

Final Environmental Impact Report on the  
Natomas Levee Improvement Program  
Landside Improvements Project  
Responses to Comments and Revisions to the Draft EIR



State Clearinghouse # 2007062016

Prepared for:



November 2007

EDAW | AECOM

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**Landside Improvements Project**  
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State Clearinghouse # 2007062016

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# 1 INTRODUCTION

The Sacramento Area Flood Control Agency (SAFCA) is proposing to implement the Natomas Levee Improvement Program (NLIP) Landside Improvements Project, which consists of installing improvements to the levee system in the Natomas Basin and making other related landscape modifications and drainage and infrastructure improvements. The NLIP would be implemented over a 3-year period extending from 2008 through 2010. The proposed project is described in Chapter 2, “Project Description,” of the September 2007 Draft Environmental Impact Report (DEIR) for the NLIP Landside Improvements Project, and is summarized in Section 1.1, “Summary Description of the Proposed Project,” of this Final EIR (FEIR).

During the comment period on the DEIR, SAFCA received written comments from public agencies, organizations and individuals, as well as oral testimony at a public hearing held before the SAFCA Board of Directors on October 18, 2007. This FEIR has been prepared to respond to comments received on the DEIR, which are reproduced in this volume; and to present corrections, and revisions, and other clarifications made to the DEIR as a result of considering these comments and SAFCA’s ongoing planning efforts. SAFCA has prepared this FEIR in accordance with the requirements of the California Environmental Quality Act (CEQA). SAFCA is the lead agency for complying with CEQA.

This analysis addresses the potential environmental impacts associated with the 2008 activities on a project-specific basis; thereby providing the final CEQA-mandated environmental review before project implementation. This analysis also addresses the potential environmental impacts associated with the overall project on a programmatic basis; therefore, this EIR constitutes a program EIR for all activities leading to the flood control system improvements that would occur during the 2008 through 2010 construction period. The flood control improvement activities planned to take place in 2009 and 2010 would be subject to additional project-specific CEQA analysis in the future, prior to proceeding with project implementation.

The FEIR consists of the DEIR and this document, which includes comments on the DEIR, responses to those comments, and revisions to the DEIR. Both documents should be used as the informational basis for addressing the environmental consequences of implementing the NLIP and alternatives.

## 1.1 SUMMARY DESCRIPTION OF THE PROPOSED PROJECT

As described in the 2007 DEIR, the specific objectives of the proposed project analyzed in this FEIR are to:

- (1) provide at least 100-year flood protection as quickly as possible while laying the groundwork to achieve at least urban-standard (“200-year”) flood protection over time,
- (2) use flood control projects in the vicinity of Sacramento International Airport (Airport) to facilitate better management of Airport lands that reduce hazards to aviation safety, and
- (3) use flood control projects to enhance habitat values by increasing the extent and connectivity of the lands in Natomas being managed to provide habitat for giant garter snake, Swainson’s hawk, and other special-status species.

To meet these project objectives, SAFCA proposes to implement the project activities described in Chapter 2, “Project Description,” of the DEIR consisting of flood control improvements to various portions of the Natomas area flood control system. These activities include:

### 2008 construction

Along the 5.3-mile Natomas Cross Canal (NCC) south levee, raise the levee to provide additional freeboard; realign the levee to provide a more stable waterside slope and to reduce the need for removal

of waterside vegetation, and construct a seepage cutoff wall in the eastern 4.3 miles (approximately) of the levee to reduce the risk of levee failure due to seepage and stability concerns.

Along the Sacramento River east levee, construct a raised adjacent setback levee from the NCC to about 3,100 feet south of the North Drainage Canal with seepage berms where required to reduce seepage potential, and install woodland plantings.

Construct a new canal designed to provide drainage and associated giant garter snake habitat (referred to in this EIR as the “GGS/Drainage Canal”), relocate the Elkhorn Canal between the North Drainage Canal and the Elkhorn Reservoir settling basin (“Elkhorn Reservoir”), and remove a deep culvert from under the levee near the Reclamation District 1000 Pumping Plant No. 2 site.

Recontour the land and create marsh and upland habitat at borrow locations.

#### 2009 and 2010 construction

Along the Sacramento River east levee south of the limits of the 2008 improvements, construct an adjacent setback levee (raised where needed to provide adequate freeboard) with seepage berms, relief wells, and cutoff walls as required, and install woodland plantings.

Widen the levee and construct seepage berms along the Pleasant Grove Creek Canal west levee.

Construct a new GGS/Drainage Canal between Elkhorn Reservoir and the West Drainage Canal, improve the West Drainage Canal, relocate the Riverside Canal and the Elkhorn Canal downstream of Elkhorn Reservoir, and reconstruct the Reclamation District 1000 Pumping Plant No. 2.

Recontour the land and create marsh and upland habitat at borrow locations.

Remove encroachments from the water side of the Sacramento River east levee as needed to ensure that the levee can be certified as meeting the minimum requirements of the National Flood Insurance Program and U.S. Army Corps of Engineers (USACE) design criteria, and address Federal Emergency Management Agency (FEMA) requirements for the State Route 99/70 bridge crossing of the NCC.

Since release of the DEIR, SAFCA has continued to design and refine the features of the proposed NLIP Landside Improvement Project. As a result of these efforts, the NLIP Landside Improvement Project has undergone minor revisions warranting identification in this discussion. The most prominent change in the project is SAFCA’s conclusion that the west levee of the Pleasant Grove Creek Canal does not need to be raised to achieve the project objectives.

The second change would be to modify a limited portion of the NCC east of State Route 99/70 through the installation of a partial waterside levee raise so as to limit the extent of the landside footprint of the project and minimize the need to relocate Howsely Road. An analysis of the hydraulic effects of this modification indicated that it would not diminish the NCC’s conveyance capacity.

The third change to the project would be to extend the width of the seepage berm located between stations 57+00 to 85+00 from 100 feet to 300 feet in width. This modification would extend the feature further eastward into the adjacent agricultural cropland so as to more effectively contain underseepage through a relatively shallow but lengthy layer of sand and gravel material. Because of the extent of the borrow material required for this work, this portion of the 2008 construction plan would be deferred until 2009, providing the existing residents additional time to arrange and implement relocation of the existing residences in a more reasonable timeframe.

The fourth change to the project consists of extending a segment of the seepage berm into an area occupied by a small grove of trees that is located at the southern end of Reach 4B. This area occupies about 1.3 acres and is

subject to deep and extensive underseepage. About 11 relief wells were originally proposed to temporarily retain these trees near the seepage berm. However, further analysis has raised concerns that this design might not offer consistent resistance to underseepage, particularly along the seams between the wells and the berms. Additional geotechnical data has indicated that temporary retention of these trees is not recommended. The downstream limit of 2008 construction has also been extended from Station 214+00 to Station 228+00.

The fifth change to the project description consists of adding a new parcel of land as a potential borrow area and habitat mitigation area. This property consists of about 160 acres located east of the Airport.

Exhibit 1-1 illustrates the NLIP Landside Improvement Project in relation to its regional location. Exhibits 1-2a, 1-2b, and 1-2c present detailed aerial photographs depicting the project features. Exhibit 1-3 depicts the potential borrow areas and habitat mitigation lands being considered as part of project development.

## **1.2 MAJOR CONCLUSIONS OF THE DEIR ENVIRONMENTAL ANALYSIS**

### **1.2.1 SUMMARY OF IMPACTS AND MITIGATION MEASURES**

As described in the DEIR, the proposed project could result in significant environmental effects on several resources. The majority of the impacts would be temporary, construction-related effects that would be less than significant or would be reduced to less-than-significant levels through mitigation.

Table 1-1 summarizes the proposed project's environmental impacts, the level of significance of each impact before mitigation, recommended mitigation measures, and the level of significance of each impact after mitigation. This table was reproduced from the DEIR and has been updated to reflect changes to mitigation measures made as a result of comments on the DEIR.

### **1.2.2 SIGNIFICANT AND UNAVOIDABLE IMPACTS**

As described in the DEIR, the proposed project would result in the following significant and unavoidable impacts:

Conversion of important farmland to nonagricultural uses (direct and cumulative)

Potential construction impacts on known prehistoric resources, discovery of human remains during construction, and damage to or destruction of previously undiscovered cultural resources (direct and cumulative)

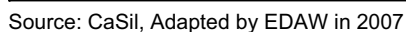
Temporary increase in traffic on local roadways during construction (direct)

Effects on air quality with respect to short-term construction emissions: temporary emissions of reactive organic gases (ROG), oxides of nitrogen (NO<sub>x</sub>), and respirable particulate matter with an aerodynamic diameter of 10 micrometers or less (PM<sub>10</sub>) (direct and cumulative), and incremental contributions to greenhouse gas emissions (cumulative)

Generation of short-term construction noise, exposure of sensitive receptors to or generation of excessive groundborne vibration or noise, and exposure of residents to increased traffic noise levels from hauling activity (direct and cumulative)

Changes in scenic vistas, scenic resources, and existing visual character of the project area (direct and cumulative)

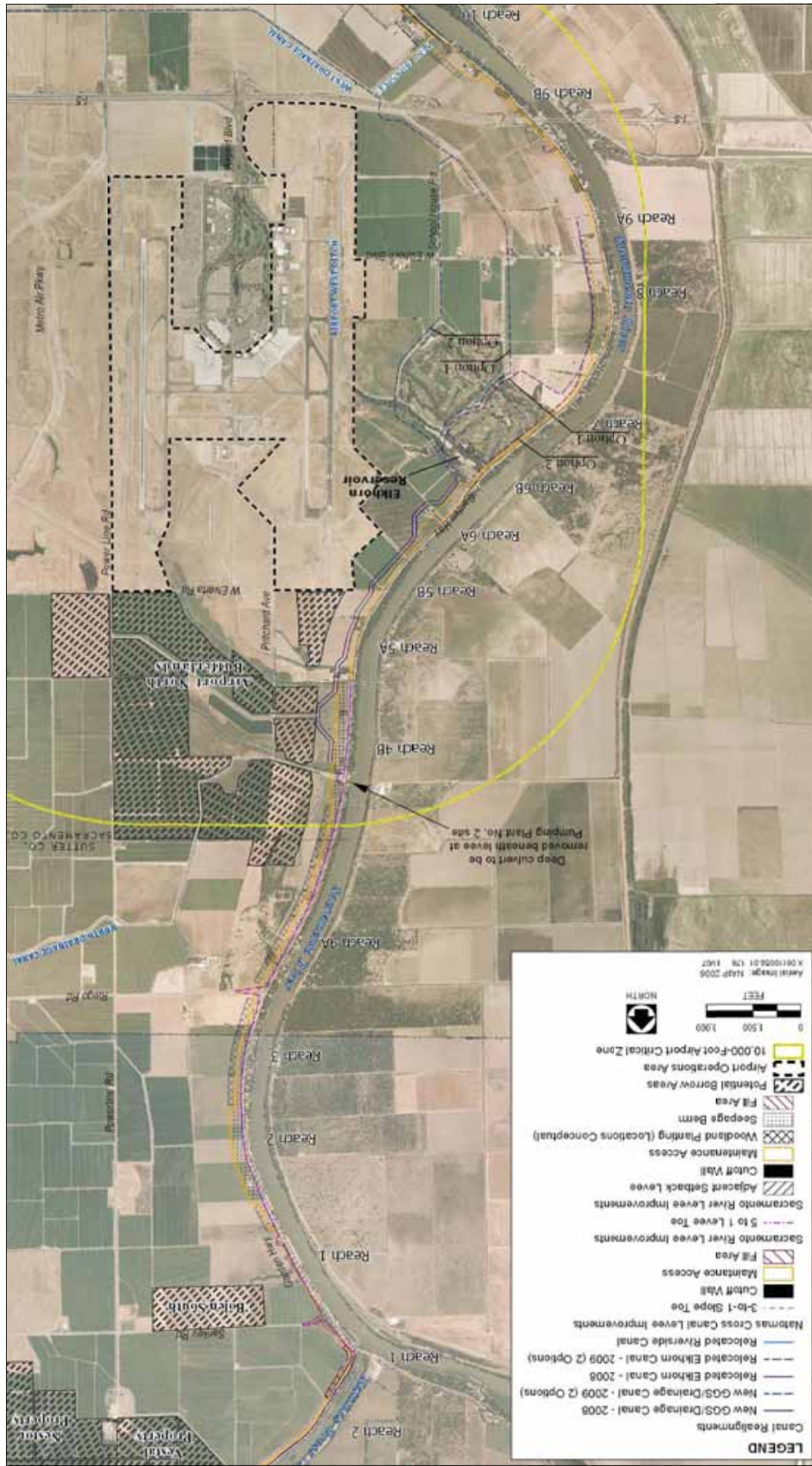
Where feasible mitigation exists, it has been included to reduce these impacts; however, the mitigation would not be sufficient to reduce the impacts to a less-than-significant level.



## Exhibit 1-1







Overview of Proposed Project Features (2008–2010 Construction)—Map 2 of 3

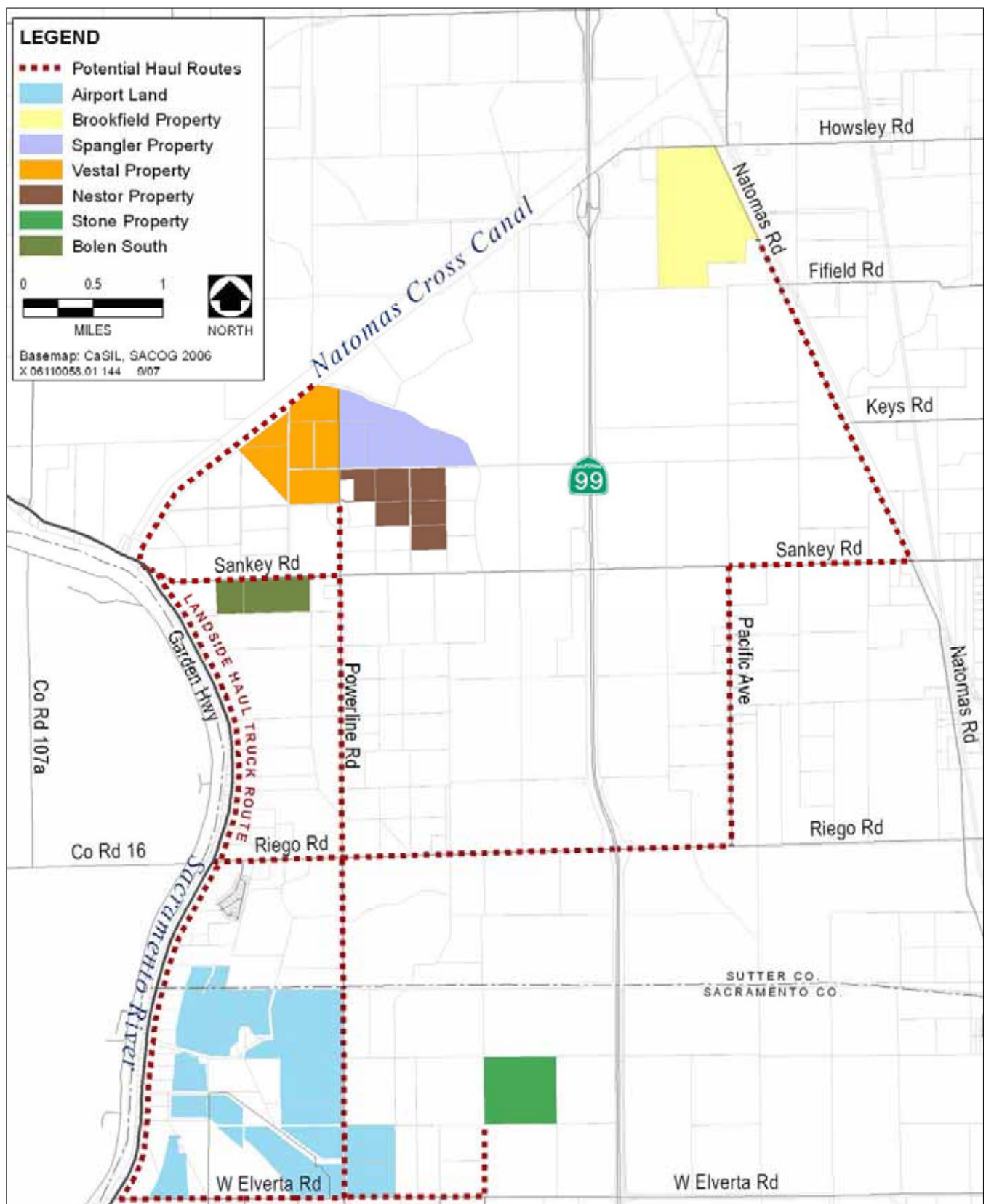




Source: HDR 2007, Wood Rodgers 2007, Mead & Hunt 2007, SACOG 2008

Overview of Proposed Project Features (2008–2010 Construction)—Map 3 of 3

Exhibit 1-2c



Source: EDAW 2007, Mead & Hunt 2007

# **Soil Borrow Sites and Potential Haul Routes for Sacramento River East Levee Improvements in Reaches 1-4B (2008 Construction)**

**Exhibit 1-3**



## 1.3 PURPOSE OF THE FINAL EIR

CEQA requires a lead agency that has prepared a DEIR to consult with and obtain comments from public agencies that have legal jurisdiction concerning the proposed project, and to provide the general public with an opportunity to comment on the DEIR. The FEIR is the mechanism for considering these comments. This FEIR has been prepared to respond to comments received on the DEIR, which are reproduced in this volume; and to present corrections, and revisions, and other clarifications made to the DEIR as a result of considering these comments and SAFCA's ongoing planning efforts.

## 1.4 REQUIREMENTS FOR CERTIFICATION AND FUTURE STEPS IN PROJECT APPROVAL

The EIR is intended to be used by the SAFCA Board of Directors when considering project approval, and by responsible and trustee agencies that have regulatory authority over portions of the project features, land management jurisdiction, or other permit approval responsibility.

