~~. The Air Quality <u>Mitigation</u> Plan must <u>reduce the operational emissions of development within the SOIA Area by 35% when compared to the potential emissions that could occur in the SOIA Area in absence of policies and measures included in the Air Quality Mitigation Plan</u>. <u>The City of Elk Grove will coordinate the development of the Air Quality</u>

Mitigation Plan with the Sacramento Metropolitan Air Quality Management District (SMAQMD) and Sacramento Area Council of Governments (SACOG), and will use modeling tools approved by those agencies to gauge the effectiveness of the measure.

In the cases in which an application for annexation of the SOIA Area or any portion thereof occurs after the June 15, 2019 State Implementation Plan (SIP) attainment deadline, the SMAQMD confirms the SIP standards have been achieved, and the City of Elk Grove demonstrates that the development proposal is consistent with the new SIP or attainment plan and the SMAQMD concurs with the analysis; a 15% reduction to operational emissions when compared to the potential emissions that could occur in the SOIA Area in absence of Air Quality Mitigation Plan policies and measures is required. ~~incorporate policies and other measures at least as stringent as those found in City General Plan Policies CAQ-27 through CAQ-33 and associated actions. The total effectiveness of the Air Quality Plan adopted for the SOIA Area will match those recently adopted for other developing areas within Sacramento County, such as North Natomas. In the case of North Natomas, the emissions will be reduced by 35 percent from the potential emissions that could occur without the adopted air quality policies being implemented.~~

Page ES-11 and Page 3.3-25

Mitigation Measure AIR-2 is amended as follows:

MM AIR-2 At the time of submittal to annex land within the Sphere of Influence Amendment (SOIA) Area from agricultural uses to urban uses, the City of Elk Grove will require all discretionary projects to comply with all ~~recommended~~ the most current SMAQMD measures at the time of construction to address construction-generated emissions. This will include emission reduction requirements for construction equipment and development of an inspection and enforcement plan associated with construction equipment emissions. Emission reduction requirements shall be met using the emission reduction tools most current at the time of construction (or annexation). In addition, compliance with any applicable SMAQMD ~~Rules 402 and 403~~ rules in effect at the time of construction will be demonstrated.

Page ES-12 and Page 3.3-31

Mitigation Measure AIR-5 is amended as follows:

MM AIR-5 ~~At the time of~~ To mitigate impacts on local mobile source CO concentrations, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will require all discretionary projects to demonstrate~~ that the Sacramento Metropolitan Air Quality Management District's (SMAQMD) 2009 Guide to Air Quality Assessment in Sacramento County, as updated in June 2011, or most current guidance on the screening and assessment of CO, PM10, and PM2.5 hotspots will be implemented for all development proposals within the SOIA Area. The City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission at the time of any application to annex territory within the SOIA Area. In addition, the City of Elk Grove shall demonstrate that sufficient mitigation will be required of all identified potentially significant CO, PM10, and PM2.5 hotspots to reduce the impact to less than significant.

Page ES-13 and Page 3.3-34

Mitigation Measure AIR-6 is amended as follows:

MM AIR-6 ~~At the time of~~ To mitigate impacts to sensitive receptors, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that~~will require~~ all discretionary projects will be required to review existing sources of toxic air contaminants in and around the project site and~~. Discretionary projects will be required~~ to develop mitigation to address sensitive land use (e.g. residential, schools, hospitals) exposure to toxic air contaminants. Methods may include buffers with appropriate landscaping, building design with additional air filtration, and emission source controls. The plan must meet the standards current in use by the Sacramento Metropolitan Air Quality Management District in connection with such toxic air contaminants. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to the Sacramento Local Agency Formation Commission.

Page ES-13 and Page 3.3-35

Mitigation Measure AIR-7 is amended as follows:

MM AIR-7 ~~At the time of~~ To mitigate impacts from objectionable odors, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that ~~will require~~ all discretionary projects ~~to~~ will be required to review existing sources of odor in and around the project site, including (but not limited to) any land use referenced in Sacramento Metropolitan Air Quality Management District's (SMAQMD) CEQA Guidance document as an odor-generating land use~~. Discretionary projects will be required~~and to develop mitigation to address odor impacts that will protect sensitive land use (e.g. residential, schools, hospitals) in consultation with SMAQMD. Methods to address odor impacts may include buffers and emission source controls. In addition, the City will provide proof of consultation with the SMAQMD to demonstrate compliance with this measure to LAFCo.

Page ES-13 and Page 3.4-41

Mitigation Measure BIO-1a is amended as follows:

MM BIO-1a At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate to LAFCo compliance with all following measures:

A. A reconnaissance-level biological survey of the area to be annexed shall be performed by a professional biologist approved by the lead agency to identify habitats and individuals of special-status species defined in this Recirculated EIR. This will permit the lead agency to track impacts to special-status species on a regional basis rather than on project-by-project basis, when feasible.

B. Avoidance of special-status species and their habitats shall be addressed during project design. If avoidance is infeasible, mitigation of special-status species shall occur pursuant to measure C, below.

C. The City of Elk Grove shall participate in the South Sacramento County Habitat Conservation Plan or shall require the preparation and implementation of a Habitat Conservation Management Plan (HCMP) for all affected special status species and habitats. The HCMP shall

include assessment, disclosure and mitigation for nesting and foraging habitat impacts to protected species, as discussed further in Mitigation Measure BIO-1b and BIO-1c. The HCMP shall be developed in consultation with California Department of Fish and Wildlife (CDFW) and the U.S. Fish and Wildlife Service (USFWS) for listed species under the Federal Endangered Species Act (FESA) and the California Endangered Species Act (CESA). The City of Elk Grove shall demonstrate compliance with all applicable requirements under the federal Endangered Species Act and the California Endangered Species Act and shall obtain approval of the HCMP from CDFW and USFWS, when such approval is required under applicable law. The City of Elk Grove shall consult with Sacramento County during development of the HCMP, in the County's capacity as the lead of the South Sacramento Habitat Conservation Plan (SSHCP). The City of Elk Grove shall~~, and~~ provide proof of consultation with the County, CDFW, and USFWS to LAFCo.

D. If an HCMP is prepared, it shall incorporate mitigation guidelines of these agencies for listed species. For non-listed but sensitive species as defined by this Recirculated EIR, the HCMP shall incorporate ~~include provisions including~~, but will not be limited to the following, goals and policies:

- Require clustering of urban development to retain non-disturbed open space areas.
- Require comprehensive site development standards to minimize removal of existing vegetation and to require installation and long-term maintenance of landscaping in setback and buffer areas. Landscaping in buffer areas adjacent of preserved habitat areas should be of native plant materials, and non-irrigated.
- Require appropriate buffers between development and Right to Farm Ordinance lands, Nature Conservancy Lands, and Stone Lakes National Wildlife Refuge.
- Require buffers between development and drainage canals that serve as habitat and ultimately drain into Stone Lakes National Wildlife Preserve, Nature Conservancy lands, and/or Farmland Preservation Zones; buffers shall be a minimum of 150 feet on either side of said drainage canals.

- Minimize impacts to movement corridors to ensure movement of wildlife.
- Provide for the integrity and continuity of wildlife and plant habitat.
- Support the acquisition, development, maintenance, and restoration of habitat lands for wildlife and plant enhancement.

E. The special-status species referred to herein are those identified under the applicable federal and state laws listed in Table 3.4-2 and -3.