On June 4, 2007, SAFCA issued a notice of preparation (NOP) of a DEIR and filed the NOP with the State Clearinghouse. The public comment period on the NOP ended on July 3, 2007. A scoping meeting was held on June 19, 2007, to solicit input on the scope of the DEIR from interested agencies, individuals, and organizations.

On September 14, 2007, SAFCA released the DEIR for public review and comment for a 45-day period ending October 29, 2007. The DEIR was submitted to the State Clearinghouse for distribution to reviewing agencies. A notice of availability was filed with the county clerks of Sacramento and Sutter Counties; published in the *Sacramento Bee*; and distributed to a broad mailing list.

A public hearing to receive comments on the DEIR was held at the Sacramento City Council Chambers on October 18, 2007 during the regular meeting of the SAFCA Board of Directors. The public hearing was recorded and a transcript was prepared.

As a result of these notification efforts, written and verbal comments were received from federal, state, and local agencies; organizations; and individuals on the content of the DEIR. Chapter 3 of this FEIR identifies these commenting parties, their respective comments, and responses to these comments. None of the comments received, or the responses provided, constitute "significant new information" by CEQA standards (CEQA Guidelines Section 15088.5).

SAFCA will hold a public hearing as part of its Board of Directors meeting on November 29, 2007, to consider certification of the FEIR and to decide whether to approve the proposed project, at which time the public and interested agencies may comment on the project.

## 1.5 ORGANIZATION AND FORMAT OF THE FINAL EIR

This document is organized as follows:

**Chapter 1, "Introduction,"** presents a summary of the proposed project, summarizes the major conclusions of the DEIR, describes the purpose of the FEIR, provides an overview of the environmental review process, and describes the content of the FEIR.

**Chapter 2, "Master Responses to Comments on the Draft EIR,"** presents responses to environmental issues raised in multiple comments. These have been termed "master responses" and are organized by topic to provide more comprehensive responses than may be possible in responding to individual comments.

**Chapter 3, “Individual Responses to Comments on the Draft EIR,”** contains a list of all parties who submitted comments on the DEIR during the public review period, copies of the comment letters received, and individual responses to the comments.

**Chapter 4, “Revisions to the Draft EIR,”** presents revisions to the DEIR text made in response to comments, or to amplify, clarify or make insignificant modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by underline where text is added.

**Chapter 5, “References,”** includes the references to documents used to support the comment responses.

**Chapter 6, “List of Preparers,”** lists the individuals who assisted in the preparation of this document.

Table 1-1 Summary of Impacts and Mitigation Measures				
Resource Topic/Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation	
<b>Agriculture and Land Use</b>				
Impact 3.2-a. Conflicts with Land Use Plans and Policies	Less than significant	No mitigation is required	Less than significant	
Impact 3.2-b. Conversion of Important Farmland to Nonagricultural Uses	Significant	Mitigation Measure 3.2-b: Minimize Important Farmland Conversion to the Extent Practicable and Feasible	Significant and unavoidable	
<b>Geology and Soils</b>				
Impact 3.3-a. Potential Temporary, Short-Term Construction-Related Erosion	Significant	Mitigation Measure 3.3-a: Implement Standard Best Management Practices (BMPs), Prepare and Implement a Stormwater Pollution Prevention Plan (SWPPP), and Comply with National Pollutant Discharge Elimination System (NPDES) Permit Conditions	Less than significant	
<b>Hydrology and Hydraulics</b>				
Impact 3.4-a. Hydraulic Effects of the Proposed Levee Improvements	Less than significant	No mitigation is required	Less than significant	
Impact 3.4-b. Alteration of Local Drainage	Significant	Mitigation Measure 3.4-b: Coordinate with Landowners and Drainage Infrastructure Operators, Prepare Drainage Studies as Needed, and Remediate Impacts through Project Design	Less than significant	
<b>Water Quality</b>				
Impact 3.5-a. Temporary Effects on Water Quality from Stormwater Runoff, Erosion, and Spills Associated with Construction	Significant	Mitigation Measure 3.5-a: Implement Standard BMPs, Prepare and Implement a SWPPP, and Comply NPDES Permit Conditions	Less than significant	
Impact 3.5-b. Effects on Water Quality from Groundwater Discharged by Relief Wells	Significant	Mitigation Measure 3.5-b: Conduct Groundwater Quality Tests, Notify the Central Valley Regional Water Quality Control Board (RWQCB), and Comply with the RWQCB's Waste Discharge Authorization and NPDES Permit	Less than significant	
<b>Fisheries and Aquatic Resources</b>				
Impact 3.6-a. Loss of Fish Habitat Through Increased Sedimentation and Turbidity or Releases of Contaminants	Significant	Mitigation Measure 3.6-a: Implement Standard BMPs, Prepare and Implement a SWPPP, and Comply with NPDES Permit Conditions	Less than significant	

<p><b>Table 1-1</b> <b>Summary of Impacts and Mitigation Measures</b></p>			
<b>Resource Topic/Impact</b>	<b>Level of Significance before Mitigation</b>	<b>Mitigation Measure</b>	<b>Level of Significance after Mitigation</b>
Impact 3.6-b. Loss of Shaded Riverine Aquatic (SRA) Habitat Associated with Levee Improvement Activities	Significant	Mitigation Measure 3.6-b: Restore, Replace, or Rehabilitate Loss of Degraded SRA Habitat Function and Comply with Section 1602 Permit Conditions	Less than significant
<b>Terrestrial Biological Resources</b>			
Impact 3.7-a. Loss of Sensitive Habitats	Significant	Mitigation Measure 3.7-a: Minimize Effects on Sensitive Habitats, Develop a Habitat Management Plan to Ensure Compensation for Unavoidable Adverse Effects, and Comply with Section 404, Section 401, and Section 1602 Permit Processes	Less than significant
Impact 3.7-b. Disturbance and Loss of Special-Status Plant Habitat	Significant	Mitigation Measure 3.7-b: Conduct Focused Surveys for Special-Status Plants, Minimize Effects, Transplant Unavoidable Individual Plants, and Develop Management Plan for Transplanted Populations	Less than significant
Impact 3.7-c. Loss of Potential Habitat for Valley Elderberry Longhorn Beetles	Significant	Mitigation Measure 3.7-c: Minimize Effects on Valley Elderberry Longhorn Beetle, Conduct Focused Surveys, Develop a Management Plan to Ensure Adequate Compensation for Unavoidable Adverse Effects, and Obtain Incidental Take Authorization	Less than significant
Impact 3.7-d. Disturbance and Loss of Giant Garter Snake Habitat	Significant	Mitigation Measure 3.7-d: Minimize the Potential for Direct Loss of Giant Garter Snake Individuals, Develop a Management Plan in Consultation with the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (DFG), and Obtain Incidental Take Authorization	Less than significant
Impact 3.7-e. Disturbance and Loss of Northwestern Pond Turtle Habitat	Significant	Mitigation Measure 3.7-e: Conduct Focused Surveys for Northwestern Pond Turtle and Relocate Turtles	Less than significant
Impact 3.7-f. Loss of Swainson's Hawk Habitat and Potential Disturbance of Nests	Significant	Mitigation Measure 3.7-f: Minimize Potential Impacts on Swainson's Hawk, Monitor Active Nests during Construction, Develop a Management Plan in Consultation with DFG, and Obtain Incidental Take Authorization	Less than significant
Impact 3.7-g. Loss and Potential Disturbance of Habitat for Other Special-Status Birds	Significant	Mitigation Measure 3.7-g: Minimize Potential Impacts on Burrowing Owls and Other Special-Status Bird Species, Monitor Active Nests during Construction, and Relocate Owls as Needed	Less than significant
Impact 3.7-h. Loss and/or Disturbance of Wildlife Corridors	Significant	Mitigation Measure 3.7-h: Implement Mitigation Measure 3.7-d	Less than significant

Table 1-1 Summary of Impacts and Mitigation Measures			
Resource Topic/Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact 3.7-i. Consistency with the Natomas Basin Habitat Conservation Plan (NBHCP)	Significant	Mitigation Measure 3.7-i: Ensure that Compliance with Mitigation Requirements of Established NBHCP Reserves is Not Adversely Affected and Implement Mitigation Measures 3.7-a through 3.7-g	Less than significant
<b>Cultural Resources</b>			
Impact 3.8-a. Changes to Elements of Reclamation District (RD) 1000	Significant	Mitigation Measure 3.8-b: Document Alterations Made to Any RD 1000 Contributing Resources and Distribute the Information to the Appropriate Repositories	Less than significant
Impact 3.8-b. Construction Impacts on Other Known Historic-Era Resources	Less than significant	No mitigation is required	Less than significant
Impact 3.8-c. Potential Construction Impacts on Known Prehistoric Resources	Significant	Mitigation Measure 3.8-c(1): Avoid Ground Disturbance Near Known Prehistoric Archaeological Sites CA-Sac-485/H and the Barney Mound to the Extent Feasible, and Conduct Resource Documentation and Data Recovery at CA-Sac-485/H as Needed  Mitigation Measure 3.8-c(2): Avoid Ground Disturbance near Known Prehistoric Archaeological Sites CA-Sac-15/H , CA-Sac-16/H, CA-Sac-160/H, CA-Sac-164, and CA-Sac-485/H to the Extent Feasible, and Conduct Resource Documentation and Data Recovery as Needed	Significant and unavoidable
Impact 3.8-d. Damage to or Destruction of Previously Undiscovered Cultural Resources	Significant	Mitigation Measure 3.8-d: Perform Research and/or Surveys, Brief Workers Before Construction, Monitor Construction, Halt Potentially Damaging Activities, Investigate and Avoid Resources to the Extent Feasible, and Conduct Resource Documentation and Data Recovery as Needed	Significant and unavoidable
Impact 3.8-e. Discovery of Human Remains during Construction	Significant	Mitigation Measure 3.8-e: Halt Work Within 50 Feet of the Find, Notify the County Coroner and Most Likely Descendant, and Implement Appropriate Treatment of Remains	Significant and unavoidable
<b>Paleontological Resources</b>			
Impact 3.9-a. Disturbance of Unknown Unique Paleontological Resources during Earthmoving Activities	Significant	Mitigation Measure 3.9-a: Conduct Construction Personnel Training and, if Paleontological Resources Are Found, Cease Work in the Vicinity of the Find and Implement Mitigation in Coordination with a Professional Paleontologist	Less than significant

<p><b>Table 1-1</b> <b>Summary of Impacts and Mitigation Measures</b></p>			
<b>Resource Topic/Impact</b>	<b>Level of Significance before Mitigation</b>	<b>Mitigation Measure</b>	<b>Level of Significance after Mitigation</b>
<b>Transportation and Circulation</b>			
Impact 3.10-a. Temporary Increase in Traffic on Local Roadways during Construction	Significant	Mitigation Measure 3.10-a: Prepare and Implement a Traffic Routing Plan for Both Crew Commute Trips to the Work Sites and Construction-Related Truck Trips	Significant and unavoidable
Impact 3.10-b. Temporary Increase in Traffic Hazards on Local Roadways during Construction	Significant	Mitigation Measure 3.10-b: Prepare and Implement a Traffic Safety and Control Plan and Implement Measures to Avoid and Minimize Traffic Hazards on Local Roadways during Construction	Less than significant
Impact 3.10-c. Temporary Effect on Emergency Service Response Times and Access during Construction	Significant	Mitigation Measure 3.10-c: Notify Emergency Service Providers about Project Construction and Maintain Emergency Access or Coordinate Detours with Providers	Less than significant
<b>Air Quality</b>			
Impact 3.11-a. Temporary Emissions of ROG, NO <sub>x</sub> , and PM <sub>10</sub> during Construction	Significant	Mitigation Measure 3.11-a: Implement District-Recommended Control Measures to Minimize Temporary Emissions of ROG, NO <sub>x</sub> , and PM <sub>10</sub> during Construction	Significant and unavoidable
Impact 3.11-b. Long-Term Changes in Emissions of ROG, NO <sub>x</sub> , and PM <sub>10</sub> Associated with Project Implementation	Less than significant	No mitigation is required	Less than significant
Impact 3.11-c. Exposure of Sensitive Receptors to Toxic Air Emissions	Less than significant	No mitigation is required	Less than significant
<b>Noise</b>			
Impact 3.12-a. Generation of Short-Term Construction Noise	Significant	Mitigation Measure 3.12-a: Implement Noise-Reducing Construction Practices, Prepare a Noise Control Plan, and Monitor and Record Construction Noise Near Sensitive Receptors	Significant and unavoidable
Impact 3.12-b. Exposure of Sensitive Receptors to or Generation of Excessive Groundborne Vibration or Noise	Significant	Mitigation Measure 3.12-b: Implement Measures to Avoid Construction-Related Vibration Effects	Significant and unavoidable
Impact 3.12-c. Exposure of Residents to Increased Traffic Noise Levels from Hauling Activity	Significant	Mitigation Measure 3.12-c: Implement Noise-Reduction Measures to Reduce the Effects of Haul Truck Traffic Noise	Significant and unavoidable

Table 1-1 Summary of Impacts and Mitigation Measures			
Resource Topic/Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Impact 3.12-d. Long-Term Increases in Noise	Less than significant	No mitigation is required	Less than significant
Impact 3.12-e. Exposure of Construction Workers to Excessive Noise Levels from Airport Operations	Less than significant	No mitigation is required	Less than significant
<b>Recreation</b>			
Impact 3.13-a. Temporary Changes in Recreational Opportunities during Project Construction Activities	Less than Significant	No mitigation is required	Less than significant
Impact 3.13-b. Permanent Encroachment on Parkland along Garden Highway	Significant	Mitigation Measure 3.13-b: Compensate the City of Sacramento for Encroachments that Cause Permanent Loss of the Recreational Use of Affected Recreational Facilities	Less than significant
<b>Visual Resources</b>			
Impact 3.14-a. Changes in Scenic Vistas, Scenic Resources, and Existing Visual Character of the Project Area	Significant	No mitigation is available	Significant and unavoidable
Impact 3.14-b. Changes in Light and Glare	Less than significant	No mitigation is required	Less than significant
<b>Utilities and Service Systems</b>			
Impact 3.15-a. Potential Temporary Disruption of Irrigation Supply	Significant	Mitigation Measure 3.15-a: Coordinate with Irrigation Water Supply Users Before and During All Irrigation Infrastructure Modifications and Minimize Interruptions of Supply	Less than significant
Impact 3.15-b. Potential Disruption of Utility Service during Construction	Significant	Mitigation Measure 3.15-b: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan, and Conduct Worker Training with Respect to Accidental Utility Damage	Less than significant
Impact 3.15-c. Increases in Solid Waste Generation	Less than significant	No mitigation is required	Less than significant

Table 1-1 Summary of Impacts and Mitigation Measures			
Resource Topic/Impact	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
<b>Hazards and Hazardous Materials</b>			
Impact 3.16-a. Spills of Hazardous Materials during Construction	Less than significant	No mitigation is required	Less than significant
Impact 3.16-b. Exposure to Hazardous Materials Encountered at Project Sites	Significant	Mitigation Measure 3.16-b(1): Ensure that Contaminants Are Not Present at Unacceptable Levels on the Yuki Farms Site Near the Location of Project Construction Activities  Mitigation Measure 3.16-b(2): Prepare a Worker Health and Safety Plan, and Implement Appropriate Measures to Minimize Potential Exposure to Unknown Hazardous Materials	Less than significant
Impact 3.16-c. Temporary Aircraft Safety Hazards Resulting from Project Construction Activities within or near the Airport Critical Zone	Significant	Mitigation Measure 3.16-c: Coordinate Work in the Critical Zone with Airport Operations and Restrict Night Lighting within and near the Runway Approaches	Less than significant
Impact 3.16-d. Potential to Result in Higher Frequency of Collisions between Aircraft and Wildlife at Sacramento International Airport	Significant	Mitigation Measure 3.16-d: Implement Measures to Avoid Substantial Increases in Hazardous Wildlife within the Critical Zone or Wildlife Collisions with Aircraft	Less than significant
Impact 3.16-e. Interference with an Adopted Emergency Evacuation Plan	Significant	Mitigation Measure 3.16-e: Notify State and Local Emergency Management Agencies about Project Construction and Coordinate State Route (SR) 99 Detours with These Agencies to Ensure That Any Need for Emergency Use Is Not Significantly Impaired	Less than significant
Impact 3.16-f. Exposure to Wildland Fires	Significant	Mitigation Measure 3.16-f: Prepare and Implement a Fire Management Plan to Minimize Potential for Wildland Fires	Less than significant



## 2 MASTER RESPONSES TO COMMENTS ON THE DRAFT EIR

### 2.1 INTRODUCTION

The following discussion presents responses to environmental issues raised in multiple comments. These responses have been titled, “master responses,” because they address numerous comments concerning the same or very similar topics. These responses are organized by topic to provide a more comprehensive response than may be possible in responding to individual comments. Table 2-1 lists each issue addressed in a master response.

<b>Table 2-1 List of Master Responses</b>	
<b>Master Response Number</b>	<b>Title</b>
1	Hydraulic Impacts of the NLIP
2	Biological Resources and Habitat Mitigation
3	Temporary Construction Impacts on Traffic Safety, Noise, and Other Nuisances
4	Utilities Relocation

All individual comments on environmental issues along with individual responses to these comments are presented in Chapter 3, “Individual Responses to Comments on the Draft EIR.” In that chapter, the reader is referred back to these master responses as appropriate.

### 2.2 MASTER RESPONSE 1: HYDRAULIC IMPACTS OF THE NLIP

#### 2.2.1 INTRODUCTION

In response to several comments received on the DEIR that question whether SAFCA’s approach to evaluating hydraulic impacts is reasonable, SAFCA has prepared the following master response.

#### 2.2.2 DETERMINING THE SIGNIFICANCE OF HYDRAULIC IMPACTS

CEQA requires lead agencies to determine whether “the proposed project [would] expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam” (State CEQA Guidelines, Appendix G, Section VIII, i). SAFCA has historically made this determination by evaluating the potential effects of its levee improvement projects on water surface elevations in the stream and river channels in the project area and in the larger watershed within which the project is situated. This approach was used to evaluate the flood related impacts of the Natomas Levee Improvement Program (NLIP). Specifically, SAFCA’s engineering consultant, MBK Engineers, used a UNET hydraulic computer model to compare existing conditions in the waterways surrounding the Natomas Basin and in the larger Sacramento River Flood Control Project (SRFCP) with and without the project. The analysis consisted of calibrating the hydraulic model to historic flood events using high-water marks and stream gage data, modeling the “with” and “without” project condition under several flood scenarios, and determining whether the proposed project would produce a significant difference in the relevant water surface elevations.

The results of this analysis were initially presented in Chapter 4.4, “Hydrology and Hydraulics,” and Appendix C, “Hydraulic Modeling Results,” of the program-level EIR on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area, which was certified by the SAFCA Board of Directors in February 2007. Using the same methodology, the analysis was performed again and presented in Chapter 3.4,

“Hydrology and Hydraulics,” of the DEIR for the NLIP Landside Improvements Project. In both cases, the modeling showed that the proposed NLIP improvements would not increase the “1957” water surface profiles that serve as the minimum design standard for all reaches of the SRFCP and would not substantially increase the 100-year or “200-year” water surface elevations in any urban areas upstream or downstream of the project study area. On this basis, both EIRs concluded that the NLIP improvements would not cause any significant hydraulic impacts.

A surface water elevation increase of 0.1 foot was used as a threshold for determining potential a significant impact because it represents a minimum change from existing conditions. As discussed on pages 3.4-6 and 3.4-7 of the DEIR, a 0.0 foot increase in both the “1957,” “100-year,” and “200-year” water surface profiles would result with implementation of the NLIP Landside Levee Improvement Project.

### **2.2.3 THE EIR’S TWO-THRESHOLD APPROACH IS CONSISTENT WITH THE FRAMEWORK HISTORICALLY USED TO MANAGE THE SRFCP**

The perimeter levee system around the Natomas Basin is part of a larger integrated system of levees, dams, and bypass channels known as the SRFCP that encompasses five historic flood basins in the Sacramento Valley (Colusa, Sutter, Feather, Yolo and American Flood Basins) and the subbasins contained therein. Planning, design, and construction of the SRFCP has been ongoing since the early 1900s under the leadership of the U.S. Army Corps of Engineers (USACE) and the State of California (state), with local levee and reclamation districts playing the principal role in operating and maintaining the system.

Initially, the river channel and bypass levees in each segment of the system were constructed based on a standard geometry. The levees were designed with a predetermined freeboard allowance tied to specified flows and associated water surface profiles generally matched to observed conditions during the 1907 and 1909 floods. Over time, the standard freeboard allowance of each levee section was increased because of numerous levee failures. The minimum standard levee changed from a levee with a top width of 10 feet to one with a top width of 20 feet. In addition, the design flows were modified substantially on the Feather and American Rivers. This was the result of floods that occurred after 1909, which demonstrated these rivers could produce substantially greater flows than occurred during the 1907 and 1909 floods. Because numerous levee failures occurred along the Feather River levees between 1920 and 1934, the levees were set back and enlarged to accommodate greater flows. These changes were summarized in design memorandums, which define the minimum freeboard requirements for each segment of the SRFCP, collectively referred to as the “1957 profile.” Over the years, the system capacity of the SRFCP was also greatly expanded by the construction of five major multiple-purpose reservoirs (Shasta, Black Butte, Oroville, New Bullards Bar, and Folsom Reservoirs) containing 2.7 million acre-feet of dedicated flood space.

The record floods of 1986 and 1997 triggered additional system modifications. Although these floods were significantly larger than the 1907 and 1909 floods, the availability of reservoir storage largely prevented flows in the system from exceeding the design of the SRFCP. Nevertheless, numerous project levees experienced unexpectedly severe stress and some failed. This experience caused the USACE, the state, and their local partners to perform a series of geotechnical evaluations on the SRFCP’s levees and to adopt new, more rigorous levee design standards for urban areas, including standards for seepage through and under project levees. To meet these new standards, USACE, the state, and local flood control agencies have made substantial investments in addressing identified deficiencies in levees throughout the SRFCP and in improving the level of flood protection provided by the levees, particularly in urban areas.

Although the SRFCP and its design standards have evolved over the years based on experience, new engineering tools and analysis, and changes in public policy, this evolution has occurred within a system management framework that has allowed necessary adaptations to the system without undermining its basic operational principles. These principles are discussed below.

The SRFCP is not intended to provide a uniform level of flood protection (statistical probability of flooding) to the various subbasins within the protected area. Rather, each subbasin is protected by levees that at least meet the SRFCP's minimum geometrical standards, including freeboard reflecting the water surface profile prescribed for that segment of the system. Each subbasin's protection is dependent on the fitness of its own levees and not on the condition (or failure) of any other subbasin's levees. Accordingly, each subbasin has the right to keep its levees in the fittest possible condition to ensure that these levees will perform as reliably as possible in a flood.

## **2.2.4 EFFECT OF THE NLIP ON SRFCP FUNCTION AND OPERATIONS**

Even the most modest levee-tending activity, such as eradicating rodent burrows, has the potential to trigger a "transfer of risk," at least in theory. Yet there are currently no data and modeling tools available to quantify such transfers of risk and assess their significance. One of the SRFCP's most important accomplishments is to avoid this problem by relying on the more practical and measurable indicator of a change in water surface elevation, using this measure as the guideline for evaluating the effects of levee-tending activity. Because the SRFCP is designed to operate as an integrated system based on prescribed water surface elevations, the "transfer of risk" that may occur when a subbasin improves the fitness of its levees is not considered to adversely affect the performance of the SRFCP with respect to other subbasins as long as the improvement activity does not alter any water surface elevations designed by the SRFCP. Under this water surface elevation guideline, levee and reclamation districts can operate and maintain their levees (and thus reduce flood damages without engaging in overly complex "transfer of risk" arguments) unless there is evidence that their levee fitness activities will cause a change in a relevant design water surface profile. If the activities of these levee and reclamation districts would produce a significant adverse change in a water surface profile prescribed by the SRFCP, then the district would be expected to offset the adverse impact.

It is clear that levee-tending activities involving physical changes in the geometry of the river channel are the activities most likely to cause changes in water surface elevations prescribed by the SRFCP. These types of activities include placement of fill or construction of structures in the floodway, construction of new levees, relocation of existing levees, excavation within the floodway, construction of large berms for protecting riverbanks, raising an existing levee (waterside raise), construction of a new bypass, and planting of vegetation within the floodway. Improvement activities on the land side of a levee also require evaluation. Such activities include placing a slurry wall in a levee, adding a seepage berm to a levee, placing a field of seepage relief wells along a levee, raising a levee (landside raise), widening a levee (increase top width), and relocating a seepage ditch.

Three design water surface elevations should be considered when determining whether a levee-tending activity would result in an adverse impact to a SRFCP levee. First, the elevations prescribed for each segment of the SRFCP must be considered. These elevations are referred to as the "1957 profile" and they define the minimum freeboard requirements for each segment of the SRFCP. Second, because of the participation of virtually all communities protected by segments of the SRFCP in the National Flood Insurance Program, the 100-year water surface profile must be considered. Third, because the California Legislature has now established "200-year" flood protection as the appropriate standard of flood protection for all urban areas within the SRFCP, the "200-year" water surface profile must also be considered. (Statutes of 2008, Chapter 364 [adding Water Code Section 9602(i)]).

In determining whether a proposed improvement or activity could result in changes to these water surface profiles, the standard analysis procedure is to use hydrologic and hydraulic computer modeling tools such as, HEC-1, HEC-2, UNET, HEC-RAS, RMA2, FESWMS, etc. The analysis consists of calibrating the hydraulic model to historic flood events using high-water marks and stream gage data. The calibration activity is normally conducted on systemwide instead of a site-specific basis. However, data available for computer model calibration can be sparse or nonexistent. In addition, assumptions must be made regarding reservoir operations. Because all of the reservoirs that contribute to the operation of the SRFCP (Shasta, Black Butte, Oroville, New Bullards Bar and Folsom) are governed by water control manuals issued by USACE, current reservoir operations are assumed

to continue except where it is reasonably foreseeable that the current operation could change (as in the case of Folsom Dam and Reservoir, where Congress has directed USACE to formalize the variable space storage operation that has been in effect by agreement between SAFCA and the U.S. Bureau of Reclamation since 1995).

Once the model is calibrated, the “with project” condition is compared to the “without project” condition under several flow conditions (1957 profile, 100-year FEMA flood, and “200-year” urban flood) to determine whether a difference exists in water surface elevations under these different conditions. This analysis is complicated because, for the 100-year flood and “200-year” flood, it involves assumptions about the performance of project levees under flow conditions that exceed the minimum design of the SRFCP and thus involve the possibility of levee failure. As noted above, the design of the SRFCP was not historically based on assumed levee failures. On the contrary, the design assumed no levee failures but included five engineered diversions and one natural overflow diversion. The natural diversion is to Butte Basin, which is upstream from the SRFCP levees. This diversion did not include flow easements because Butte Basin is a historic flood basin. The five engineered diversions include two diversions to Butte Basin (Moulton and Colusa Weirs), one diversion to the Sutter Bypass (Tisdale Weir), and two diversions to the Yolo Bypass (Fremont and Sacramento Weirs). All of the engineered diversions included the acquisition of property rights to support the diversions. The deliberate planning, construction, and maintenance of the diversions assured that they would function during flood conditions and serve as reliable features of the flood project.

The historic record of SRFCP levees under high flow conditions does not reveal a direct relationship between river stage and levee performance, particularly given the potential for flood fighting activities to influence this relationship. This greatly complicates the challenge of establishing reasonable assumptions on which to conduct hydraulic modeling evaluations. Most hydraulic modeling efforts make the simplifying assumption that a levee fails when the water surface reaches a defined elevation. The most common failure scenarios consider the following:

- (a) Assume levee fails when water level exceeds top of levee by 0.5 feet.
- (b) Assume levee fails when water level reaches top of levee.
- (c) Assume levee fails when water exceeds design stage by 1.5 feet.
- (d) Assume levee fails when design stage is exceeded.

The performance of the Reclamation District (RD) 784 levee on the Yuba River highlights the problems associated with these scenarios. This levee has never been overtopped; however, during the 1955 flood, the water surface level reached to within 0.5 feet of the top of the levee and the levee did not fail. Although not quite reaching the limit described by scenario (b), the water surface did exceed the levels specified by scenarios (c) and (d). These scenarios would have incorrectly assumed a levee failure and overestimated the beneficial effect of a levee failure to adjacent or downstream areas during the 1955 flood. During the 1986 flood, the maximum water level was approximately 4.5 feet below the top of the levee; however, the levee failed after the peak stage when the water level was approximately 6.6 feet below the top of the levee. All of the above scenarios would have assumed no levee failure. Because the levee failure occurred approximately 24 hours after the peak stage, the adjacent or downstream areas did not receive any benefit in peak stage reduction. During the 1997 flood, the maximum water level was 2.5 feet below the top of levee and the levee did not fail. Scenario (d) would have assumed a levee failure and would have overestimated the benefit a levee failure would have provided to the adjacent or downstream areas.

The only documented SRFCP levee overtopping that did not result in a levee failure occurred in 1995, when the Cache Creek levees were overtopped by approximately 0.1 to 0.2 feet and did not fail. An extensive flood fight was conducted by the California Department of Water Resources (DWR) forces to save the levee during this event. There were many instances in 1986 and 1997 when a levee did not fail even though scenarios (c) and (d), above, would have predicted failures. These locations were primarily along Feather River, American River, and Yolo Bypass areas in 1997, and Sacramento River, American River, and Yolo Bypass areas in 1986. Extensive flood fight activities took place during these floods. Flood flows were near or exceeded SRFCP design levels

during these floods. It is interesting to note that current USACE design criteria would not find these areas to have “certifiable” levees.

In short, the historic record does not reveal a direct relationship between river stage and levee failure, particularly given the potential for flood fighting activities to influence this relationship. The state holds flood fighting schools annually before the start of the flood season. Participants at the training learn how to construct a temporary levee raise, provide protection to the levee from overtopping and wind and wave attack, and learn how to deal with underseepage (boils).

For purposes of evaluating the hydraulic effects of the NLIP, SAFCA employed levee failure scenario (a), because it is reasonable, practical, is easily understood, and because a sensitivity analysis indicated that the estimated hydraulic characteristics would be the same for each of the level failure scenarios analyzed. In addition, because the NLIP improvements are based on a levee design profile calculated assuming that SRFCP levees do not fail when overtopped, SAFCA added a “no levee failure” scenario to the modeling effort. In each case, the hydraulic modeling study assumed that all SRFCP levees in nonurban areas would be raised to their design heights (designated freeboard above the SRFCP design water surface profile) as part of the state’s ongoing levee repair program. Several of these levees overtopped in the 100-year and “200-year” modeling runs. In scenario (d), it was assumed that this overtopping would result in a levee breach with water leaving the adjacent river channel through the breach. In the “no levee failure” scenario, the overtopped levee was assumed to act as a weir, allowing water to leave the adjacent river channel over the top of the levee without a breach occurring. None of the existing NLIP levees failed under either of these scenarios. Accordingly, in both cases it was determined that increasing the height of the NLIP levees would not increase the 1957 water surface profiles in any project reach and would not increase the 100-year or “200-year” water surface elevations in any urban areas upstream or downstream of the project study area.

## **2.2.5 THE APPROACH USED IN THE NLIP HAS BEEN ADOPTED BY THE STATE LEGISLATURE**

In September 2007, the state legislature enacted the Central Valley Flood Protection Act of 2008 (Act), Water Code Section 9600 et seq., which was signed into law by the governor in October 2007. The Act is based on the following findings:

The Central Valley of California is experiencing unprecedented development, resulting in the conversion of historically agricultural lands and communities to densely populated residential and urban centers.

The legislature recognizes that by their nature, levees, which are earthen embankments typically founded on fluvial deposits, cannot offer complete protection from flooding, but can decrease its frequency.

The legislature recognizes that the level of flood protection afforded rural and agricultural lands by the original flood control system would not be adequate to protect those lands if they are developed for urban uses, and that a dichotomous system of flood protection for urban and rural lands has developed through many years of practice.

The legislature further recognizes that levees built to reclaim and protect agricultural land may be inadequate to protect urban development unless those levees are significantly improved.

Cities and counties rely upon federal floodplain information when approving developments, but the information available is often out of date and the flood risk may be greater than that indicated using available federal information.

The legislature recognizes that the current federal flood standard is not sufficient to protect urban and urbanizing areas within flood prone areas throughout the Central Valley.

(Statutes of 2007, Chapter 364, Section 9.)

Based on these findings, the Act embraces a new flood protection standard for urban areas (defined as “developed areas in which there are 10,000 residents or more”) located in levee protected floodplains in the Central Valley. This new “urban level of flood protection” is defined as “the level of protection that is necessary to withstand flooding that has a 1-in-200 chance of occurring in any given year using criteria consistent with, or developed by, the Department of Water Resources.” (Statutes of 2007, Chapter 364 [adding Water Code Section 9602(i)]).

Consistent with this new state standard, the legislature also approved “the project features necessary to provide a 200-year level of flood protection along the American and Sacramento Rivers and within the Natomas Basin as described in the final engineer’s report dated April 19, 2007, adopted by the Sacramento Area Flood Control Agency.” (Statutes of 2007, Chapter 641 [amending Water Code Section 12670.14(b)]) Moreover, in connection with this approval, the legislature adopted the following findings and declarations (Statutes of 2007, Chapter 641, Section 1[k]):

As evidenced by the environmental impact reports certified in connection with these projects, including the hydrology and hydraulics impact analysis set forth in the environmental impact report prepared by the Sacramento Area Flood Control Agency with regard to local funding mechanisms for comprehensive flood control improvements for the Sacramento area dated February 2007, the increase in flood protection associated with improving the American and Sacramento River levees and modifying Folsom Dam will be accomplished without altering or otherwise impairing the design flows and water surface elevations prescribed as part of the Sacramento River Flood Control Project. Accordingly, these improvements will not result in significant adverse hydraulic impacts to the lands protected by the Sacramento River Flood Control Project. Thus, it is not necessary or appropriate to require these projects to include hydraulic mitigation.

The projects authorized in Section 12670.14 of the Water Code will increase the ability of the existing flood control system in the lower Sacramento Valley to protect heavily urbanized areas within the City of Sacramento and the Counties of Sacramento and Sutter against very rare floods without altering the design flows and water surface elevations prescribed as part of the Sacramento River Flood Control Project or impairing the capacity of other segments of the Sacramento River Flood Control Project to contain these design flows and to maintain water surface elevations. Accordingly, the projects authorized in that section will not result in significant adverse hydraulic impacts to the lands protected by the Sacramento River Flood Control Project and neither the Reclamation Board nor any other state agency shall require the authorized projects to include hydraulic mitigation for these protected lands.

SAFCA’s hydraulic impact analysis assumes that portions of the levees on the west side of the Sacramento River opposite the Natomas Basin will be raised to meet the minimum freeboard requirements of the SRFCP but not the more rigorous standard for urban development adopted by the state legislature. This assumption is consistent with the current agricultural zoning of the subbasin protected by these levees and with the standards adopted by the legislature in connection with the Central Valley Flood Protection Act, which tie the prospects for urban development in SRFCP subbasins to achievement of at least a “200-year” level of flood protection within the next two decades. (Statutes of 2008, Chapter 364, Sections 1–6.)