Page ES-15 and Page 3.4-42

Mitigation Measure BIO-1b is amended as follows:

MM BIO-1b To mitigate impacts on nesting for Swainson's Hawk and other raptors (including burrowing owl), prior to the submittal of any application to annex of all or part of the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that the following requirements shall be applied to development proposals within the SOIA Area, and required actions will be completed prior to development activity:

- A California Department of Fish and Wildlife (CDFW)-qualified biologist will be retained by the applicant to conduct preconstruction surveys and to identify active nests on and within 0.5 mile of the proposed development and active burrows on the development site if accessible. The surveys shall be conducted before the approval of grading and/or improvement plans (as applicable) and no ~~less~~ more than ~~14~~15 days ~~and no more than 30 days~~ before the beginning of construction for all project phases. To the extent feasible, guidelines provided in Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in the Central Valley shall be followed for surveys for Swainson's Hawk, and the guidelines provided in the California Department of Fish and Wildlife's (CDFW) Burrowing Owl Survey Protocol and Mitigation Guidelines shall be followed for burrowing owls. The results of the survey shall be submitted to the City of Elk Grove and the CDFW.
- If no nests are found, no further nesting mitigation is required.
- If active nests are found, impacts on nesting Swainson's Hawks and other raptors shall be avoided by establishing appropriate buffers around the nests, and impacts to burrowing owls shall be avoided by establishing appropriate buffers around the nests. No project activity shall commence within the buffer area until the young have fledged, the nest is no longer

active, or until a qualified biologist has determined, in consultation with CDFW, that reducing the buffer would not result in nest abandonment. CDFW guidelines recommend implementation of 0.25- or 0.5-mile-wide buffers, but the size of the buffer may be adjusted if a qualified biologist and the City, in consultation with CDFW, determine that such an adjustment would not be likely to adversely affect the nest.

- If construction-related activities within the temporary nest disturbance buffer are determined to be necessary during the nesting season, an on-site biologist/monitor experienced with raptor behavior shall be retained by the project proponent to monitor the nest, and shall, along with the project proponent, consult with the CDFW to determine the best course of action necessary to avoid nest abandonment or take of individuals. Construction-related activities may only be allowed to proceed within the temporary nest disturbance buffer if raptors are not exhibiting agitated behavior such as defensive flights at intruders, getting up from a brooding position, or flying off the nest, and only with the agreement of the CDFW. The designated on-site biologist/monitor shall be on-site daily while construction related activities are taking place within the temporary nest disturbance buffer and shall have the authority to stop work if raptors are exhibiting agitated behavior.
- ~~Monitoring of the nest by a qualified biologist during and after construction~~ activities ~~will be required if the activity has potential to adversely affect the nest.~~

Page ES-17 and Page 3.4-44

The portion of MM BIO-1c relating to sandhill crane is amended as follows:

- **Greater sandhill crane**. The location and suitability of mitigation parcels, as well as the conservation instruments protecting them shall be acceptable to the City and to the CDFW. The amount of land preserved shall be governed at a 1:1 mitigation ratio for each acre developed. The land to be preserved shall be deemed suitable greater sandhill crane foraging habitat by the City in consultation with CDFW, and shall include areas outside of floodplains to provide available refuge and foraging habitat during flood events.

Page ES-19 and Page 3.4-49

Mitigation Measure BIO-5 is amended as follows:

MM BIO-5 ~~At the time of~~ To mitigate impacts from conflicts with local biological policies or ordinances, prior to submittal of an application to annex all or part

ofterritory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, will demonstrate that tree protection will be consistent with either: (1) the City's current tree preservation standards under Municipal Code Chapter 19.12 or (2) the following mitigation measure. For the purposes of the SOIA Area, Swainson's Hawk nest trees will receive the same consideration as heritage or landmark trees.

Page ES-20 and Page 3.5-11

Mitigation Measure CUL-1 is amended as follows:

MM CUL-1 At the time of To mitigate impacts on historic resources, prior to submittal of any application to annex all or part ofterritory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, will acknowledge that it will impose the following conditions on all discretionary projects:

- Should any cultural resources, such as structural features, unusual amounts of bone or shell, artifacts, human remains, or architectural remains be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the cultural resources. In addition, pursuant to Section 5097.98 of the California Public Resources Code and Section 7050.5 of the California Health and Safety Code, in the event of the discovery of human remains, all work is to stop and the County Coroner shall be immediately notified. If the remains are determined to be Native American, guidelines of the Native American Heritage Commission shall be adhered to in the treatment and disposition of the remains.
- The Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.
- All construction must stop if any human remains are uncovered, and the County Coroner must be notified according to Section 7050.5 of the California Health and Safety Code. If the remains are determined to be

Native American, the procedures outlined in CEQA Section 15064.5(d) and (e) shall be followed.

Page ES-21 and Page 3.5-12

Mitigation Measure CUL-2 is amended as follows:

MM CUL-2 ~~At the time of~~ To mitigate impacts on archaeological resources, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will acknowledge~~ that it will impose the following conditions on all discretionary projects:

- Should any archaeological resources be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the archaeological resources.
- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

Page ES-22 and Page 3.5-14

Mitigation Measure CUL-3 is amended as follows:

MM CUL-3 ~~At the time of~~ To mitigate impacts on paleontological resources, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will acknowledge~~ that it will impose the following conditions on all discretionary projects:

- Should any paleontologic artifact be encountered during any development activities, work shall be suspended and the City of Elk Grove Planning Department shall be immediately notified. At that time, the City of Elk Grove Planning Department will coordinate any necessary investigation of

the site with appropriate specialists, as needed. The project proponent shall be required to implement any mitigation deemed necessary for the protection of the paleontologic artifact.

- The City of Elk Grove Planning Department shall be notified immediately if any prehistoric, archaeologic, or paleontologic artifact is uncovered during construction. All construction must stop, and an archaeologist that meets the Secretary of the Interior's Professional Qualifications Standards in prehistoric or historical archaeology shall be retained to evaluate the finds and recommend appropriate action.

Page ES-23 and Page 3.6-15

Mitigation Measure GEO-1 is amended as follows:

MM GEO-1 ~~At the time of~~ To mitigate impacts from seismic hazards, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require a geotechnical report or other appropriate analysis be conducted at time of development application submittal to determine the shrink/swell potential and the stability of the soil for public and private construction projects and to identify measures necessary to ensure stable soil conditions.

Page ES-26 and Page 3.8-17

Mitigation Measure HAZ-4 is amended as follows:

MM HAZ-4 ~~At the time of~~To mitigate impacts from hazardous materials sites, prior to submittal of any application to annex all or part of~~territory within~~ the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, ~~will acknowledge~~ that it will impose the following conditions on all discretionary projects. Prior to site improvements for properties that are suspected or known to contain hazardous materials and sites that are listed on or identified on any hazardous material/waste database search, the site and surrounding area shall be reviewed, tested, and remediated for potential hazardous materials in accordance with all local, state, and federal regulations.