Efforts to meet this standard in existing urban and urbanizing SRFCP subbasins (Sacramento, including Natomas; West Sacramento, including Southport; Marysville, including Reclamation District 784 [Plumas Lakes]; and Yuba City, possibly including Live Oak) demonstrate the enormous cost and difficulty of this undertaking, even in areas that start with a substantial urban population. As a practical matter, it is not reasonably foreseeable that the subbasin across from Natomas, which has virtually no population base and a very large levee perimeter that would have to be upgraded, could meet this challenge. Accordingly, it is reasonable for SAFCA’s hydraulic modeling evaluation to assume that the levees protecting this area will be raised to meet the minimum standards

of the SRFCP but not the more demanding urban protection standard that has been adopted by the state legislature.

## **2.2.6 “200-YEAR” FLOOD CRITERIA AND FREEBOARD REQUIREMENTS**

The design of the NLIP calls for the Natomas levees to be strengthened to minimize the risk of levee failure caused by the potential for through- and underseepage generated by the water surface elevations around the Natomas Basin that would result from a “200-year” flood event in the Sacramento-Feather and American River watersheds (assuming no levee failures across or upstream from the project area). Although this water surface elevation would be contained by the current perimeter levee system, the NLIP also calls for the levees to have 3 feet of freeboard above this design water surface elevation. This freeboard requirement originates in the regulations of the Federal Emergency Management Agency and the engineering practice of DWR, which has been mandated to develop design standards for providing a “200-year” level of flood protection for urban areas protected by levees in the Central Valley.

This freeboard requirement is intended to address hypothetical uncertainties in levee performance and hydrology and hydraulics. However, its more critical purpose is to address the potential for wind and wave run-up generated by conditions produced by the “200-year” design water surface elevations. An analysis prepared for SAFCA by Mead & Hunt indicates that under reasonably foreseeable wind conditions, this water surface elevation could generate waves up to 2.5 feet in height along the reach of the east levee of the Sacramento River extending from the mouth of the Natomas Cross Canal to Powerline Road. Without the freeboard called for in the NLIP design, these waves could overtop the levee and potentially cause its failure. Thus, the freeboard is needed to ensure safe containment of the “200-year” design flood.

Although it is conceivable that this freeboard could also serve to contain river flows in excess of the “200-year” design, the potential to experience sustained water surface elevations above this level is considered extremely unlikely, speculative at best, and not reasonably foreseeable. While the “200-year” design conservatively assumes no upstream levee failures, it is unreasonable to extend this “no levee failure” assumption to even more extreme flood events. If the upstream levees are assumed to fail in floods greater than the “200-year” event, then the “200-year” “no levee failure” elevation likely represents a worst-case scenario for the Sacramento River channel and the Natomas Cross Canal. For example, SAFCA’s modeling shows that a “500-year” flood with upstream levee failures would produce water surface profiles in the Sacramento River channel that would be about 1 foot lower than the NLIP “200-year” design profile, and thus well within the current height of the levee, because the assumed failures allow flood waters to be stored in the upstream floodplains rather than having to be conveyed through the system during peak flow periods.

## **2.2.7 IMPACTS ON GARDEN HIGHWAY RESIDENCES**

The discussion presented in Section 2.2.4 demonstrates that implementation of the NLIP would not cause the SRFCP operations to be altered, therefore, the principal risks of flood damage to existing Garden Highway residences would continue to be either inundation by the water surface elevations that are unchanged by the NLIP or damage by the wind and wave run-up generated during these water surface elevations. In either event, the risk of damage is the same under the “with” and “without” project conditions. Moreover, if under the “without” project conditions, these wind and wave conditions were to fail the Garden Highway levee, some waterside residences could be engulfed by the resulting levee breach, while the rest of these residences would become uninhabitable once the Natomas Basin became fully inundated. Given the severity of the storm that would be required to create these conditions, this inundation would likely last for several weeks, if not months. Interior roadways would be unusable and the landside of the Garden Highway would likely be destabilized by ponded water and wind and wave action. Portions of the roadway would slough away and the entire road would become impassable, leaving Garden Highway residents with no land-based access to their homes. These conditions would be alleviated by the project because the freeboard added to the Sacramento River east levee would prevent a potential wind- and wave-induced levee failure.

## **2.2.8 CONSIDERATION OF USE OF YOLO AND SACRAMENTO BYPASS SYSTEMS TO CONVEY FLOOD WATERS**

SAFCA has given extensive consideration to the feasibility of improving flood water conveyance through the Yolo and Sacramento Bypass systems. In 2003, SAFCA made substantial investments in hydraulic studies and analyses of the improvements that would be required to move more flood water into and through the Yolo Bypass during large flood events in the Sacramento-Feather River watershed to reduce flows and water surface elevations in the Sacramento River channel downstream of the Fremont weir.

The Lower Sacramento River Regional Project Initial Report (SAFCA 2003) indicated that this could be accomplished by widening the Fremont weir, setting back the levees on the east side of the Yolo Bypass, discharging flows into the Sacramento Deep Water Ship Channel and eliminating low elevation levees at the lower end of the Yolo Bypass. However, these improvements would be extremely costly and time consuming to implement; they would occur entirely outside SAFCA's jurisdiction, and would require extraordinary cooperation among affected federal, state, and local interests; and they would not resolve the seepage problems affecting the Sacramento River east levee and the Natomas Cross Canal south levee. For these reasons, as explained in Section 7.1.2.3, "Alternatives Considered but Rejected from Further Consideration," of the DEIR on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area, SAFCA concluded that this alternative would not achieve the objectives of the NLIP and, therefore, it was not carried forward for further analysis. Nevertheless, regionally oriented improvements to the Yolo and Sacramento Bypass systems are of long-term interest to SAFCA, independent of the NLIP, and SAFCA fully intends to cooperate with any federal, state, or local initiative that has the potential to move such improvements forward.

## **2.3 MASTER RESPONSE 2: BIOLOGICAL RESOURCES AND HABITAT MITIGATION**

Several commenters state that the DEIR does not provide sufficient detail regarding impacts to Swainson's hawks and giant garter snake (GGS) and mitigation for such impacts. This master response is intended to provide more detail of specific impacts and habitat creation and enhancement commitments related to these species for 2008 project activities. Project components to be implemented in 2009–2010 are addressed at a programmatic level in the DEIR, because sufficient detail is not available at this time to address them at a project level. However, the approach used here for 2008 will be repeated for 2009–2010 in subsequent project-level CEQA analyses.

### **2.3.1 GIANT GARTER SNAKE**

In 2008, a total of 243.5 acres of potentially suitable habitat for giant garter snake (240 acres of rice, 1.5 acres of irrigation/drainage canal and ditch, and 2 acres of upland) is anticipated to be permanently lost as a result of project implementation. In addition, a total of 116 acres would be temporarily disturbed (40 acres of rice used for borrow and converted to managed marsh, 1 acre of canal, and 75 acres of upland). To compensate for the habitat effects in 2008, a total of 83 acres of habitat would be created (40 acres of managed marsh, 24 acres of irrigation/drainage canal, and 19 acres of upland adjacent to canals), and 160 acres of existing rice land would be preserved as indicated in Table 2-2.

Table 2-27 of the DEIR has been updated to reflect these acreages.



**Table 2-2  
2008 Construction Effects on Giant Garter Snake Habitat**

<b>Habitat Type</b>	<b>Loss (Acres)</b>	<b>Disturbance (Acres)</b>	<b>Creation (Acres)</b>	<b>Preservation (Acres)</b>
Potentially suitable upland	2	75	19	
Irrigation/drainage canal	1.5	1		
Rice	240	40		160
Managed marsh			40	
Aquatic in new irrigation canal			12.5	
Aquatic in GGS/Drainage Canal			11.5	
<b>Total</b>	<b>243.5</b>	<b>116</b>	<b>83</b>	<b>160</b>

Source: EDAW 2007

### 2.3.2 SWAINSON'S HAWK

In 2008, a total of approximately 209 acres of row/field crops would be converted to nonagricultural uses (155 acres will be within the levee improvement footprint, 30 acres will become new woodland, and 24 acres will become new canals). To compensate for this conversion, approximately 405 acres of grassland habitat would be created (161 acres on seepage berms and within the maintenance access areas, 225 acres of Sacramento International Airport (Airport) North Buffer Lands, and 19 acres adjacent to created canals). Table 2-27 of the DEIR has been updated to reflect these acreages.

### 2.3.3 WOODLANDS

In 2008, approximately 300 trees, with an estimated total diameter at breast height (dbh) of 3,600 inches, across nearly 10 acres of woodlands would be converted to grassland within the levee improvement footprint. 30 acres of new woodland would be created in 100-foot-wide corridors located in Reach 1 (Station 25+00 to Station 48+00); Reach 2 (Station 48+00 to Station 57+00 and Station 87+00 to Station 100+00); Reach 3 (Station 100+00 to Station 110+00); and Reach 4A (Station 110+00 to Station 187+00). Approximately 100 to 200 trees per acre would be planted, interspersed with grasslands. Table 2-27 of the DEIR has been updated to reflect these acreages.

### 2.3.4 MITIGATION ASSURANCES

Several commenters state that the habitat creation and enhancement measures included as part of the project to mitigate impacts on biological resources are unenforceable and details have been deferred to a future time. Specific comments mention lack of performance standards, concerns regarding approvals and cooperation from wildlife agencies and other relevant parties integral to implementation of the habitat creation and enhancement, and lack of an assured funding source for acquisition and management of mitigation lands.

SAFCA is committed to achieving performance standards to mitigate adverse impacts on biological resources. Specific requirements for habitat creation/enhancement were not articulated as part of the mitigation in the DEIR because they are incorporated into the project description in Section 2.3.4, "Habitat Development and Management (Beginning in 2008)." SAFCA is committed to implementing the following measures, which are the performance standards for the habitat creation and enhancement components of the proposed project:

**Waters of the United States:** SAFCA shall create 1.5 acres of waters of the United States for every acre that is permanently lost as a result of the proposed project. This acreage would be provided through creation of replacement irrigation and GGS/Drainage canals, expansion of the West Drainage Canal, and creation of managed marsh on borrow sites. In addition to the increased acreage, these created habitats would have an enhanced value because of improved design and reduced maintenance. The ecological function and value of all temporarily disturbed waters of the United States shall be restored after project construction is complete.

**Woodland:** SAFCA shall plant ~~an average of five~~ replacement trees on an inch-for-inch basis for every native tree removed that is 6 inches in diameter at breast height (dbh) and greater; specific ratios would depend on the dbh of the tree to be removed. Replacement trees shall be planted within the tree planting corridor on the land side of flood control facilities and maintenance access areas along specific reaches of the Sacramento River east levee. A portion of the replacement trees may also be planted on The Natomas Basin Conservancy (TNBC) lands.

**Valley Elderberry Longhorn Beetle:** Each elderberry stem measuring 1 inch or greater in diameter at ground level that is adversely affected (i.e., transplanted or destroyed) shall be replaced with elderberry seedlings and seedlings of associated species, in accordance with the U.S. Fish and Wildlife Service (USFWS) Conservation Guidelines. Elderberry seedlings or cuttings shall be replaced at ratios ranging from 1:1 to 8:1 (new plantings to affected stems), depending on the diameter of the affected elderberry stems and the presence of beetle exit holes. If it is not feasible to transplant elderberry shrubs during their dormant season, planting of additional elderberry seedlings may be required (i.e., if the transplanted shrubs do not survive). Native plants shall be planted, in association with the replacement elderberry shrub seedlings or cuttings, at 1:1 or 2:1 ratios, depending on the presence of beetle exit holes in the affected elderberry stems. Stock of seedlings and/or cuttings shall be obtained from local sources. Elderberry shrubs that require removal and replacement seedlings and cuttings shall be planted in the woodland corridor. If areas of suitable habitat to be created as part of the proposed project are not available before the impact would occur, alternative transplantation locations (e.g., TNBC preserves, Airport lands) will be identified and approved by USFWS.

**Giant Garter Snake:** One acre of aquatic canal habitat and adjacent upland habitat shall be created for every 1 acre of such habitat that is permanently lost, and 0.5 acre of managed marsh habitat shall be created and/or 1 acre of rice land shall be preserved for every 1 acre of rice land that is permanently converted to unsuitable habitat. This compensation habitat shall be provided by creating replacement irrigation and GGS/Drainage canals, expanding the West Drainage Canal, creating managed marsh on borrow sites, and preserving existing rice fields. The created habitats will have an enhanced value and reduced maintenance requirements compared to habitat that would be lost, resulting in an overall increase in giant garter snake habitat quality in the Natomas Basin. Habitat values would be further enhanced through the creation of a travel corridor linking giant garter snake populations in the northern and southern portions of the basin. The ecological function and value of all temporarily disturbed habitats shall be restored after project construction is complete.

**Swainson's Hawk:** Two acres of managed grassland habitat shall be created and/or 1 acre of field/row cropland shall be preserved for every acre of agricultural field/row cropland that is lost as result of overall project implementation. Managed grassland habitat shall be provided through creation of grassland habitat on seepage berms, within levee maintenance access corridors, and on Airport North Buffer Lands used for borrow extraction.

**Burrowing Owl:** A minimum of 6.5 acres of foraging habitat shall be provided for every pair or unpaired resident burrowing owl that would be displaced by project construction. If destruction of occupied burrows is required, existing suitable burrows shall be enhanced or new burrows shall be created at a ratio of 2 created/enhanced burrows for every burrow destroyed.

**Special-Status Plants, Northwestern Pond Turtle, and Other Special-Status Birds:** Creation/enhancement of habitat to mitigate adverse impacts to these species would be provided as part of the requirements established for habitats and species addressed above.

In addition to the above requirements for the amount of habitat to be created and enhanced, SAFCA is committed to monitoring and long-term management of these habitats, including funding, to ensure that habitat compensation ratios are achieved. SAFCA assumes responsibility for implementation of all habitat creation and enhancement components described in the DEIR and addressed in the previous text.

In general, habitat compensation shall commence in the same year that impacts occur, although variation in this timing may occur for some habitats, as discussed under Swainson's hawk in Section 2.4.2, "Swainson's Hawk," above. Because habitat creation and enhancement is incorporated as part of the project, implementation of all such mitigation would be complete by the time project construction is complete. In association with a required Mitigation Monitoring and Reporting Program, a 5-year monitoring period shall be implemented for all habitat creation and enhancement components. Annual reports documenting monitoring results shall be prepared by SAFCA and submitted to USACE, the California Department of Fish and Game (DFG), and USFWS. In the event that performance standards are not met at the end of the monitoring period, remedial measures and additional monitoring shall be implemented.

As described in Section 3.7, "Terrestrial Biological Resources," of the DEIR, a management plan that addresses implementation, monitoring, and management of replacement habitats would be prepared by SAFCA and submitted to USACE, DFG, and USFWS for review and approval prior to project implementation. This plan will provide conceptual landscape designs, outline specific success criteria to confirm achievement of performance standards, describe the monitoring program and potential remedial measures, and describe long-term management of the replacement habitats. Subsequently, specific management agreements would be developed between SAFCA and other management entities to ensure that replacement habitat is appropriately managed in the long term. Such plans shall also be reviewed and approved by the resource agencies.

Although guarantees of approvals from and cooperation by key parties, such as TNBC, USACE, DFG, USFWS, the Federal Aviation Administration (FAA), the Airport, Reclamation District (RD) 1000, and Natomas Mutual Water Company (NMWC) have not been obtained at this time, proposed projects often require subsequent approvals and agreements to implement, and SAFCA fully anticipates the cooperation of these parties and is confident the habitat creation and enhancement measures described in the DEIR and responses to comments are enforceable. This is based on numerous meetings and preliminary negotiations with the parties in question. SAFCA feels FAA cooperation can be relied upon because of the project's contribution toward meeting FAA mandates issued to the Airport regarding reduction of wildlife hazards. Although some components of the project may be independently viewed as increasing wildlife hazards, the project as a whole would clearly result in an overall reduction in wildlife hazards consistent with FAA policy. SAFCA has also worked closely with TNBC, the Airport, RD 1000, and NMWC throughout development of the project design and fully expects their approval and cooperation. Finally, if approvals from the regulatory agencies cannot be obtained, the project would not be implemented as described and impacts for which mitigation is required would not occur. Assurances of cooperation from FAA, the Airport, RD 1000, and NMWC, as well as approvals from USACE, DFG, and USFWS will be provided prior to project implementation.

Finally, funding for implementation of the habitat creation and enhancement components is incorporated into the project budget. SAFCA anticipates funding for project construction, monitoring, and long-term management would be provided through SAFCA's Consolidated Capital Assessment District and SAFCA's existing Operations and Maintenance District for SAFCA's long-term obligations.

## **2.4 MASTER RESPONSE 3: TEMPORARY CONSTRUCTION IMPACTS ON TRAFFIC SAFETY, NOISE, AND OTHER NUISANCES**

In response to several comments received on the DEIR regarding construction-related impacts affecting Garden Highway residents, SAFCA has prepared the following master response.

## **2.4.1 TEMPORARY CONSTRUCTION IMPACTS ON TRAFFIC SAFETY**

Pages 2-23 and 2-24 of the DEIR describe the general construction plan for the 2008 levee improvements along the Sacramento River east levee in Reaches 1 through 4B (Natomas Cross Canal to Prichard Lake Pump Station). As noted on page 2-24 of the DEIR, vehicle and equipment access to the construction area would be achieved using State Route 99, Sankey Road, Riego Road, and Elverta Road. The proposed construction activities would generate approximately 1,300 truck trips per day (110 trips per hour) during the construction season (May through October).

These trucks would haul borrow material to the levee construction areas along the landside of the Garden Highway from borrow sites on Airport buffer lands just east of the Prichard Lake Pump Station. The DEIR found that the temporary increase in construction traffic on local roadways (Impact 3.10-a) would be significant and unavoidable, even after implementation of Mitigation Measure 3.10-a, and that the temporary increase in traffic hazards on local roadways (Impact 3.10-b) could be mitigated to a less-than-significant level with the adoption of Mitigation Measure 3.10-b.

As part of the project and to accommodate this construction traffic in a safe manner, as explained in the DEIR pages 3.10-5 to 3.10-6, a new temporary haul road would be created along the landside of the adjacent levee and berm footprint. Construction haul trucks would use this new temporary haul road and avoid using the Garden Highway. Upon completion of construction, this temporary haul road would become the maintenance road for the project.

The establishment of similar temporary haul roads to avoid use of the Garden Highway and manage haul traffic would be employed in 2009–2010 when construction activities extend to include the reaches of the Sacramento River east levee between the Prichard Lake Pump Station and the Interstate 80 overcrossing. Accordingly, Mitigation Measure 3.10-b has been revised to specifically commit SAFCA to avoid using the Garden Highway for haul truck trips during the project construction, as shown in Chapter 4, “Revisions to the Draft EIR,” of this document.

## **2.4.2 TEMPORARY CONSTRUCTION NOISE IMPACT**

Page 3.12-8 through 3.12-11 of the DEIR addresses the potential noise impact of constructing the NLIP features. This discussion discloses that the project would generate significant short-term noise levels that would affect nearby residents along the Garden Highway. The DEIR for the NLIP Landside Improvements Project identifies a series of measures (see Mitigation Measure 3.12-a on page 3.12-11 of the DEIR) that could be employed to lessen construction noise-related impacts. Use of these measures, however, would not reduce these temporary impacts to a less-than-significant level. Therefore, the DEIR concludes that short-term noise impacts would remain significant and unavoidable.

## **2.4.3 TEMPORARY CONSTRUCTION DUST EMISSION IMPACT**

Page 3.11-21 of the DEIR concludes that construction of the project would generate significant short-term air quality impacts, including particulate matter and fugitive dust. The DEIR recommends implementation of applicable mitigation measures recommended by both the Feather River and Sacramento Metropolitan Air Quality Management Districts (see Mitigation Measure 3.11-a on pages 3.11-16 through 3.11-21 of the DEIR). Even with implementation of this mitigation, the DEIR concludes that short-term noise impacts would remain significant and unavoidable.

## **2.5 MASTER RESPONSE 4: UTILITIES RELOCATION**

Approximately 500 utility poles currently occupy the project area footprint along the Sacramento River east levee. Most, but not all, of these poles are located on the landside of the Garden Highway. In Reaches 1 through 4B

(Natomas Cross Canal to Prichard Lake Pump Station) where project construction would commence in 2008, many of these landside utility poles must be relocated and replaced to accommodate the adjacent levee and seepage berms that would be constructed in these reaches. Similar relocations would be needed to accommodate project construction activities in 2009 and 2010.

Because of potential conflicts with levee and utility maintenance and future flood fight activities, SAFCA has determined that it would not be feasible to place multiple utility lines underground within the adjacent levee or any seepage berms constructed at the landside toe of the adjacent levee.

Nevertheless, SAFCA believes that Garden Highway residences could be served by a new system of main line utility poles placed along the landside toe of the new adjacent levee and/or seepage berm. These mainline utility poles could be tied to a secondary line of distribution utility poles located in the drainage swale between the Garden Highway and the new adjacent levee.

Individual service lines from the secondary line of distribution poles to waterside residences would then be reestablished at their existing locations, either under or over the Garden Highway. The installation of a new secondary line of utility poles would reduce the need to increase the existing number of power poles on the waterside of the Garden Highway. Final design of this system would be prepared in accordance with USACE, the state, and applicable utility company regulations and design standards.

To reduce the number of new utility poles that may need to be located on the water side of the Garden Highway, Mitigation Measure 3.15-b has been revised as shown in Chapter 4, "Revisions to the Draft EIR," of this document to state that no new utility poles shall be located on the water side of the Garden Highway in the vicinity of existing waterside residences unless there is no feasible alternative for providing service to these residences.

If the relocation of utility lines cannot be accomplished in accordance with this mitigation measure, SAFCA may propose changes in the project that focus on establishing new utility poles at locations prescribed by USACE, the state, or the applicable utility company. This would require environmental review, consistent with the requirements of CEQA, prior to utility line installation.

### 3 INDIVIDUAL RESPONSES TO COMMENTS ON THE DRAFT EIR

This chapter contains the comment letters received on the DEIR and SAFCA's individual responses to environmental issues raised in those comments. Each letter, as well as each individual comment within the letter, has been given a number for cross-referencing. Responses are sequenced to reflect the order of comments within each letter.

As noted previously, a public hearing on the DEIR was conducted on October 18, 2007, and public comments were received. Additionally, a meeting with SAFCA and Garden Highway residents, including some of the residents listed in Table 3-1, was conducted on October 29, 2007, and public comments were received.

Appendix A to this FEIR presents the transcripts of the October 18, 2007 public hearing in which verbal comments on the DEIR were presented by interested individuals. This information is provided to disclose the complete public comments received on the DEIR.

Appendix B contains a presentation by Friends of the Swainson's Hawk which was submitted as an attachment to the EIR comment letter and included as part of the public record. No response is provided to this presentation.

Table 3-1 lists all parties who submitted comments on the DEIR during the public review period.

<b>Table 3-1 List of Commenters</b>				
<b>Commenter</b>	<b>Date of Comment</b>	<b>Comment / Letter Designation</b>	<b>Page Number</b>	
<b>Federal and State Agencies</b>				
U.S. Fish and Wildlife Service and California Department of Fish and Game Susan K. Moore, Field Supervisor, U.S. Fish and Wildlife Service, and Kent Smith, Acting Regional Manager, Sacramento Valley–Central Sierra Region, California Department of Fish and Game	October 26, 2007	1	3-5	
California Department of Water Resources Christopher Huitt, Staff Environmental Scientist, Floodway Protection Section	September 19, 2007	2	3-20	
California Department of Water Resources Christopher Huitt, Staff Environmental Scientist, Floodway Protection Section	October 26, 2007	3	3-25	
California State Lands Commission Marina R. Brand, Assistant Chief, Division of Environmental Planning and Management	September 25, 2007	4	3-30	
<b>Local Agencies</b>				
Sacramento County Airport System Greg Rowe, Senior Environmental Analyst, Planning and Environment	October 25, 2007	5	3-33	
Sacramento County Department of Transportation Jaskamal Singh, Associate Transportation Engineer	September 26, 2007	6	3-38	
Sutter County Public Works Department Douglas R. Gault, Public Works Director	October 29, 2007	7	3-41	

**Table 3-1  
List of Commenters**

<b>Commenter</b>	<b>Date of Comment</b>	<b>Comment / Letter Designation</b>	<b>Page Number</b>
City of Sacramento, Department of Utilities Connie Perkins, Associate Engineer	October 29, 2007	8	3-44
Sacramento County Water Agency H. E. Niederberger, Jr., Division Chief, Department of Water Resources	October 18, 2007	9	3-46
Sacramento Groundwater Authority Edward D. Winkler, Executive Director	October 25, 2007	10	3-49
Sacramento Metropolitan Air Quality Management District Rachel DuBose, Air Quality Planner/Analyst	October 29, 2007	11	3-52
Reclamation District 1001 Diane Fales, Secretary/Manager	October 26, 2007	12	3-56
Reclamation District 2035 Scott A. Morris, Counsel for Reclamation District 2035	October 29, 2007	13	3-59
<b>Organizations</b>			
Friends of the Swainson's Hawk Judith Lamare, Ph.D., President	October 29, 2007	14	3-72
<b>Individuals</b>			
Hilary Abramson	October 25, 2007	15	3-116
Hilary Abramson	October 27, 2007	16	3-119
Christopher Barabino	October 29, 2007	17	3-122
John Bayless	October 29, 2007	18	3-125
Ed Bianchi	October 28, 2007	19	3-127
Jeff Chenu	October 29, 2007	20	3-131
Roland L. Candee	October 29, 2007	21	3-133
John and Carol Corcoran	October 31, 2007	22	3-138
Roy Dahlberg	October 23, 2007	23	3-145
Patricia and Aaron Elmone	October 29, 2007	24	3-154
Patricia and Aaron Elmone	October 29, 2007	25	3-163
Brian Fahey and Lauren Kondo	October 24, 2007	26	3-165
Mary Lynn and Darrell Ferreira	October 29, 2007	27	3-168
William Griffith	September 26, 2007	28	3-171
David Gross	October 29, 2007	29	3-173
Wendy Holmquist	October 28, 2007	30	3-175
Evelyn J. and Craig P. Horangic	October 29, 2007	31	3-178
Diane J. Hovey	October 29, 2007	32	3-182
Arthur Gibson Howell, III	October 25, 2007	33	3-187

**Table 3-1  
List of Commenters**

<b>Commenter</b>	<b>Date of Comment</b>	<b>Comment / Letter Designation</b>	<b>Page Number</b>
David M. Ingram	October 19, 2007	34	3-194
David M. Ingram	October 29, 2007	35	3-197
Joan Lauppe Johnson	October 29, 2007	36	3-201
Lawrence K. and Sue Karlton	October 26, 2007	37	3-203
John and Michele Katic	October 28, 2007	38a	3-205
Martha Lennihan	October 29, 2007	38b	3-207
Kevin McRae, Director, Garden Highway Home Owners Association	September 28, 2007	39	3-210
Bill Micsan	October 28, 2007	40a	3-212
Phillip and Diannia Morrison	October 29, 2007	40b	3-215
Chris and Caroll Mortensen	October 29, 2007	41	3-218
R. Muller	October 29, 2007	42	3-223
Wendy and John Nelson	October 28, 2007	43	3-226
Christine Olsen	October 29, 2007	44	3-231
J. F. Schneider	October 29, 2007	45	3-236
Bruce and Gayle Sevier	October 29, 2007	46	3-240
Tyson Shower	October 22, 2007	47	3-243
Tyson Shower	October 24, 2007	48	3-247
Don Springer	October 28, 2007	49	3-251
Brad and Michele Stevenson	October 25, 2007	50	3-255
Paul Thayer and Martha Lennihan	October 28, 2007	51	3-259
Patrick Tully	October 24, 2007	52	3-267
Darryl and Anna Williams	October 29, 2007	53	3-271
<b>Public Hearing</b>			
Roy Dahlberg	October 18, 2007	54	3-274
Burton Lauppe	October 18, 2007	55	3-277
J. F. Schneider	October 18, 2007	56	3-280
Donald Fraulob	October 18, 2007	57	3-283
Ed Bianchi	October 18, 2007	58	3-285
Gibson Howell	October 18, 2007	59	3-287
Matt Breese	October 18, 2007	60	3-289
Michael Barosso	October 18, 2007	61	3-291
Dennis James	October 18, 2007	62	3-293



<b>Table 3-1 List of Commenters</b>			
<b>Commenter</b>	<b>Date of Comment</b>	<b>Comment / Letter Designation</b>	<b>Page Number</b>
<b>Meeting with SAFCA and Residents</b>			
Pat and Ron Elmone	October 29, 2007	63	3-295
Britt Johnson	October 29, 2007	64	3-297
Kathy Rott	October 29, 2007	65	3-299
Patrick Tully	October 29, 2007	66	3-301
Doug Cummings	October 29, 2007	67	3-304
<b>Additional Public Hearing Comments</b>			
Robert Wallace	October 18, 2007	68	3-306
<b>Additional Comments</b>			
C. Morrison Ranch, Charlotte Borgman	October 29, 2007	69	3-208
Melvin Borgman	October 29, 2007	70	3-311



US Fish & Wildlife Service  
Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, CA 95825  
(916) 414-6600  
FAX (916) 414-6712



Department of Fish and Game  
Sacramento Valley-Central  
Sierra Region  
1701 Nimbus Road, Suite A  
Rancho Cordova, CA 95670  
FAX (916) 358-2912

John Bassett  
Sacramento Area Flood Control Agency  
1007 Seventh Street, 7<sup>th</sup> Floor  
Sacramento, California 95814

Subject: Comments on the Sacramento Area Flood Control Agency's September 2007,  
Draft Environmental Impact Report on the Natomas Levee Improvement  
Program Landside Improvements Project

Dear Mr. Bassett:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Game (DFG) (hereafter collectively referred to as the Wildlife Agencies) have reviewed the Sacramento Area Flood Control Agency's (SAFCA) September 2007, Draft Environmental Impact Report on the Natomas Levee Improvement Program Landside Improvements Project (DEIR). As described in the DEIR, the project objectives include: 1) complete the projects necessary to provide 100-year flood protection for developed areas in the major floodplains of the Sacramento metropolitan area (Sacramento) as quickly as possible, 2) provide urban-standard ("200-year") flood protection for developed areas in Sacramento's major floodplains over time, and 3) ensure that new development in the undeveloped areas of Sacramento's major floodplains does not substantially increase the expected damage of an uncontrolled flood.

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 Service is providing comments in accordance with the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) (ESA), and the MBTA.

As our discussion below further explains, the DEIR does not adequately address the impacts of the proposed project on fisheries and aquatic and terrestrial biological resources, or the Natomas Basin Habitat Conservation Plan's (NBHCP) Operating Conservation Program. In particular, the

1-1

DEIR in some instances does not include mitigation measures that are enforceable, in some cases does not provide details and assurances for achieving successful mitigation, and defers mitigation details to some future time.

1-1  
(Cont.)

The effects analysis and proposed conservation strategy in the DEIR have not been evaluated by the Service to determine their consistency with Federal Endangered Species Act requirements. Such evaluation would occur during informal and formal consultation pursuant to section 7 of the ESA. At that time, the Service would use information provided by SAFCA and information otherwise available to the Service to determine the extent of effects to federally-listed species.

#### **Background Information**

The Wildlife Agencies met with representatives of SAFCA and its project consultant, EDAW, on September 25, 2006, May 10, 2007, and May 17, 2007, to discuss proposed levee improvement projects in the Natomas Basin and to discuss our concerns. In these meetings, the Wildlife Agencies emphasized the importance of minimizing the effects of SAFCA's proposed projects on federally and State listed species, as well as on existing and pending habitat conservation plans. The Wildlife Agencies also wrote a letter expressing the above concerns for the November 2006, Local Funding Mechanisms for Comprehensive Flood Control Improvements in the Sacramento Area Draft Environmental Impact Report. The DFG wrote a letter for the Notice of Preparation for the draft Environmental Impact Report for the Natomas Levee Improvement Program Landside Improvements Project expressing various concerns regarding potential impacts to biological resources. The Wildlife Agencies reiterate and expand upon their comments and concerns below.

#### **Enforceable Mitigation Measures**

CEQA Guidelines §§15126.4 (a)(1)(B) states that formulation of mitigation measures should not be deferred until some future time. Table ES-1 lists a number of mitigation measures for fisheries and aquatic resources (i.e. mitigation measures 3.6a and 3.6b), and terrestrial biological resources (i.e. mitigation measures 3.7a, 3.7b, 3.7c, 3.7d, 3.7f, 3.7h, and 3.7i), that rely on future approvals or agreements with the Wildlife Agencies, entities entrusted with carrying out the NBHCP's permit conditions (Natomas Basin Conservancy (TNBC)), and agencies entrusted with providing public safety (Federal Aviation Administration (FAA) approval over mitigation on proposed borrow site / Sacramento Airport buffer lands), as a means to bring identified significant environmental effects to below a level that is significant. In some cases (i.e. impact 3.7a on page 3.7-14), the DEIR states "specific requirements have not been established to ensure that appropriate habitat conditions have been provided to adequately replace the values that would be lost." Because there is no guarantee that these approvals or cooperation with all of the above entities will ultimately occur, the Wildlife Agencies believe that the above mitigation measures are unenforceable and do not bring the impacts to fisheries and aquatic resources to below a level that is significant.

1-2

Mitigation measures should establish performance standards to evaluate the success of the proposed mitigation, provide a range of options to achieve the performance standards, and must commit the lead agency to successful completion of the mitigation. Mitigation measures should

also describe when the mitigation measure will be implemented, and explain why the measure is feasible. Therefore, the Wildlife Agencies recommend that the mitigation measures described in sections 3.6 and 3.7, and summarized in Table ES-1, include measures that are enforceable and do not defer mitigation details to some future time. The DEIR should identify the following items: how each measure will be carried out; who will perform the measures; when the measures will be performed; and the performance standards and mechanisms for achieving success, and an assured source of funding to acquire and manage identified mitigation lands. The DEIR could describe a range of enforceable mitigation measures that will be implemented in instances where approval and cooperation with the entities identified above either does or does not occur.

1-2  
(Cont.)**Potential Impacts on Federally- and State-Listed Species**

The proposed activities described in the DEIR may result in adverse affects to several federally- and State-listed species, including the giant garter snake (*Thamnophis gigas*; GGS), and the Swainson's hawk (*Buteo swainsoni*; SWH).

**GGS**

The proposed activities described in the DEIR would result in impacts to upland and aquatic habitats for the GGS. Direct and indirect impacts could include the loss and displacement of individuals, the temporary disturbance of habitat, and road mortality. SAFCA states in the DEIR that "measures...shall be implemented to minimize the potential for direct injury or mortality of individual giant garter snakes during project construction. Such measures shall be finalized in consultation with DFG and USFWS, and are likely to include worker awareness training, timing of initial ground disturbance to correspond with the snake's active season...dewatering aquatic habitat before fill, conducting preconstruction surveys, and conducting biological monitoring during construction." The effects analysis and proposed conservation strategy in the DEIR have not been evaluated by the Service to determine their consistency with Federal Endangered Species Act requirements. Such evaluation would occur during section 7 consultation.

According the Service's conservation measures for GGS, construction activities occurring within GGS habitat should be completed between May 1 and October 1. This is the active period for GGS, and the potential for direct mortality is lessened during this time because it is expected that the snake will actively move and avoid danger. Construction activities that extend beyond October 1 may adversely affect the GGS by limiting its ability to find and utilize suitable upland habitat for winter hibernation, by hindering its dispersal behavior, and by exposing it to increased risks of injury and mortality from predation, exposure, entombment, vehicular traffic, and construction equipment as the snake may be forced to disperse through and/or around the construction site in response to habitat changes and seasonal indicators. If it appears that construction may not be completed by October 1, additional conservation measures, including compensation, may be necessary to minimize these effects. The project proponent should contact the Service through a lead Federal agency no later than July 15 of the year in question to allow for adequate time to consider and process a request to extend the GGS work period construction window. The Service may consider this request, particularly if construction is at least 80 percent complete by October 1.