Page ES-27 and Page 3.9-35

Mitigation Measure HYD-3 is amended as follows:

MM HYD-3 To mitigate impacts to drainage, prior~~Prior~~ to annexation of all~~any~~ or part of the SOIA Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require that new projects in the SOIA Area not result in new or increased flooding impacts on adjoining parcels on upstream and downstream areas. This can be accomplished by (1) Preparing a Master Drainage Plan (Plan) for the SOIA Area, and requiring site-specific drainage plans for future projects to conform to requirements of the Plan, or (2) enacting modification of the City's existing Stormwater Master Plan that includes the following components. The Plan shall include disclosure of where stormwater is designed to be released into waterway crossings at State Route 99 and/or Interstate 5 roadway facilities. The Plan shall include a review, analysis, and disclosure of locations where channel capacity inadequacies lie, as well as capacities of bridges crossing State Route 99 and Interstate 5 associated with inadequate channels. The Plan shall identify the need for additional bridge capacity, if necessary. City shall develop measures to minimize, avoid, reduce, or compensate for potential impacts to roadway facilities in consultation with the California Department of Transportation. The City shall provide copies of the Drainage Master Plan and all/any studies and models developed to design the stormwater facilities or that support the Plan. The City shall provide proof of consultation with the California Department of Transportation to LAFCo. In addition, the Master Drainage Plan shall identify areas of potential impacts due to encroachments on channels or levees, measures to provide improvements or maintenance where development in the SOIA Area would affect channels or levees.

Page ES-29 and Page 3.9-37

Mitigation Measures HYD-4a and HYD-4b are amended as follows:

MM HYD-4a Prior to annexation of any or part of the SOIA Area, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will prepare a local plan of flood protection that shows the following for land within the SOIA Area: identification of all types of flood hazards (levee failure inundation, 100-year storm flooding, 200-year storm flooding and 500-year storm flooding), and locations of flood management facilities. The City shall provide proof of consultation with the California Department of Transportation to LAFCo.

MM HYD-4b Prior to annexation of any or part of the SOIA Area~~Prior to approval of any development project in the SOIA Area~~, the City of Elk Grove shall demonstrate to LAFCo, through policy or adopted planning documents, that it will require that new development demonstrate that for land within the 100-year floodplain (to be identified by hydraulic and hydrologic modeling), that post-development storm water run-off peak flows and volumes will not exceed pre-development levels within or downstream of the SOIA Area.

Page ES-31 and Page 3.13-6

Mitigation Measure POP-1 is amended as follows:

MM POP-1a At the time of submittal of any application to annex territory within the Sphere of Influence Amendment (SOIA) Area, the City of Elk Grove will demonstrate consistency with ~~consult with~~ the Sacramento Area Council of Governments (SACOG) regarding the Regional Blueprint and consistency with the Metropolitan Transportation Plan/Sustainable Community Strategy, and provide LAFCo with evidence of the results of this ~~consultation~~consistency.

Page ES-32 and Page 3.15-33

Mitigation Measure TRANS-1 is amended as follows:

MM TRANS-1 At the time of submittal of any application to annex territory within the SOIA Area, the City of Elk Grove will consult with Sacramento County and Caltrans to establish transportation improvement plans and funding mechanisms to provide service levels consistent with the City's General Plan, ~~and~~ County's General Plan~~s~~, and Caltrans standards. In addition, any future annexation and development activity within the SOIA Area will require the preparation of traffic impact analyses that would include discussion of the project's fair-share contribution and mitigation strategies, including regional transportation plans.

Page 1-3

The Section 1.1.4 description of Sacramento LAFCo is amended as follows:

The project must meet all LAFCo requirements in order to be approved by LAFCo ~~and meet all LAFCo requirements~~. Specific "Policy Elements" established by the Act are as follows:

- Encourage orderly growth and development patterns (Section 56001).

- Discourage urban sprawl, preserve open-space and prime agricultural lands, efficiently provide government services, and encourage the orderly formation and development of local agencies based upon local conditions and circumstances (Section 56301).
- Guide development away from open space and prime agricultural land uses unless such action would not promote planned, orderly, and efficient development (Section 56377).

Page 2-4

The Section 2.1.2 description of land north of the SOIA Area is amended as follows:

North

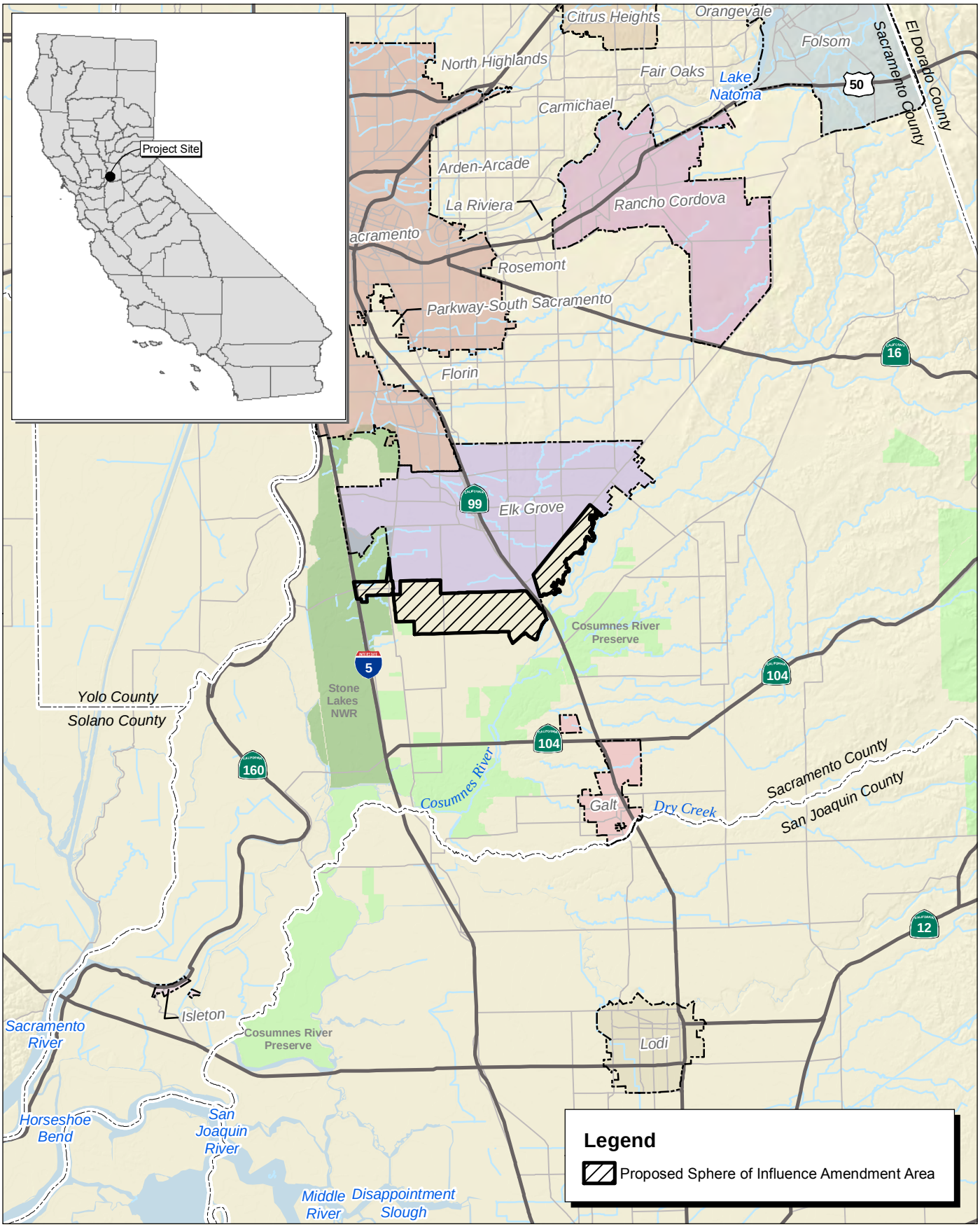
The project site is bounded by the City of Elk Grove to the north. Residential uses dominate the western portion of the City, and rural residential and small-scale agricultural uses prevail in the eastern portion of the City to the north of the proposed SOIA Area boundary. City of Elk Grove land use designations north of the project site include Commercial, Medium Density Residential, Southeast Policy Area, Low Density Residential, and Estate Residential. The Laguna Ridge Specific Plan lies approximately 0.5 mile north of Kammerer Road.

The Southeast Policy Area has no pending land use entitlements. A 2006 development application for the Southeast Policy Area was withdrawn in 2010. Any future planning for the Southeast Policy Area will need to be consistent with the General Plan's Land Use Element. Adjacent to the north is the approved Sterling Meadows project, comprising 984 single-family units and 200 multi-family units. The Lent Ranch Marketplace Special Planning Area lies to the north, with frontage along SR-99.

Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is under permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not under easement

Page 2-5, Exhibit 2-1

Exhibit 2-1, Regional Location Map, is amended to show the locations the Stone Lakes National Wildlife Preserve and Cosumnes River Preserve.



Source: Census 2000 Data, The CaSIL, MBA GIS 2010.

Michael Brandman Associates

NORTH

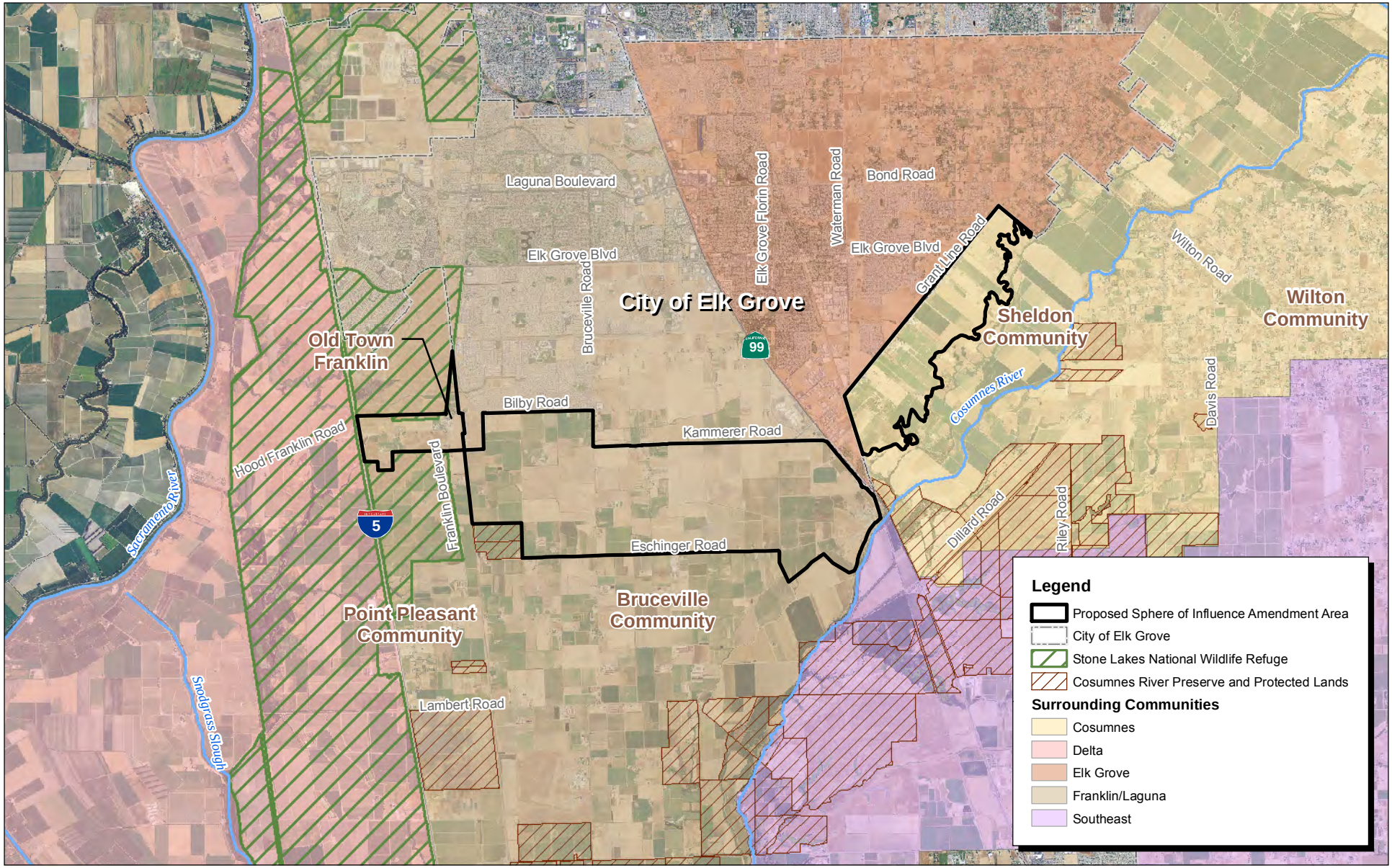
5 2.5 0 5 Miles

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Exhibit 2-1
Regional Location Map

Page 2-19, Exhibit 2-6

Exhibit 2-6, Surrounding Communities, is amended to show the location of the Cosumnes River Preserve and protected lands.



Source: Sacramento County NAIP, 2009, County of Sacramento, City of Elk Grove, 2009. USFWS National Cadastral Data, 2011.

NORTH

10,000 5,000 0 10,000 Feet

Michael Brandman Associates

Exhibit 2-6
Surrounding Communities

Page 2-39

The text on page 2-39 is amended as follows:

> ~~As stated in Section 1, Introduction, this document is not intended as a programmatic document for use to tier the CEQA analysis for future projects.~~

Page 3.2-3

The following is added to the bullet titled "Farmland of Local Importance":

> Sacramento County's Locally Important Farmlands are those lands which do not qualify as prime statewide, or unique designation but are currently irrigated crops or pasture or non-irrigated crops; lands that would be prime or statewide designation and have been improved for irrigation but are no idle; and lands which currently support confined livestock, poultry operations, and aquaculture.

Page 3.3-22

The description of the air quality planning conditions is revised as follows:

> Amendments. These milestone reports, prepared by the SMAQMD, include compliance demonstrations that the requirements have been met for the Sacramento nonattainment area. The air quality attainment plans and reports present comprehensive strategies to reduce ROG, NO_X, and PM_{10} emissions from stationary, area, mobile, and indirect sources. Such strategies include the adoption of rules and regulations, enhancement of CEQA participation, implementation of a new and modified indirect source review program, adoption of local air quality plans, and stationary-, mobile-, and indirect-source control measures. Applicable air quality plans include the Sacramento Area Regional PM_{10} Attainment Plan and the Sacramento Area Regional Ozone Attainment Plan. Implications of not attaining the relevant air quality standards by the federally mandated timeline potentially include, but are not limited to, suspension of federal transportation funding.