1-3

The DEIR also states "although the [GGS] habitat loss would be compensated for by habitat creation and preservation, a plan has not yet been prepared specifying how canals and marsh that are designed to provide giant garter snake habitat would be managed to ensure that the appropriate habitat conditions are provided", and "SAFCA shall develop and implement a plan to address management of aquatic (i.e., GGS/Drainage Canal and marsh/seasonal wetland habitat) and adjacent upland habitats that are created and rice fields that are preserved as part of the project in order to ensure that the performance standard of no net loss in function and value of giant garter snake habitat is met...the management plan for the giant garter snake habitat creation and preservation components of the project shall be reviewed and approved by USFWS and DFG before project implementation. Authorization for take of giant garter snake under ESA and CESA shall be obtained. All measures subsequently adopted through the permitting process shall be implemented." These commitments require more specificity and explanation in the DEIR in order to evaluate their adequacy and feasibility to protect the GGS and its habitat in the basin.

1-3  
(Cont.)**SWH**

The proposed activities described in the DEIR would result in impacts to nesting and foraging habitats for the SWH. Direct and indirect impacts could include the loss and displacement of individuals, the disturbance of habitat, and mortality. SAFCA states in the DEIR that "the primary engineering and construction contractors shall ensure, through coordination with a qualified biologist retained by SAFCA, that staging areas and access routes are designed to minimize disturbance of known Swainson's hawk nesting territories. The biologist shall conduct preconstruction surveys to identify active nests within 0.25 mile of construction areas, in accordance with DFG guidelines. Surveys shall be conducted in accordance with NBHCP requirements and Recommended Timing and Methodology for Swainson's Hawk Nesting Surveys in California's Central Valley (Swainson's Hawk Technical Advisory Committee 2000). If an active nest is found, an appropriate buffer that minimizes the potential for disturbance of the nest shall be determined by the biologist, in coordination with DFG. No project activities shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active or the birds are not dependent on it. Monitoring shall be conducted by a qualified biologist to determine whether project activity results in detectable adverse effects on the nesting pair or their young. The size of the buffer may vary, depending on the nest location, nest stage, construction activity, and monitoring results. If implementation of the buffer becomes infeasible or construction activities result in an unanticipated nest disturbance, DFG shall be consulted to determine the appropriate course of action."

1-4

The DFG believes that impacts to and take of SWH could occur by project related activities within 1/2 mile of an occupied SWH nest. In order to reduce impacts to a level below significance for nesting SWH, the DFG recommends that the DEIR commit SAFCA to undertake the minimization measures described in the DEIR and quoted in the preceding paragraph, and if construction activities are expected to occur within 0.5 miles of an occupied nest, SAFCA will consult with DFG and, if necessary, obtain an incidental take permit issued pursuant to Fish and Game Code section 2081.

For the SWH, SAFCA states in the DEIR that "SAFCA shall develop and implement a plan to

address management of grassland habitats that are created as part of the proposed project in order to ensure that the performance standard of no net loss of sensitive habitat is met. The management plan shall, at a minimum, establish specific success criteria for habitat creation, specify remedial measures to be undertaken if success criteria are not met (e.g., supplementary plantings and additional monitoring), and describe short- and long-term maintenance and management of the features. Long-term protection of the created features and funding for their management shall be provided through appropriate mechanisms to be determined by SAFCA, DFG, and other entities cooperating in implementation of the proposed project." These commitments require more specificity and explanation in the DEIR in order to evaluate their adequacy and feasibility to protect the SWH and its habitat in the basin.

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As described in "Enforceable Mitigation Measures" above, because there is no guarantee that approvals or agreements with TNBC, FAA, USFWS, and DFG (which are necessary to carrying out the mitigation measures described in the DEIR) will ultimately occur, the Wildlife Agencies believe that the above mitigation measures are unenforceable and do not bring the impacts to the GGS and SWH to below a level that is significant. Therefore, the Wildlife Agencies recommend that the mitigation measures described in sections 3.7d and 3.7f, and summarized in Table ES-1, include measures that are enforceable and do not defer mitigation details to some future time. The DEIR should identify: how the mitigation measures will be carried out; who will perform the measures; and when the measures will be performed. The DEIR should also identify measurable performance standards and mechanisms for achieving success, and describe an assured source of funding to establish and manage identified mitigation lands. The DEIR could describe a range of enforceable mitigation measures that will be implemented in instances where approval and cooperation with the above agencies and entities either does or does not occur. A mitigation plan for establishing habitat lands to offset the significant impacts to SWH foraging and nesting habitats and GGS aquatic and upland habitats should be developed in coordination with and subject to approval by the Wildlife Agencies. The plan should include a plan for establishing habitat and vegetation components, a monitoring plan (a minimum of 5 years), appropriate success criteria, and a remediation plan in the event that success criteria are not met. The mitigation plan should identify who will hold ownership of the parcel(s), who will manage the parcel(s), and what funding will be used to manage such lands in perpetuity.

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#### **CESA**

A California Endangered Species Act (CESA) Permit must be obtained if the project has the potential to result in take of species of plants or animals listed under CESA, either during construction, or over the life of the project. The proposed project may result in take of GGS and SWH. Issuance of a CESA permit is subject to CEQA documentation; therefore the CEQA document must specify impacts, mitigation measures, and a mitigation monitoring and reporting program. If the project will impact CESA listed species, early consultation is encouraged, as significant modification to the project and mitigation measures may be required in order to obtain a CESA permit. A CESA permit may only be obtained if the impacts of the authorized take of the species is minimized and fully mitigated and adequate funding has been ensured to implement the mitigation measures. The DFG may only issue a CESA permit if DFG determines that issuance of the permit does not jeopardize the continued existence of the species. The DFG

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will make this determination based on the best scientific information available, and shall include consideration of the species' capability to survive and reproduce, including the species known population trends and known threats to the species. Issuance of a CESA permit may take up to 180 days from receipt of an application from the applicant. Therefore, the DFG recommends that the DEIR also include a discussion of known threats to, and population trends of, GGS and SWH, and includes a mitigation monitoring and reporting program which at a minimum includes a range of enforceable mitigation measures, including identifying: how the measure will be carried out; who will perform these tasks; when the tasks will be performed; and provide details for achieving success, including funding to establish and manage identified mitigation lands.

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#### Potential Impacts on Burrowing Owl and other Special-Status Birds

According to the California Natural Diversity Database (CNDDDB) and as described in the DEIR, burrowing owls (*Athene cunicularia*; BUOW) are known to occur within the project vicinity. Fish and Game Code section 3503.5 protects raptors, and their nests and eggs. The DEIR states that "the biologist shall conduct preconstruction surveys to identify active special-status bird nests and occupied BUOW burrows within 500 feet of construction areas. Surveys for nesting birds shall be conducted before project activities are initiated during the nesting season (March 1–July 31), and surveys for BUOW shall be conducted before project activities are initiated at any time of year. Surveys shall be conducted in accordance with NBHCP requirements. If an active nest or occupied nest burrow is found, an appropriate buffer that minimizes potential for disturbance of the nest shall be determined by the biologist, in coordination with DFG. No project activities shall commence within the buffer area until a qualified biologist confirms that the nest is no longer active or the birds are not dependent on it. Monitoring shall be conducted by a qualified biologist to ensure that project activity does not result in detectable adverse effects on the nesting pair or their young. The size of the buffer may vary, depending on the nest location, nest stage, construction activity, and monitoring results. If an occupied BUOW burrow that does not support an active nest is found, SAFCA shall develop and implement a relocation plan, in coordination with and subject to approval of DFG and USFWS and consistent with requirements of the NBHCP. Because the project would generally result in temporary disturbance of BUOW habitat or conversion from one suitable habitat type to another, relocation is likely to include passive exclusion (via one-way doors at the burrow entrances) of owls from the project site. The owls would then be able to reoccupy the area after construction is complete. Implementation of the above measure would ensure that destruction of occupied BUOW burrows and loss of active nests of this and additional special-status bird species are avoided."

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The mitigation measures described in the DEIR for the BUOW are not adequate to minimize impacts to a level below significance, because no permanently protected available suitable nesting habitat, no foraging habitat, and no long-term management and monitoring of the mitigation measures are provided. We recommend that the following mitigation measures should also be included in the DEIR (which are described in the Department of Fish and Game's (DFG) 1994 "Staff Report on Burrowing Owl Mitigation,"):

1. Occupied burrows should not be disturbed during the nesting season (February 1 through August 31) unless a qualified biologist approved by the Department verifies through non-

invasive methods that either: (1) the birds have not begun egg-laying and incubation; or (2) that juveniles from the occupied burrows are foraging independently and are capable of independent survival.

2. To offset the loss of foraging and burrow habitat on the project site, a minimum of 6.5 acres of foraging habitat (calculated on a 100 m {approx. 300 ft.} foraging radius around the burrow) per pair or unpaired resident bird, should be acquired and permanently protected. The protected lands should be adjacent to occupied BUOW habitat and at a location acceptable to the Department. Protection of additional habitat acreage per pair or unpaired resident bird may be applicable in some instances.
3. When destruction of occupied burrows is unavoidable, existing unsuitable burrows should be enhanced (enlarged or cleared of debris) or new burrows created (by installing artificial burrows) at a ratio of 2:1 on the protected lands site
4. If owls must be moved away from the disturbance area, passive relocation techniques (as described below) should be used rather than trapping. At least one or more weeks will be necessary to accomplish this and allow the owls to acclimate to alternate burrows.
5. The project sponsor should provide funding for long-term management and monitoring of the protected lands. The monitoring plan should include success criteria, remedial measures, and an annual report to the Department.

**Passive Relocation - With One-Way Doors:** Owls should be excluded from burrows in the immediate impact zone and within a 50 meter (approx. 160 ft.) buffer zone by installing one-way doors in burrow entrances. One-way doors (e.g., modified dryer vents) should be left in place 48 hours to insure owls have left the burrow before excavation. Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be monitored daily for one week to confirm owl use of burrows before excavating burrows in the immediate impact zone. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into the tunnels during excavation to maintain an escape route for any animals inside the burrow.

**Passive Relocation - Without One-Way Doors:** Two natural or artificial burrows should be provided for each burrow in the project area that will be rendered biologically unsuitable. The project area should be monitored daily until the owls have relocated to the new burrows. The formerly occupied burrows may then be excavated. Whenever possible, burrows should be excavated using hand tools and refilled to prevent reoccupation. Sections of flexible plastic pipe should be inserted into burrows during excavation to maintain an escape route for any animals inside the burrow.

#### **Potential Impacts on Sensitive Plants**

The DEIR describes that three special status plants species have potential to occur in aquatic

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habitats within the project area, including rose mallow (*Hibiscus lasiocarpus*), Delta tule pea (*Lathyrus jepsonii* var. *jepsonii*), and Sanford's arrowhead (*Sagittaria sanfordii*). The DEIR states that "the proposed project would result in permanent and temporary direct effects on irrigation/drainage ditches, canals, and reservoir that provide potentially suitable habitat for these species", and "fill and disturbance of these habitats could result in adverse effects on special-status plants, if present." As mitigation for these potential impacts, the DEIR states that "before any ground-disturbing project activities begin, a qualified biologist retained by SAFCA shall conduct surveys for special-status plants in appropriate habitat within the project footprint, in accordance with USFWS and/or DFG guidelines and at the appropriate time of year when the target species would be clearly identifiable. If no special-status plants are found during focused surveys, no further action shall be required", and "if special-status plants are found, areas of occupied habitat shall be identified and the primary engineering and construction contractors shall ensure, through coordination with the biologist, that staging areas and access routes are designed to minimize disturbance of these areas. All occupied habitat that is located adjacent to construction areas, but can be avoided, shall be protected by temporary fencing during construction. If special-status plants are present in areas that cannot be avoided, plants that would be affected shall be transplanted to the GGS/Drainage Canal, if feasible. If this is infeasible (i.e., because the created habitat is not suitable at the time transplantation is required), an alternative transplantation location (e.g., TNBC preserves), approved by USFWS and DFG, shall be utilized. A plan to address management of the transplanted populations and their habitat shall be developed."

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The DFG has found that transplanting many herbaceous plants is typically unsuccessful, and should be considered experimental. In order to bring the impacts identified above to below a level that is significant, the Wildlife Agencies recommend that the mitigation measures described in sections 3.7b, and summarized in Table ES-1, include a requirement that seasonally appropriate floristic surveys be conducted in areas of suitable habitat for sensitive plants in a manner consistent with the *Guidelines for Assessing the Effects of Proposed Projects on Rare, Threatened, and Endangered Plants and Natural Communities* (DFG 2000), provide a detailed justification for transplanting the above three plant species, and include additional measures to increase the chance of success, such as collecting and propagating seed in an approved nursery to provide additional plantings in an appropriate mitigation site, and performing transplantation actions when the plant is dormant. A mitigation plan approved by the DFG should be developed, which includes a planting plan, monitoring plan, success criteria, and a remediation plan in the event that success criteria are not met. Mitigation lands should be protected and managed in perpetuity.

#### **Potential Impacts on the Natomas Basin Habitat Conservation Plan**

While the Wildlife Agencies acknowledge that the proposed projects described in the DEIR are not urban developments, the proposed projects are likely to result in significant effects to listed species in the Natomas Basin as a result of habitat modification and disturbance, and are likely to adversely affect the implementation of the Natomas Basin Habitat Conservation Plan (NBHCP; City of Sacramento *et al.* 2003). The NBHCP's ITPs cover the take of 22 plant and animal species, many of which are listed as endangered or threatened under the California Endangered

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## Species Act and/or the Federal Endangered Species Act.

The effectiveness of the NBHCP's Operating Conservation Program is explicitly premised upon the City of Sacramento's commitment to limit total development to 8,050 acres within the City's Permit Area, Sutter County's commitment to limit total development to 7,467 acres within Sutter County's Permit Area, and the expectation that total development within the basin would not exceed 17,500 acres. The proposed levee improvement project would result in disturbance or destruction of GGS and SWH habitat in the Natomas Basin above the level analyzed under the NBHCP and in particular, sensitive habitat areas for the species. Thus, the proposed action has the potential to impact the effectiveness of the NBHCP's conservation strategy designed to protect the GGS and SWH. On September 7, 2005, Judge Levi issued a decision in the Federal NBHCP litigation, which cautioned in footnote 13 of that decision that "the Service and those seeking an ITP in the future will face an uphill battle if they attempt to argue that additional development in the Basin beyond the 17,500 acres will not result in "jeopardy" to GGS and SWH. The ITPs issued to the Conservancy authorized the take of covered species associated with the restoration, enhancement, operation, and management of 7,758.5 acres of upland, managed marsh and rice preserves set aside as mitigation for the City's and Sutter County's development activities under the NBHCP. Approval of additional development in the Natomas Basin would likely make it more difficult for the Conservancy to fulfill its obligations under the NBHCP. Such development could result in isolation of the Conservancy's preserve lands, thus threatening the Conservancy's ability to implement the NBHCP's operating conservation program.

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SAFCA states in the DEIR that "SAFCA shall coordinate with TNBC to determine the most effective means of ensuring that the small encroachment onto reserves that would result from project implementation does not adversely affect the ability to meet the minimum-size and mitigation-ratio requirements of the NBHCP, require revision of existing management plans, and/or affect revenue-generation requirements. SAFCA shall, in coordination with TNBC, identify and implement necessary actions to ensure that encroachment does not jeopardize successful implementation of the NBHCP. Such actions may include direct supplementation of TNBC funding to offset losses in revenue generation, management of portions of the reserve that are encroached upon by project facilities in a manner that is consistent with current habitat requirements, and/or acquisition of additional land to replace portions of reserves that are encroached upon. Actions shall be approved by TNBC, USFWS, and DFG and shall be implemented by SAFCA before encroachment occurs." As described in the "Enforceable Mitigation Measures" section of this letter above, because there is no guarantee that approvals or agreements with TNBC, USFWS, and DFG will ultimately occur or even whether the proposed measures to minimize impacts to TNBC reserve lands are feasible, the Wildlife Agencies believe that the above mitigation measures are unenforceable and do not bring the impacts to the NBHCP's Operating Conservation Program to below a level that is significant. Therefore, the Wildlife Agencies recommend that the mitigation measures described in sections 3.7a-g and 3.7i, and summarized in Table ES-1, include measures which are enforceable and do not defer mitigation details to some future time. The DEIR could describe a range of enforceable, feasible mitigation measures that will be implemented in instances where approval and cooperation with

these other entities either does or does not occur.

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#### Conclusion

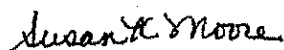
Thank you for the opportunity to review this project. As the Wildlife Agencies have previously stated in person, we are concerned about the effects of the proposed project on federally- and state-listed species, and on the efficacy of the NBHCP and the existing ITPs. The DEIR does not adequately address the effects of the proposed project on the GGS, SWH, BUOW, and various sensitive plants in particular, and more generally, on the NBHCP's operating conservation program. We remain committed to working with SAFCA to ensure that the implementation of the proposed project avoids and minimizes effects on listed species and remains consistent with the conservation strategies and operating conservation programs of pending and existing habitat conservation plans.

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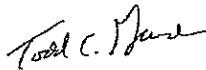
Pursuant to Public Resources Code Sections 21092 and 21092.2, the DFG requests written notification of proposed actions and pending decisions regarding this project. Written notifications should be directed to the DFG Sacramento Valley/Central Sierra Region, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670. The Service also requests notification of any actions on the proposed project. Written notification can be submitted to the Service at the letterhead address.