Page 3.3-23

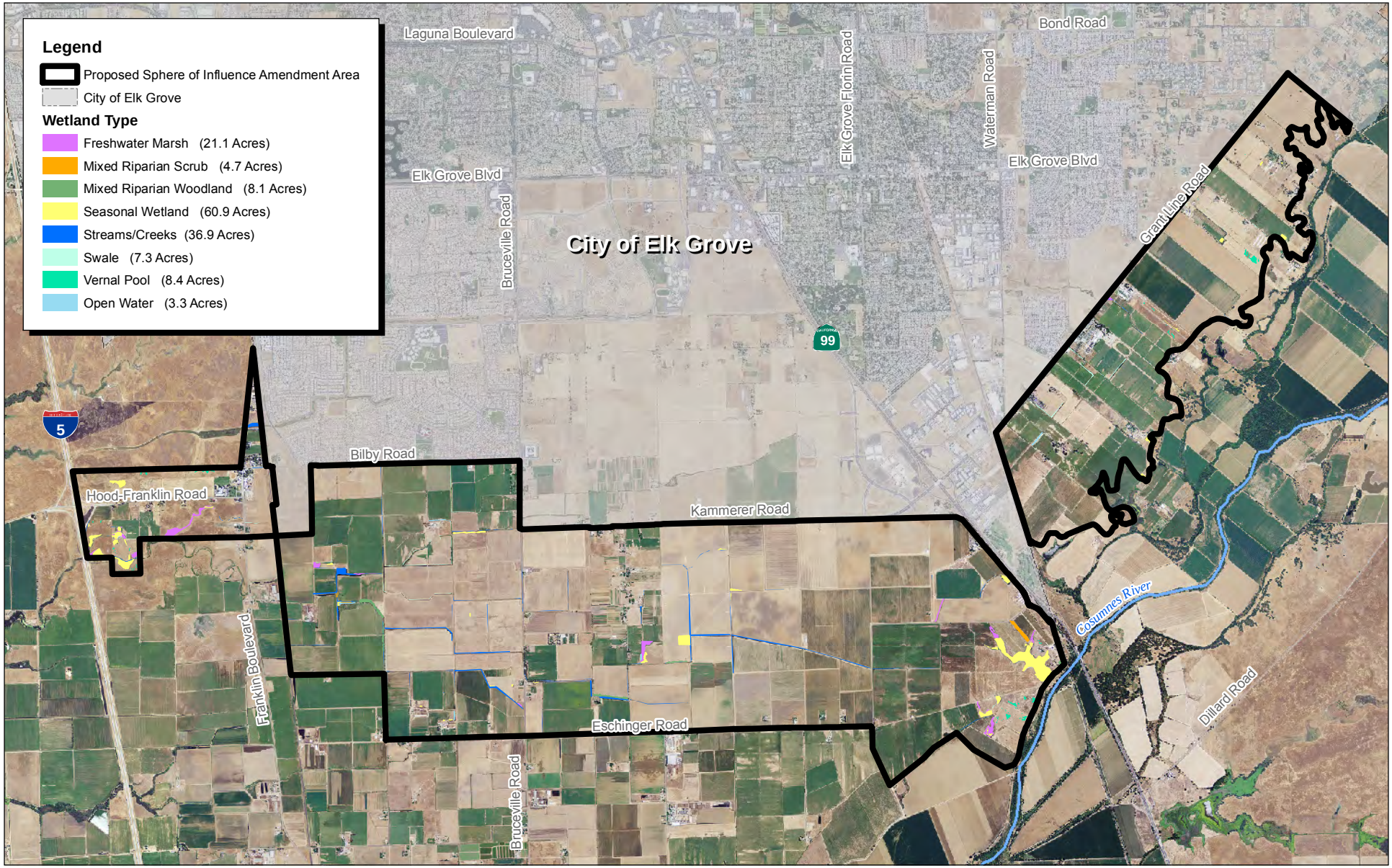
The description of the SOIA Area relative to the SACOG air quality planning conditions is revised as follows:

> It is important to note that SACOG recently approved the 2035 MTP/SCS, which provides a strategy to approach the many challenges faced by the Sacramento region as the population grows and the region expands over the next few decades. The MTP/SCS seeks to guide the Sacramento region, including the City of Elk Grove, toward a more sustainable future through better integration of smart land use decisions with a well-managed transportation

system. The intent of the MTP/SCS is to accommodate the expected population growth of an additional 900,000 people to the Sacramento region by 2035 and the accompanying demand for transportation in the region through a multimodal approach. As previously noted, SACOG has determined that the MTP/SCS conforms to the Federal Clean Air Act. It is anticipated that the policies and strategies of the MTP/SCS, which seek to address the increase of 900,000 people to the Sacramento region and the subsequent effect on the transportation network, would assist with the accommodation of an efficient transportation system within and around the SOIA Area. However, it is acknowledged that a portion of growth in the SOIA Area was not identified in the MTP/SCS.

Page 3.4-3, Exhibit 3.4-1

Exhibit 3.4-1, Wetlands within the Proposed Sphere of Influence Amendment Area, is amended to show the types of wetlands and other waters present within the SOIA Area, as identified in the South Sacramento Habitat Conservation Plan data.



Source: Sacramento County NAIP, 2009, South Sacramento HCP 2012

NORTH

1 0.5 0 1 Miles

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Exhibit 3.4-1
Wetlands Within The Proposed Sphere of Influence Amendment Area

Page 3.4-5, Table 3.4-1

The types of wetlands and other waters present in Table 3.4-1 and subsequent text are revised as follows:

Table 3.4-1: Summary of Wetland and other Waters present in the SOIA Area

Type	~~Acreage~~
Freshwater Marsh	21.1
Mixed Riparian Scrub	4.~~6~~7
Mixed Riparian Woodland	8.1
Open Water	3.3
~~Seasonal Impoundment~~	~~48.4~~
Seasonal Wetlands	~~12.5~~60.9
Streams/Creeks	36.9
Swale	7.~~2~~3
~~Vernal Impoundment~~	~~2.5~~
Vernal Pool	~~5.9~~8.4
~~Vernal Swale~~	~~0.1~~
Total	150.7
Source: South Sacramento Habitat Conservation Plan 2012.	

Areas mapped as wetlands also do not confirm the jurisdictional status of the features for U.S. Army Corps of Engineers (USACE), the State Water Resources Control Board, or California Department of Fish and Wildlife (CDFW) jurisdictional status. Based on the SSHCP landcover database there are approximately ~~150.6 areas~~ 150.7 acres of wetland, ponds and riparian areas within the SOIA Area (Table 3.4-1 and Exhibit 3.4-1). The majority of the pond and wetland areas appear to be associated with agricultural activities, including water storage and irrigation runoff. The ~~freshwater emergent~~ seasonal wetlands and freshwater marsh in the ~~southern~~western portion of the SOIA Area that is west of Franklin Boulevard comprises a natural drainage that drains Watershed C in the City of Elk Grove and eventually flows in to the South Stone Lakes and the Stone Lakes National Wildlife Refuge.

Page 3.4-6

The description of the Cosumnes River Preserve will be revised as follows:

South. Land uses in this area are similar to the adjacent agricultural land uses within the project site. County of Sacramento land use designations south of the project site include Agricultural Cropland. In addition, land within the legislative boundary of the Stone Lakes

National Wildlife Refuge known as the 'Cooperative Wildlife Management Area', but not under conservation easement, is located south of the project between Franklin Boulevard and Interstate 5. The Cooperative Wildlife Management Area is where the US Fish and Wildlife Service first seeks to enter into agreements and memoranda of understanding with landowners or purchase conservation easements. A portion of the Cosumnes River Preserve is also located south of the proposed SOIA Area.

Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is under permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not under easement.

Page 3.4-7 and Page 3.10-21

The description of Cosumnes River Preserve Management Plan is added as follows:

Cosumnes River Preserve Management Plan

The Cosumnes River Preserve Management Plan was adopted in 2008 as the Cosumnes River Preserve's guiding document. The following are relevant objections and actions:

1.2 Maintain a landscape that supports natural processes and habitat for the Preserve's focal conservation targets consisting of natural lands and suitable agriculture at and surrounding the Preserve (100-year floodplain up to Sacramento County's Urban Services Boundary).

1.2.2 Participate in regional land-use planning and floodplain management efforts (e.g., South Sacramento County HCP, Cit of Elk Grove General Plan, county general plans, LAFCo decisions) that may affect Preserve resources (e.g., habitat destruction, degradation, or fragmentation) or complete conservation goals (e.g., open space and wildlife corridors among other natural lands).

2.1.4 As new development projects proposed around the Preserve, either in close proximity or in nearby urban areas, undergo environmental review (CEQA), ensure that project proponents consider potential effects on visual resources at the preserve, including the effects of outdoor nighttime lighting.

Page 3.4-39

The discussion for greater sandhill crane and Swainson's Hawk occurrences within the SOIA Area is amended as follows:

State fully protected greater sandhill crane and state threatened Swainson's Hawk potentially occur within the project area. While the CNDDB does not have any recorded occurrences of the greater sandhill crane in the SOIA Area, information has been provided to LAFCo identifying that this species is known to occur in the Stone Lakes Wildlife Refuge and the SOIA during flood events (ECOS, May 20, 2013 correspondence and Ivey 2005b –b "Mitigating Loss of Sandhill Crane Habitat in South Sacramento County). Impacts to Swainson's Hawks in South Sacramento County are of focused concern based on extensive use of the area that has been identified with approximately 12 nest territories south of the City of Elk Grove, east of Interstate 5 and west of Highway 99 and approximately 18 nest territories east of Highway 99 and north of the Cosumnes River (Friends of the Swainson's Hawk May 14, 2013 correspondence and Estep 2007 – "Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (*Buteo swainsoni*) and Estep 2009 – "Distribution, Abundance, and Habitat Associations of the Swainson's Hawk (*Buteo swainsoni*) in the City of Elk Grove, CA") Similar impacts from the loss of foraging habitat during flooding events are anticipated to occur to the greater sandhill crane.

Page 3.7-23

The impact analysis discussion for Impact GHG-1 is amended to clarify the threshold of significance utilized:

As discussed in the Regulatory Setting, the City of Elk Grove has recently completed, though has yet to adopt, a General Plan Sustainability Element and CAP. Because comprehensive planning has not been conducted for the project site, the CAP does not account for the future development of the project site. Furthermore, development within the SOIA Area is not in the City's purview. Therefore, this impact analysis utilizes compliance with AB 32 for the purposes of determining potential significance.

The proposed project would involve the extension of the City of Elk Grove's SOI to include the 7,869-acre project site. As stated in Section 2, Project Description, land use assumptions were developed by LAFCo staff, in consultation with City staff, for this Recirculated Draft EIR with the intent to provide a general concept of growth that may result from future development in the SOIA Area, and allow LAFCo to understand probable future and potential environmental effects that may result from future anticipated growth.

Page 3.8-10

The description of City of Elk Grove Policy SA-5 Action 1 is revised as follows:

- **SA-5-Action 1:** Establish an Emergency Operations Center (EOC) to coordinate and direct overall emergency response operations. The establishment of the EOC should be coordinated with the Elk Grove Police Department, appropriate City departments, the Cosumnes

Community Services District~~Elk Grove CSD Fire District~~, and the County Sheriff's Department.

Page 3.8-10

The description of City of Elk Grove Policy SA-5 Action 2 is revised as follows:

- **SA-5-Action 2:** Establish an emergency response organization consisting of representatives from the Elk Grove Police Department, City departments, the Cosumnes Community Services District~~Elk Grove CSD Fire District~~, County agencies, utility agencies, schools, and the public.

Page 3.9-9

The description of City of Elk Grove Policy SA-5 Action 2 is revised as follows:

The Cosumnes River is a free-flowing, undammed river and presents a major flood hazard along its boundaries. However, the SOIA Area east of Highway 99 is located outside of the Cosumnes River 100-year floodplain.

Page 3.10-2

The Section 3.10.2 is amended as follows:

North

The project site is bounded by the City of Elk Grove to the north. Residential uses dominate the eastern portion of the City and residential, agricultural uses occur in the western portion of the City, to the north of the SOIA Area boundary. City of Elk Grove land use designations north of the project site include Commercial, Medium Density Residential, Southeast Policy Area, Low Density Residential, and Estate Residential. Proposed projects within the Southeast Policy Area include Sterling Meadows, which consists of 984 single-family homes and 200 multi-family units, and a mall.

Grazing land within the Stone Lakes National Wildlife refuge boundary to the north between Franklin Boulevard and Interstate 5 is under permanent conservation easement. Similarly, the land south of the project area between Franklin Boulevard and Interstate 5 is within the legislative boundary of the Stone Lakes National Wildlife Refuge, although it is not under easement.