Please contact Jana Milliken, the Acting Sacramento Valley Branch Chief, or Jennifer Hobbs, Staff Biologist, of the Service at (916) 414-6645, and Todd Gardner, Staff Environmental Scientist, at (209) 745-1968, or Jeff Drongesen, Senior Environmental Scientist, at (916) 358-2919, of the DFG if you have any questions or concerns regarding this letter.

Sincerely,



Susan K. Moore  
Field Supervisor  
U.S. Fish and Wildlife Service



Kent Smith  
Acting Regional Manager  
California Department of Fish and Game

cc:

Larry Combs, Administrator, County of Sutter, Yuba City, CA  
Roger Dickinson, Sacramento County Board of Supervisors, Sacramento, CA  
Tom Buford, City of Sacramento, Sacramento, CA  
John Roberts, The Natomas Basin Conservancy, Sacramento, CA  
Jeff Drongesen, California Department of Fish and Game, Rancho Cordova, CA  
Todd Gardner, California Department of Fish and Game, Rancho Cordova, CA

**Literature Cited**

City of Sacramento, Sutter County, Natomas Basin Conservancy, Reclamation District No. 1000, and Natomas Mutual Water Company (NBHCP). 2003. Final Natomas Basin Habitat Conservation Plan. Sacramento, California: Prepared for the U. S. Fish and Wildlife Service and CDFG. April.

Mr. John Bassett

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cc:

Mr. Larry Combs, Administrator  
County of Sutter  
1160 Civic Center Boulevard  
Yuba City, California 95993

Mr. Roger Dickinson  
County of Sacramento  
Board of Supervisors, District 1  
700 H Street, Suite 2450  
Sacramento, California 95814

Tom Buford  
City of Sacramento  
Environmental Planning Services  
2101 Arena Boulevard, Second Floor  
Sacramento, CA 95834

Mr. John Roberts  
The Natomas Basin Conservancy  
2150 River Plaza Drive, Suite 460  
Sacramento, California 95833

Mr. Jeff Drongesen  
California Department of Fish and Game  
North Central Region  
1701 Nimbus Rd., Suite A  
Rancho Cordova, California 95670

Mr. Todd Gardner  
California Department of Fish and Game  
North Central Region  
1701 Nimbus Rd., Suite A  
Rancho Cordova, California 95670

- 1-1 Specific responses to each of these comments regarding the adequacy of the analysis presented in the DEIR are presented in the following text and in Master Response 2. The DEIR does present a thorough discussion of anticipated impacts on aquatic and terrestrial biological resources, and provides suitable mitigation for reducing, avoiding, or otherwise minimizing impacts on affected biological resources.
- 1-2 The DEIR identifies a habitat creation and enhancement program for restoring and managing lands in a manner that would compensate for the loss of habitat resulting from project implementation. The details of this program have been identified at project-level specificity for those construction activities planned for 2008. A similar level of detail will be developed in subsequent environmental analyses for construction activities planned for 2009 and 2010. For each year of construction, implementation of the habitat creation and enhancement features will require further consultation and agreement with interested agencies including The Natomas Basin Conservancy (TNBC) and the Federal Aviation Administration (FAA).

SAFCA proposes performance standards and implementation strategies, as described in Master Response 2, be used to guide the further planning, design, and management of the habitat creation and enhancement features of the project. These standards will provide the basis for determining how each measure will be carried out, who will perform the measure, and when the measure will be performed; and mechanisms for determining successful habitat creation and enhancement establishment and creating an institutional structure to ensure funding and management of the affected lands.

It is not necessary to obtain agency approvals for the acquisition and management of potential habitat creation and enhancement before completion of the CEQA process to determine that the compensation proposals are feasible and would be sufficiently effective to adequately compensate for the impacts of project implementation. To certify the EIR, SAFCA must only find that suitable land for habitat creation and enhancement is available, is adequate to compensate for expected environmental impacts, would be implemented as part of project development, and would include a monitoring element capable of demonstrating that the mitigation (1) was implemented according to plan and (2) was effective in providing adequate replacement habitat and environmental conditions equal to or exceeding those habitats adversely affected by the project.

SAFCA commits to further consultation with agencies having regulatory or management interests in the proposed habitat creation and enhancement program to ensure that a mutually agreeable plan is fully developed in sufficient detail to enable implementation before project construction begins.

- 1-3 SAFCA acknowledges that the U.S. Fish and Wildlife Service (USFWS) has not evaluated the effects analysis and habitat creation and enhancement strategy and that such evaluation will occur during the Section 7 consultation process. SAFCA has prepared and submitted a biological assessment in support of the consultation process to the U.S. Army Corps of Engineers (USACE) for submittal to USFWS when the formal consultation is initiated.

SAFCA understands that potential for direct mortality of giant garter snakes is minimized by limiting construction activities to the active season for the snake (May 1–October 1). Project construction is largely anticipated to correspond with this season, in part because alteration of existing flood control structures must be completed outside of the winter flood season. However, because of the scope of the proposed program and the urgency of completing the improvements, it would be necessary to conduct

some activities outside of the active season for giant garter snake. SAFCA has acknowledged and described this need in the biological assessment submitted to USACE and will provide further detail to USFWS regarding the nature and locations of activities to be conducted within giant garter snake habitat during the inactive season as the project design is further developed.

The request for more specificity and explanation of giant garter snake habitat compensation to evaluate its adequacy and feasibility is addressed in Master Response 2.

- 1-4 SAFCA agrees to implement the described measures to minimize impacts on and take of Swainson's hawk within 0.5 mile of project construction. SAFCA will consult with the California Department of Fish and Game (DFG) and, if necessary, will obtain an incidental take permit issued pursuant to Fish and Game Code Section 2081.

The request for more specificity and explanation of Swainson's hawk habitat compensation to evaluate its adequacy and feasibility is addressed in Master Response 2.

- 1-5 See Master Response 2.

- 1-6 SAFCA acknowledges the proposed project could result in take of giant garter snake and Swainson's hawk and a California Endangered Species Act (CESA) Permit may be required for these species. SAFCA understands the CESA permitting process, including necessary determinations and the amount of time potentially required for issuance of a permit.

Brief discussions of known threats to and population trends of giant garter snake and Swainson's hawk are provided on pages 3.7-10 through 3.7-12 of the DEIR.

The request for inclusion of a range of enforceable mitigation measures and more specificity regarding implementation and funding is addressed in Master Response 2.

- 1-7 SAFCA agrees to augment mitigation for burrowing owl as recommended, including incorporation of specific measures 1 – 5 as presented in this comment. SAFCA intends to provide the appropriate amount of foraging and burrowing habitat (including artificial burrows) within the berm and maintenance access corridor along the land side of the expanded Pleasant Grove Creek Canal (PGCC) levee, adjacent to the section of PGCC levee in which occupied burrows have been documented. SAFCA also intends to use passive relocation with one-way doors, if necessary to temporarily move owls from the construction area.
- 1-8 SAFCA understands that transplantation of herbaceous plants can be unsuccessful. If surveys indicate that special-status plants would be lost as a result of project implementation, SAFCA commits to implement additional measures to increase the chance of success for establishment of special-status plant populations in created habitats, such as seed collection and propagation to provide additional plantings and conducting transplantation during the dormant season, if feasible. SAFCA will develop a mitigation plan to be approved by DFG, and mitigation lands will be protected and managed in perpetuity, as recommended.
- 1-9 Although the proposed project is not a development project of the same character as that addressed in the Natomas Basin Habitat Conservation Plan (NBHCP), SAFCA acknowledges that it could result in significant impacts on species covered by the NBHCP. Therefore, SAFCA has evaluated the project's potential to jeopardize successful implementation of the NBHCP, including the effectiveness of the conservation strategy, on pages 3.7-28 to 3.7-20 of the DEIR. For reasons outlined in the DEIR, SAFCA feels implementation of the proposed project, including mitigation, would not impact effectiveness of the NBHCP's conservation strategy and would not result in jeopardy to giant garter snake or Swainson's hawk. Potential effects to TNBC reserves are very limited, and, based on discussions with TNBC, it is reasonable to expect that mitigation of such impacts is feasible and that full cooperation between SAFCA and TNBC can be achieved. The DEIR provides a range of enforceable, feasible measures based on these

discussions with TNBC. If DFG and USFWS do not agree the mitigation would adequately reduce potential impacts on effectiveness of the NBHCP conservation program, and, as a result, do not issue the necessary permits, project implementation would not proceed.

- 1-10 See Master Response 2 and responses to Comments 1-3, 1-4, and 1-6 through 1-9.



## DEPARTMENT OF WATER RESOURCES

1416 NINTH STREET, P.O. BOX 942836  
SACRAMENTO, CA 942360001  
(916) 653-5791



September 19, 2007

John Bassett  
Sacramento Area Flood Control Agency (SAFCA)  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, California 95814

Draft Environmental Impact Report on Natomas Levee Improvement Program Landside  
Improvements Project  
State Clearinghouse (SCH) Number: 2007062016

The project corresponding to the subject SCH identification number has come to our attention. The limited project description suggests your project may be an encroachment on the State Adopted Plan of Flood Control. You may refer to the California Code of Regulations, Title 23 and Designated Floodway maps at <http://recbd.ca.gov/>. Please be advised that your county office also has copies of the Board's designated floodways for your review. If indeed your project encroaches on an adopted flood control plan, you will need to obtain an encroachment permit from the Reclamation Board prior to initiating any activities. The attached Fact Sheet explains the permitting process. Please note that the permitting process may take as much as 45 to 60 days to process. Also note that a condition of the permit requires the securing all of the appropriate additional permits before initiating work. This information is provided so that you may plan accordingly.

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If after careful evaluation, it is your assessment that your project is not within the authority of the Reclamation Board, you may disregard this notice. For further information, please contact me at (916) 574-1249.

Sincerely,

Christopher Huit  
Staff Environmental Scientist  
Floodway Protection Section

cc: Governor's Office of Planning and Research  
State Clearinghouse  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

SAFCA '07 SEP 21 PM 2:44

## **Encroachment Permits Fact Sheet**

### **Basis for Authority**

State law (Water Code Sections 8534, 8608, 8609, and 8710 – 8723) tasks the Reclamation Board with enforcing appropriate standards for the construction, maintenance, and protection of adopted flood control plans. Regulations implementing these directives are found in California Code of Regulations (CCR) Title 23, Division 1.

### **Area of Reclamation Board Jurisdiction**

The adopted plan of flood control under the jurisdiction and authority of the Reclamation Board includes the Sacramento and San Joaquin Rivers and their tributaries and distributaries and the designated floodways.

Streams regulated by the Reclamation Board can be found in Title 23 Section 112. Information on designated floodways can be found on the Reclamation Board's website at [http://recbd.ca.gov/designated\\_floodway/](http://recbd.ca.gov/designated_floodway/) and CCR Title 23 Sections 101 - 107.

### **Regulatory Process**

The Reclamation Board ensures the integrity of the flood control system through a permit process (Water Code Section 8710). A permit must be obtained prior to initiating any activity, including excavation and construction, removal or planting of landscaping within floodways, levees, and 10 feet landward of the landside levee toes. Additionally, activities located outside of the adopted plan of flood control but which may foreseeable interfere with the functioning or operation of the plan of flood control is also subject to a permit of the Reclamation Board.

Details regarding the permitting process and the regulations can be found on the Reclamation Board's website at <http://recbd.ca.gov/> under "Frequently Asked Questions" and "Regulations," respectively. The application form and the accompanying environmental questionnaire can be found on the Reclamation Board's website at <http://recbd.ca.gov/forms.cfm>.

### **Application Review Process**

Applications when deemed complete will undergo technical and environmental review by Reclamation Board and/or Department of Water Resources staff.

### **Technical Review**

A technical review is conducted of the application to ensure consistency with the regulatory standards designed to ensure the function and structural integrity of the adopted plan of flood control for the protection of public welfare and safety. Standards and permitted uses of designated floodways are found in CCR Title 23 Sections 107 and Article 8 (Sections 111 to 137). The permit contains 12 standard conditions and additional special conditions may be placed on the permit as the situation warrants. Special conditions, for example, may include mitigation for the hydraulic impacts of the project by reducing or eliminating the additional flood risk to third parties that may caused by the project.

Additional information may be requested in support of the technical review of

your application pursuant to CCR Title 23 Section 8(b)(4). This information may include but not limited to geotechnical exploration, soil testing, hydraulic or sediment transport studies, and other analyses may be required at any time prior to a determination on the application.

#### Environmental Review

A determination on an encroachment application is a discretionary action by the Reclamation Board and its staff and subject to the provisions of the California Environmental Quality Act (CEQA) (Public Resources Code 21000 et seq.). Additional environmental considerations are placed on the issuance of the encroachment permit by Water Code Section 8608 and the corresponding implementing regulations (California Code of Regulations – CCR Title 23 Sections 10 and 16).

In most cases, the Reclamation Board will be assuming the role of a "responsible agency" within the meaning of CEQA. In these situations, the application must include a certified CEQA document by the "lead agency" [CCR Title 23 Section 8(b)(2)]. We emphasize that such a document must include within its project description and environmental assessment of the activities for which are being considered under the permit.

Encroachment applications will also undergo a review by an interagency Environmental Review Committee (ERC) pursuant to CCR Title 23 Section 10. Review of your application will be facilitated by providing as much additional environmental information as pertinent and available to the applicant at the time of submission of the encroachment application.

These additional documentations may include the following documentation:

- California Department of Fish and Game Streambed Alteration Notification (<http://www.dfg.ca.gov/1600/>),
- Clean Water Act Section 404 applications, and Rivers and Harbors Section 10 application (US Army Corp of Engineers),
- Clean Water Act Section 401 Water Quality Certification, and
- corresponding determinations by the respective regulatory agencies to the aforementioned applications, including Biological Opinions, if available at the time of submission of your application.

The submission of this information, if pertinent to your application, will expedite review and prevent overlapping requirements. This information should be made available as a supplement to your application as it becomes available. Transmittal information should reference the application number provided by the Reclamation Board.

In some limited situations, such as for minor projects, there may be no other agency with approval authority over the project, other than the encroachment permit by Reclamation Board. In these limited instances, the Reclamation Board

may choose to serve as the "lead agency" within the meaning of CEQA and in most cases the projects are of such a nature that a categorical or statutory exemption will apply. The Reclamation Board cannot invest staff resources to prepare complex environmental documentation.

Additional information may be requested in support of the environmental review of your application pursuant to CCR Title 23 Section 8(b)(4). This information may include biological surveys or other environmental surveys and may be required at anytime prior to a determination on the application.

- 2-1 SAFCA recognizes that the landside levee improvements proposed as part of the NLIP would involve alterations of levees under the jurisdiction of the California Reclamation Board (Reclamation Board) and would therefore require an encroachment permit from the Reclamation Board to construct those improvements. SAFCA would obtain all necessary permits and approvals.

**DEPARTMENT OF WATER RESOURCES**

1416 NINTH STREET, P.O. BOX 942836  
 SACRAMENTO, CA 94236-0001  
 (916) 653-5791



October 26, 2007

Mr. John Bassett, Director of Engineering  
 Sacramento Area Flood Control Agency  
 1007 Seventh Street, 7<sup>th</sup> Floor  
 Sacramento, California 95814

Draft EIR on the Natomas Levee Improvement Program Landside Improvements Project on the Sacramento River East Levee.

Dear Mr. Bassett:

Thank you for the opportunity to review and comment on the Draft EIR on the Natomas Levee Improvement Program Landside Improvements Project on the Sacramento River East Levee. California Department of Water Resources (DWR) staff has reviewed the environmental document and provide the following comments.

**General Comments**

The area described in the Project Description is protected by federal levees that have been incorporated into the state plan of flood control. The effective operation of federal flood control levees along the Sacramento River system is essential for the protection of public safety and property located in the floodplain protected by those levees. In California, The Reclamation Board is responsible for operation and maintenance of the Federal Flood Control Project Levees in the Central Valley. DWR is the floodplain manager for the State and also coordinate its activities with the Federal Emergency Management Agency (FEMA) in administrating the federal Flood Insurance Program.

A Reclamation Board permit will be required for any plan of work that encroaches on an adopted plan of flood control. Your project may be encroaching on an adopted plan of flood control and thus, an encroachment permit may be required for your project. A permit will also be required for activities outside of the adopted flood control plan if those activities could be injurious to or interfere with the successful execution, functioning or operation of any facilities of an adopted plan of flood control. The attached Fact Sheet provides information on the permitting process.

3-1

The EIR should describe in appropriate detail how the regulatory concerns of the Reclamation Board will be addressed. The regulations of the Reclamation Board are found in the California Code of Regulations (CCR) Title 23, Division 1. These regulations are designed to protect the integrity and function of the flood control

3-2

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Mr. John Bassett  
October 26, 2007  
Page Two

system. Any activity that interferes with the operation, integrity, and function of the adopted plan of flood control is of concern to the Reclamation Board. State officials, more than ever, are emphasizing public safety and in particular the flood hazard in California. The conditions of the levees that protect many areas are a major concern. Existing levees were constructed decades ago; most of these levees were intended primarily to maintain river flow for navigation and to reclaim overflow land for agricultural production. Non-residential land uses such as agricultural production are compatible with the state plan of flood control for which the levees were constructed.

The consequences of urban development in a floodplain protected by levees can be significant in terms of not only public safety and protection of property but to the State in terms of financial resources. When it accepts a federal flood control project, the state agrees to indemnify the federal government. Flooding that result from a failure of a portion of the state plan of flood control exposes both the state and the local maintaining agency to significant liability.

Recently, local and national media outlets have been presenting claims the world scientific community recognizes global warming and the effects of these phenomenon. Scientific studies have confirmed the average high tide levels are increasing throughout the world. As concerns of levee stability and safety comes to light after the disastrous effects of hurricane Katrina and the levee failures in New Orleans public safety is an immediate concern.