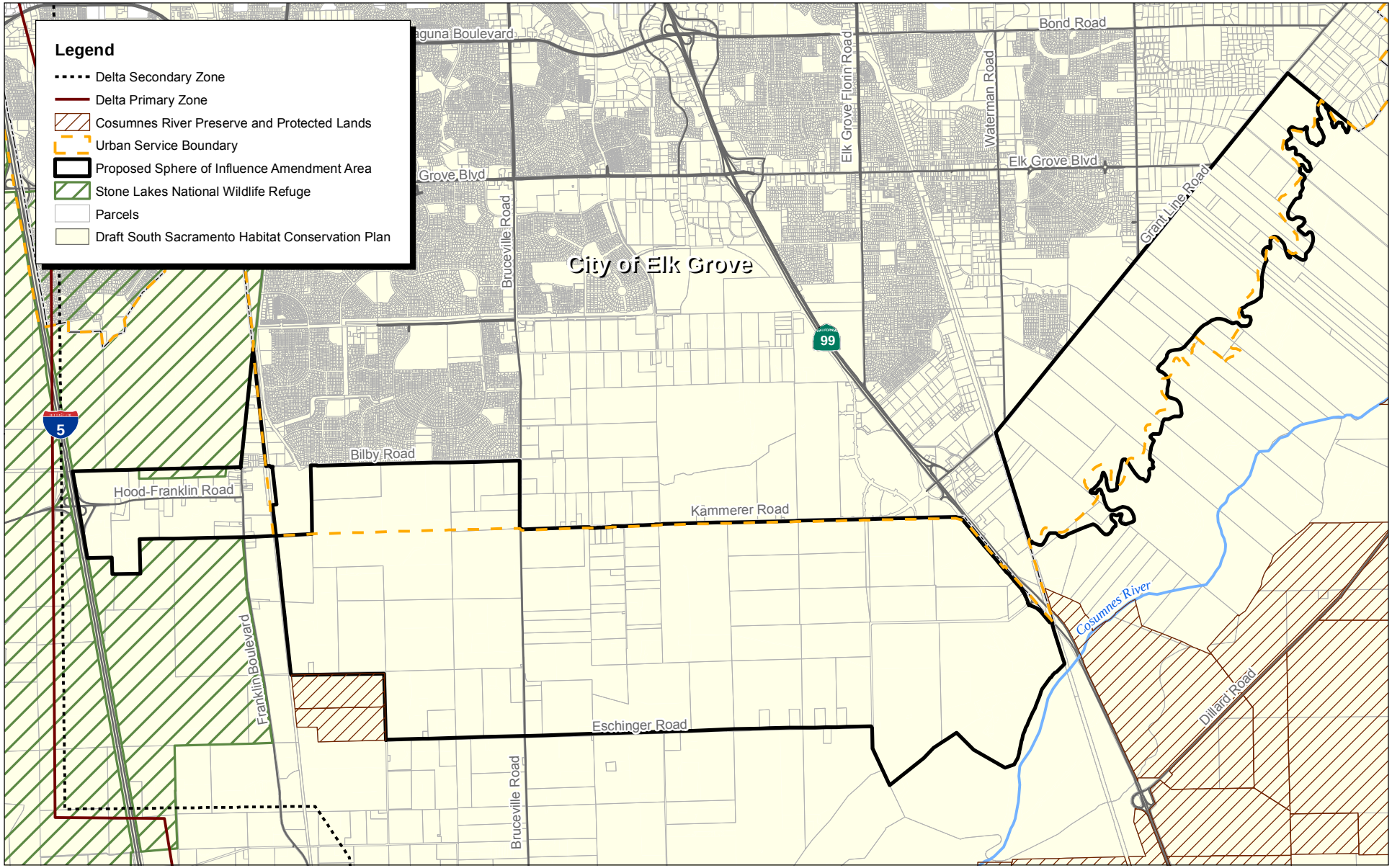
Page 3.10-7

The discussion of land uses south of the SOIA is amended as follows:

> *South*
> The unincorporated communities of Bruceville and Point Pleasant lie to the south of the proposed SOIA Area boundary. Land uses in this area are similar to the adjacent agricultural land uses within the project site. County of Sacramento land use designations south of the project site include Agricultural Cropland. Current land uses consist mostly of cattle rangeland. A portion of the Cosumnes River Preserve is located south of the proposed SOIA Area.

Page 3.10-9, Exhibit 3.10-3

Exhibit 3.10-3, Conservation Areas, is amended to show the location of the Cosumnes River Preserve and protected lands.



Source: County of Sacramento, City of Elk Grove, 2009. USFWS National Cadastral Data, 2011.

NORTH

1 0.5 0 1 Miles

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Exhibit 3.10-3
Conservation Areas

Page 3.10-69

The discussion of the Metropolitan Transportation Plan/Sustainable Communities Strategy consistency is clarified as follows:

> *SACOG 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy*
> The SACOG MTP/SCS does not identify the SOIA Area for growth as identified in this Recirculated Draft EIR. ~~Therefore, the SOIA does have a consistency conflict with the MTP/SCS.~~The proposed project is inconsistent with the MTP/SCS.
>
> Physical impacts related to inconsistency with area land use plans are addressed throughout this Recirculated Draft EIR. Implementation of the mitigation measures found in this document would ensure that physical impacts related to land use plan inconsistencies would be mitigated to the extent feasible.

Page 3.13-1, Table 3.13-1

Table 3.13-1 and the associated population discussion are updated and amended as follows:

> Unincorporated areas of Sacramento County are estimated to contain a population of 554,554 (California Department of Finance 2011). As shown in 3.13-1, future growth in Sacramento County is expected to result in a population of more than 2~~.1~~ million in 2050.

Table 3.13-1: Sacramento County Projected Population Growth

County	2020	2030	2035	2040	2050
Sacramento County	~~1,622,306~~ 1,543,522	~~1,803,872~~ 1,708,114	1,817,715	~~1,989,221~~ 1,913,756	~~2,176,508~~ 2,063,132
Source: California Department of Finance ~~2011~~2013					

> The City of Elk Grove was estimated to have a 2010 population of 153,015, a 102 percent increase since its incorporation in 2000, at which time its population was estimated by the California Department of Finance to be 59,984 (California Department of Finance 2011). Based on SACOG's Metropolitan Transportation Plan 2035 Land Use Allocation, Elk Grove will reach a population of 192,889 by 2035 (SACOG 2008). SACOG ~~updated~~ adopted its Metropolitan Transportation Plan 2035 in April 2012, and has made growth projections for the six-county SACOG region. These projections are based on the most recent national and state projections and on current information on the region's economy and housing. The ~~draft~~ Metropolitan Transportation Plan 2035's six-county population projections for 2035 ~~are~~is 3,086,213, which is less than ~~8.8~~1 percent higher than 201~~2~~3 Department of Finance estimate~~s~~ of 3,066,189.

Page 3.13-2

The text on page 3.13-2 is amended as follows:

> SACOG's 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy Land Use Allocations (included as Appendix E3 of the MTP) estimated that the number of ~~employees~~ jobs and the number of housing units could almost double by the year 2035 within the existing City limits. SACOG's 2035 Metropolitan Transportation Plan/Sustainable Communities Strategy Land Use allocations estimates the City of Elk Grove will have 66,010 housing units and 47,629 jobs in 2035, within the current city limits.

Page 3.14-1

The description of Fire Department staffing in the Services Response section is revised as follows:

> The department currently staffs eight engine companies, one ladder truck company, six~~four~~ ambulances, and a command vehicle each day on a 24-hour basis.

Page 3.14-2

The description of emergency responses in the Service Standards section is revised as follows:

> CCSD is currently handling more emergency response calls than the state average~~, due to substantial growth and increases in traffic volumes and traffic congestion~~.

Page 3.14-13

The description of Fire Code is revised as follows:

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

Page 3.14-15 and Page 3.16-21

The description of City of Elk Grove Policy PF-2 is revised as follows:

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

Page 3.14-16

The description of City of Elk Grove Policy SA-32 is revised as follows:

- **Policy SA-32:** Cooperate with the Cosumnes Community Services District~~Elk Grove Community Services District (EGCSD) Fire Department~~ to reduce fire hazards, assist in fire suppression, and promote fire safety in Elk Grove.

Page 3.15-23, Exhibit 3.15-3

Exhibit 3.15-3, Average Daily Traffic Volumes - Cumulative No Project Conditions, is revised to identify the planned Kammerer Road extension portion of the Capital SouthEast Connector and the associated average daily traffic volume of that roadway segment that was utilized in the impact analysis. The joint City/County Kammerer Road project is not included in the analysis, as it was not a project at the time of the Notice of Preparation. In addition, the name of the exhibit is corrected.



Source: Fehr and Peers, 2013

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Exhibit 3.15-3
Average Daily Traffic Volumes-Cumulative No Project Conditions

Page 3.15-25, Exhibit 3.15-4

Exhibit 3.15-4, Average Daily Traffic Volumes - Cumulative Plus Project Conditions, is revised to identify the planned Kammerer Road extension portion of the SouthEast Connector and the associated average daily traffic volume of that roadway segment that was utilized in the impact analysis.



Source: Fehr and Peers, 2013

Exhibit 3.15-4
Average Daily Traffic Volumes-Cumulative Plus Project Conditions

Michael Brandman Associates

Page 3.15-34, Table 3.15-10

The formatting within Table 3.15-10, Roadway Segment Level of Service – Cumulative Plus Project Conditions, is revised as follows:

Table 3.15-10: Roadway Segment Level of Service – Cumulative Plus Project Conditions

Roadway Segment		Cumulative Conditions			Cumulative Plus Project		
	Daily Capacity[1]	Daily Volume	V/C Ratio[3]	LOS[2]	Daily Volume	V/C Ratio[3]	LOS[2]
Elk Grove Boulevard – I-5 to Franklin Boulevard	54,000	24,000	0.44	A	26,000	0.48	A
Elk Grove Boulevard – Franklin Boulevard to Bruceville Road	54,000	31,500	0.58	A	32,500	0.60	B
Elk Grove Boulevard – Bruceville Road to SR-99	54,000	42,500	0.79	C	45,700	0.85	D
Elk Grove Boulevard – SR-99 to Elk Grove-Florin Road	**36,000**	**46,100**	**1.28**	**F**	**48,700**	**1.35**	**F**
Elk Grove Boulevard – Elk Grove-Florin Road to Bradshaw Road	36,000	25,900	0.72	C	30,300	0.84	D
Grant Line Road – SR-99 to Bradshaw Road	54,000	25,400	0.47	A	41,600	0.77	C
Grant Line Road – Bradshaw Road to Elk Grove Boulevard	36,000	20,900	0.58	A	23,400	0.65	B
Grant Line Road – Elk Grove Boulevard to Wilton Road	36,000	28,700	0.80	C	**33,300**	**0.93**	**E**
Grant Line Road – Wilton Road to Calvine Road	36,000	28,200	0.78	C	**32,500**	**0.90**	**E**
Hood-Franklin Road – I-5 to Franklin Boulevard	36,000	12,100	0.34	A	26,300	0.73	C
Bilby Road – Franklin Boulevard to Bruceville Road	36,000	8,400	0.23	A	11,600	0.32	A
Kammerer Road – Bruceville Road to West Stockton Boulevard	54,000	7,700	0.14	A	25,800	0.48	A
Eschinger Road – Bruceville Road to SR-99	17,000	1,100	0.06	A	**31,800**	**1.87**	**F**
Dillard Road – SR-99 To Wilton Road	17,000	4,700	0.28	C	4,700	0.28	C
Lambert Road – I-5 to Bruceville Road	17,000	900	0.05	A	5,300	0.31	C
Franklin Boulevard – Elk Grove Boulevard to Whitelock Parkway	36,000	10,600	0.29	A	22,400	0.62	B

Table 3.15-10 (cont.): Roadway Segment Level of Service – Cumulative Plus Project Conditions

Roadway Segment	Daily Capacity[1]	Cumulative Conditions			Cumulative Plus Project		
		Daily Volume	V/C Ratio[3]	LOS[2]	Daily Volume	V/C Ratio[3]	LOS[2]
Franklin Boulevard – Hood-Franklin Road to Lambert Road	20,000	1,400	0.07	A	3,700	0.19	B
Bruceville Road – Elk Grove Boulevard to Whitelock Parkway	54,000	24,700	0.46	A	30,700	0.57	A
Bruceville Road – Whitelock Parkway to Kammerer Road	54,000	3,700	0.07	A	17,700	0.33	A
Bruceville Road – Kammerer Road to Eschinger Road	17,000	2,100	0.12	B	**19,300**	**1.14**	**F**
Bruceville Road – Eschinger Road to Lambert Road	17,000	1,500	0.09	A	5,900	0.35	C
Elk Grove Florin Road – East Stockton Boulevard to Elk Grove Boulevard	18,000	5,700	0.32	A	9,000	0.50	D
Waterman Road – Elk Grove Boulevard to Grant Line Road	36,000	9,300	0.26	A	15,700	0.44	A
Bradshaw Road – Elk Grove Boulevard to Grant Line Road	54,000	7,900	0.15	A	17,000	0.31	A

Notes:
[1] The capacity of each roadway is based on the number of lanes and the facility type.
[2] Level of service (LOS) based on Traffic Impact Analysis Guidelines, City of Elk Grove, July 2000.
[3] The LOS is calculated pursuant to both the V/C Ratio and the functional classification of the roadway. Therefore, two roadways with the same V/C ratio but different functional classifications may be calculated to have different LOS values.
Bold text indicates unacceptable LOS.
Shading indicates project impact.
Source: Fehr & Peers 2011; Elk Grove 2010; County of Sacramento 2010

Page 3.15-36, Table 3.15-11

The formatting within Table 3.15-11, Freeway Segment Level of Service – Cumulative Plus Project Conditions, is revised as follows:

Table 3.15-11: Freeway Segment Level of Service – Cumulative Plus Project Conditions

Roadway Segment	Daily Capacity[1]	Cumulative Conditions			Cumulative Plus Project		
		Daily Volume	V/C Ratio[3]	LOS[2]	Daily Volume	V/C Ratio[3]	LOS[2]
I-5 – North of Laguna Boulevard	120,000	111,700	0.93	E	**123,300**	**1.03**	**F**
I-5 – Laguna Boulevard to Elk Grove Boulevard	80,000	**80,400**	**1.00**	**F**	**93,200**	**1.17**	**F**
I-5 – Elk Grove Boulevard to Hood-Franklin Road	80,000	66,300	0.83	D	**80,000**	**1.00**	**F**
I-5 – Hood-Franklin Road to Twin Cities Road	80,000	64,100	0.80	D	61,700	0.77	D
SR-99 – Twin Cities Road to Dillard Road	80,000	**82,800**	**1.03**	**F**	**85,800**	**1.07**	**F**
SR-99 – Dillard Road to Grant Line Road	80,000	78,000	0.97	E	**83,700**	**1.05**	**F**
SR-99 – Grant Line Road to Elk Grove Boulevard	80,000	**82,500**	**1.03**	**F**	**99,100**	**1.24**	**F**

Notes:
1 The capacity of each roadway is based on the number of lanes and the facility type.
2 Level of service (LOS) based on Traffic Impact Analysis Guidelines, City of Elk Grove, July 2000.
3 The LOS is calculated based on facility type assignments from Table 3.15. Therefore, two roadways with the same V/C ratio but different facility types may be calculated to have different LOS values.
Bold text indicates unacceptable LOS.
Shading indicates project impact.
Source: Fehr & Peers 2010; Elk Grove 2010; County of Sacramento 2010

Page 4-3, Table 4-1

Table 4-1, Cumulative Projects, is revised to reflect that the status of the Capital SouthEast Connector Project is "Approved," not "Pending."

Page 9-1

The References section has been amended to include the following:

California Department of Finance. 2013. Report P:1 (County): State and County Total Population Projections, 2010-2060 (5-year increments). January 2013.

Page 9-1

The References section has been amended to include the following:

South Sacramento Habitat Conservation Plan. 2012. SSHCP Habitat Types.

SECTION 5: REFERENCES

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CNRA (California Natural Resources Agency). 2009. Final Statement of Reasons for Regulatory Action, Amendments to the State CEQA Guidelines Addressing Analysis and Mitigation of Greenhouse Gas Emissions Pursuant to SB 97. http://ceres.ca.gov/ceqa/docs /Final_Statement_of_Reasons.pdf.