Development in areas within a federal and state recognized floodplain should be strongly discouraged. Recent climate change reports have stated the increases in storm intensity and average high tide levels which can be problematic for unforeseen future levee maintenance and improvements. The Reclamation Board recognizes the scientific community concerns and the urgent need to improve and maintain the 100-year flood control levee system. As the world seas increase in height, the average high-tide levels will rise as well. Future plans to address these concerns are a vital component that has been previously overlooked but has been brought to light after the recent disastrous events in New Orleans. Future development should strongly consider the consequences of building in areas with potentially disastrous effects of levee failure compounded by the rising seas and effects of the high tides on these levees.

3-3

#### **Specific Comments**

**Impacts and Mitigation Measures for the Natomas Levee Improvement Program Landside Improvements Project.**

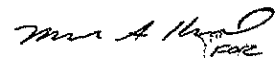
Mr. John Bassett  
October 26, 2007  
Page Three

The Reclamation recommends the following:

- |   |      |
|---|------|
| • Provide a Storm Water Pollution Prevention Plan to specifically address the concerns of any hazardous discharge into the Sacramento River or Waters of the United States for this project.  | 3-4  |
| • Discuss the future plans to address and reduce the number of proposed and types of land-side encroachments that can pose detrimental effects on the project within RD -1000 jurisdiction.   | 3-5  |
| • Discuss possible removal strategies for existing levee encroachments that are potentially detrimental to the proposed levee improvement program.  | 3-6  |
| • Discuss the loss of riparian habitat for the proposed designs within the project and alternatives with regard to any proposed plans to salvage any native vegetation.   | 3-7  |
| • Discuss implications of change in use; loss of agriculture or other activity loss due to growth inducing impacts of development with regard to greater infrastructure development and the impacts and the growth inducing impacts these improvements will make.   | 3-8  |
| • Discuss mitigation measures for long term impacts on public safety during construction and future development.  | 3-9  |
| • Discuss the proposed survey process for evaluating the spoils of the excavation and the fill material for construction on project levees. Discuss the Environmental Phase One (ESA I) and Environmental Phase Two (ESA II) planned time line for evaluating the borrow areas for the fill to be used in the Landside Improvement Project for landside segments. Will these potential discharges into potential discharges into water of the US require a USACE §404 and CVRWQCB §401 permits? | 3-10 |
| • Discuss the proposed modification of flood control structures to accommodate pipelines and intake structures.   | 3-11 |

Thank you for the opportunity to comment on the Draft EIR. If you have any questions or need additional information, please contact Stephen Bradley, Chief Engineer for the Reclamation Board at (916) 574-0680.

Sincerely,



Christopher Huitt  
Staff Environmental Scientist  
Floodway Protection Section



- 3-1 See response to Comment 2-1.
- 3-2 See Master Response 1. The NLIP features are designed to be consistent with applicable federal and state agency requirements, including requirements of The Reclamation Board.
- 3-3 Achievement of the flood protection goals of the project (i.e., 100-year flood protection for the Natomas Basin as quickly as possible and “200-year” flood protection over time) would substantially lessen the probability of an uncontrolled flood in the basin due to levee failure. Nevertheless, as noted by the commenter, with this protection in place, the consequences of an uncontrolled flood would greatly increase over time as planned new development occurs in the basin in accordance with SACOG’s regional blueprint. If no additional risk reduction measures are implemented, the result would be a steady rise in expected annual damages that would undermine the accomplishments of the NLIP. This increase in residual risk could also be exacerbated by changes in hydrology. Although there is much uncertainty about the potential effects of global warming on precipitation patterns in the Sacramento Valley, it is conceivable that anticipated changes in climate could lead to more extreme weather patterns.

To address this risk, SAFCA intends to implement a development fee program that would apply to all new structures placed in the “200-year” floodplain of SAFCA's consolidated capital assessment district after January 1, 2008. The objective of this program would be to avoid any substantial increase in the expected damage of an uncontrolled flood as new development proceeds in the floodplain. The revenue generated by the fee program would be used to finance a continuing flood risk reduction program for the Natomas Basin and the Lower American and Sacramento Rivers that would consist of the following measures:

**Landside levee strengthening.** This measure would focus on improvements to the crown and landside slope of critical segments of the levee system along the NCC and the Lower American and Sacramento Rivers to increase the resistance of these levees to failure resulting from prolonged exposure to elevated river stages.

**Waterside levee strengthening.** This measure would consist of a long-term program of waterside bank and levee protection improvements along the Lower American and Sacramento Rivers, including the Natomas area, designed to arrest retreat of the upper bank, preserve waterside berm width, and reduce the potential for destabilization of the adjacent levee foundation due to erosion or ground shaking. In addition, this measure would minimize the long-term loss of mature trees and vegetation located along the affected berms and provide opportunities for expansion of the Central Valley’s remnant riparian forest while enhancing the public safety purposes of the levee system.

**Improved system operations.** This measure would focus on opportunities to improve the operation of the SRFCP to reduce water surface elevations in the Lower American and Sacramento Rivers and in the drainage channels around the Natomas Basin. These opportunities would include implementing weather forecast-based operations at Folsom Dam and Reservoir and improving the conveyance capacity of the Yolo and Sacramento Bypass systems. These structural and operational improvements would be complemented by efforts to acquire agricultural conservation easements from willing landowners occupying the levee-protected floodplains upstream and immediately downstream of the Fremont Weir. The purpose of these easements would be to compensate the participating landowners for abandoning the development rights associated with their property. These easements would remove the incentive to improve the levees protecting the property beyond the minimum design requirements of the SRFCP and would thus ensure that these levees are not raised above the “1957 profile” that governs the design of the SRFCP. It is assumed that SAFCA’s development fee revenue

would constitute only a portion of the revenue devoted to these measures, with the balance coming from the state and federal governments as part of a comprehensive update of the plan of flood protection for the Sacramento Valley.

- 3-4 Page 3.5-6 of the DEIR states that a stormwater pollution prevention plan be prepared as part of Mitigation Measure 3.5-a. This measure also calls for compliance with other applicable requirements and regulations.
- 3-5 SAFCA would establish a 50-foot-wide access and maintenance corridor at the landside toes of the levees or at the ends of the 100-foot seepage berms in the reaches where they are constructed (see Section 2.3.2.1 under “Land Acquisition”). In reaches with 300-foot seepage berms, SAFCA would establish a 20-foot-wide access and maintenance corridor. Any landside encroachments in the project footprint, including the access and maintenance corridors, would be removed during construction.
- 3-6 See response to Comment 3-5. Right-of-way acquisition is discussed in the subsection entitled, “Land Acquisition,” in Section 2.3.2.1, “General Methods,” of the DEIR.
- 3-7 Impacts to riparian habitat are addressed in Section 3.6, “Fisheries and Aquatic Resources,” and in Section 3.7, “Terrestrial Biological Resources,” of the DEIR.
- 3-8 Growth-inducing effects are addressed in Section 5.1, “Growth-Inducing Effects,” of the DEIR.
- 3-9 Public safety impacts and mitigation measures related to traffic are addressed in Section 3.10, “Transportation and Circulation,” of the DEIR. See also Master Response 3 under “Temporary Construction Impacts on Traffic Safety.” Public safety concerns related to use of hazardous materials during construction and the project’s impact on short-term and future Airport operations are addressed in Section 3.16, “Hazards and Hazardous Materials,” of the DEIR.
- 3-10 SAFCA conducted a record search for existing hazardous materials within and near the proposed borrow sites, and the results are discussed in Section 3.16.3.2, “Potential Sources of Hazardous Materials,” of the DEIR. The potential presence of hazardous materials at project sites is addressed in Impact 3.16-b. The Environmental Data Resources government records database search (Environmental Data Resources 2007) listed one site along the Sacramento River east levee with possible contamination issues: Yuki Farms located at 7800 Garden Highway, in Reaches 5B and 6A. The site was listed on the State Water Resources Control Board’s Spills, Leaks, Investigations, and Cleanups list (Central Valley Regional Water Quality Control Board 2007) and on the California Department of Toxic Substances Control’s HAZNET list. Mitigation Measure 3.16-b(1) is designed to ensure that hazardous materials at the Yuki Farms site would not be encountered during construction activity and would not migrate into water carried in the new canals, posing a threat to the safety of construction workers, the general public, or the environment. SAFCA will comply with RWQCB criteria for periodic sampling of fill material for constituents of concern.
- 3-11 Modification of flood control structures to accommodate pipelines and intake structures is discussed in several sections of Chapter 2, “Project Description,” of the DEIR, including Section 2.3.2.2, “Utility Modifications and Miscellaneous Work for Improvements to the Natomas Cross Canal South Levee,” Section 2.3.3.5, “Pumping Plant No. 2 Improvements,” and Section 2.3.2.3, “Removal of Landside Structures and Other Facilities.”

STATE OF CALIFORNIA

ARNOLD SCHWARZENEGGER, Governor

**CALIFORNIA STATE LANDS COMMISSION**100 Howe Avenue, Suite 100-South  
Sacramento, CA 95825-8202

**PAUL D. THAYER**, Executive Officer  
(916) 574-1800 FAX (916) 574-1810  
Relay Service From TDD Phone 1-800-735-2929  
from Voice Phone 1-800-735-2922

Contact Phone: (916) 574-1814  
Contact FAX: (916) 574-1885

September 25, 2007

File Ref: SCH# 2007062016  
and 2007062017

Sacramento Area Flood Control Agency  
Attn: John Bassett  
1007 7<sup>th</sup> Street  
Sacramento, CA 95814

**Subject: Natomas Levee Improvement Program Landside Improvements Project  
Natomas Levee Improvement Program Bank Protection Project**

Dear Mr. Bassett:

Staff of the California State Lands Commission (CSLC) has received the above referenced Draft Environmental Impact Reports. Under the California Environmental Quality Act (CEQA), the California Department of Fish and Game and the CSLC are Responsible and/or Trustee Agencies for any and all projects which could directly or indirectly affect sovereign lands, their accompanying Public Trust resources or uses, and the public easement in navigable waters.

The State acquired sovereign ownership of all tidelands and submerged lands and beds of navigable waterways upon its admission to the United States in 1850. The State holds these lands for the benefit of all the people of the State for statewide Public Trust purposes which include waterborne commerce, navigation, fisheries, water-related recreation, habitat preservation, and open space. The landward boundaries of the State's sovereign interests are generally based upon the ordinary high water marks of these waterways as they last naturally existed. Thus, such boundaries may not be readily apparent from present day site inspections. The State's sovereign interests are under the jurisdiction of the CSLC.

Based on a review of the Draft EIRs, staff has the following comment on both documents: The EIRs should provide information regarding noise impacts on fish from any construction activities (such as placement of riprap below the water surface) within the Sacramento River. Construction noise impacts to other biological species identified in the project areas should also be discussed in the EIRs.

4-1

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Please contact Jeslyn McComas at (916) 574-1895, [mccomaj@slc.ca.gov](mailto:mccomaj@slc.ca.gov) with any questions regarding CSLC leasing jurisdiction, and Crystal Spurr at (916) 574-0748, [spurrc@slc.ca.gov](mailto:spurrc@slc.ca.gov), for any questions on the environmental review.

Sincerely,



Marina R. Brand, Assistant Chief  
Division of Environmental Planning  
and Management

cc: Office of Planning and Research  
State Clearinghouse  
P.O. Box 3044  
Sacramento, CA 95812-3044

Jeslyn McComas, CSLC  
Crystal Spurr, CSLC

- 4-1 Activities associated with implementation of the NLIP Landside Improvements Project are the focus of this environmental impact analysis. No placement of riprap below the water surface would occur as part of this project. This comment is directed to the NLIP Bank Protection Project DEIR.

Sacramento County Airport System  
G. Hardy Acree, Director of Airports



County Executive  
Terry Schutten

## County of Sacramento

October 25, 2007

John Bassett - NLIP Landside DEIR Comments  
Director of Engineering  
Sacramento Area Flood Control Agency (SAFCA)  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

**RE: Comment Letter - Draft Environmental Impact Report (DEIR)  
Natomas Levee Improvement Program (NLIP)  
Landside Improvements Project**

Dear Mr. Bassett:

Thank you for the opportunity to review the Natomas Levee Improvement Program (NLIP) Landside Improvements Project Draft Environmental Impact Report (DEIR). The staff of the Sacramento County Airport System (County Airport System) has reviewed the document, and wishes to convey the comments below. Overall, the County Airport System regards the proposed NLIP as an innovative and comprehensive strategy for protecting lives and property from the risk of flooding, while simultaneously enhancing habitat resources and reducing wildlife hazards near Sacramento International Airport (Sacramento International or Airport). SAFCA is to be congratulated for developing an innovative, balanced approach that addresses interrelated regional goals.

- Project Objectives. There are several places in the DEIR that refer to the Project Objectives (examples include pages ES-1, 2-4, 2-5, 2-61, and 6-2). The second project objective is to "use flood control projects in the vicinity of Sacramento International Airport (Airport) to facilitate changes in the management of Airport lands that reduce hazards to aviation safety." We suggest this objective would be more appropriately worded as "use flood control projects in the vicinity of Sacramento International Airport to facilitate better management of Airport lands while reducing hazards to aviation safety."
- Land Use Changes Near Airport. Much of the mitigation provided in the DEIR requires land use changes on Airport land. The governing body of a commercial service airport which operates under the authorization of the Federal Aviation Administration (FAA) cannot commit to land use changes or mitigation measures

5-1

5-2

Sacramento International Airport • Mather Airport • Executive Airport • Franklin Field  
6900 Airport Boulevard • Sacramento, California 95837 • phone (916) 874-0719 • fax (916) 874-0636  
[www.saccountv.net](http://www.saccountv.net) • [www.sacairports.org](http://www.sacairports.org)

that have not been approved by the FAA. Changing Airport land at the borrow sites to managed grassland or managed marsh has not been formally reviewed or approved by the FAA. That being said, however, our analysis of the proposed NLIP indicates that the project will provide the essential level of flood protection required to keep the airport operating, while simultaneously facilitating a long-term net reduction in land use patterns near the airport which are capable of attracting wildlife hazardous to aircraft operations. The County Airport System has informally discussed the proposed NLIP with the staff of the FAA District and Regional offices, and we are preparing to make a second, formal presentation to FAA management. The County Airport System is committed to working with SAFCA to facilitate the FAA's expeditious review of the NLIP, and feels confident that the FAA will concur with the many positive attributes of the proposed project.

5-2  
(Cont.)

- Ownership of Airport Land. In several places in the DEIR (examples include pages 2-56, 2-58, 3.2-7, and 3.8-16), Airport land is referred to as being owned by the County of Sacramento. While this is in fact the case, Airport property was acquired using a combination of County funds and FAA grants. An airport's use of FAA grant funding commits that facility to a number of conditions known as "grant assurances." Airport land therefore has additional requirements with regard to development and acceptable land uses than is the case for other property owned by the County of Sacramento. The NLIP has, however, been developed with the explicit goal of being complementary to the goal of minimizing flood risk and threats to aircraft safety from hazardous wildlife. Based on our analysis, therefore, the County Airport System is confident that the FAA will reach the same conclusion.
- Incompatible Crops. In two places the DEIR (Pages 2-3 and 3.16-6 through 3.16-7) indicates that the County Airport System considers rice cultivation to be an incompatible agricultural crop within the Critical Zone.<sup>1</sup> These statements should be changed to more accurately indicate that the FAA is the entity which develops and promulgates policies with regard to incompatible land uses and crop types within the Critical Zone, and not any particular airport governing body.
- New Drainage Canal. In Section 2.1.3.2 (**Planning of Project Elements to Meet Multiple Objectives**), the description of the first element indicates that the primary purpose of the new drainage canal would be to dewater the Airport West Ditch. Later in the document, the purpose of the canal is more appropriately defined and the document indicates that the new drainage canal is necessary due to the existing canal's proximity to the Sacramento River levee, the need for borrow material, and for drainage of all buffer lands as well as the Airport West Ditch. Please revise Section 2.1.3.2 to more accurately define the purpose of the new drainage canal.

5-3

5-4

5-5

<sup>1</sup> The Critical Zone is a 10,000-foot radius from the centerline of a runway for commercial airports that serve turbine-powered (jet) aircraft.

- |   |      |
|---|------|
| <ul style="list-style-type: none"> <li>• <u>GGGS/Drainage Canal</u>. The DEIR should clearly describe the effect of piping some portions of the Giant Garter Snake/Drainage Canal. Piping portions of this canal could very well reduce its mitigation value for giant garter snake, especially in terms of enhancing habitat connectivity.</li> </ul>  | 5-6  |
| <ul style="list-style-type: none"> <li>• <u>Crop Types</u>. In Table 2-27 (<b>Summary of Pre-Project and Post-Project Land Cover Types by Location</b>) there is a discrepancy between the current crop types at the borrow sites in the table and the text on Page 2-54. This discrepancy should be addressed.</li> </ul>  | 5-7  |
| <ul style="list-style-type: none"> <li>• <u>Hazardous Wildlife</u>. On Page 2-58 (<b>Managed Marsh Creation and Rice Preservation</b>) the DEIR states that "Marsh design and management...the attraction to wildlife species (e.g. flocks of waterfowl, starlings, pheasants) is considered to be potentially hazardous to aircraft..." We suggest that the word "potentially" be removed. These species are considered hazardous by the FAA.</li> </ul>   | 5-8  |
| <ul style="list-style-type: none"> <li>• <u>Swainson's hawk Habitat</u>. In Exhibits 2-33a through 2-33c (<b>Post-Construction Land Cover Types Proposed for the Project Footprint</b>), the exhibit legend includes a designation for "Swainson's Hawk Habitat (Airport)". These areas, where owned by SCAS, are considered as "Potential Swainson's Hawk Habitat" and should be identified as such. Additionally, for the reasons noted above relative to required FAA approvals and the Airport's own future potential mitigation needs, there is not as yet complete assurance that these lands will be available to SAFCA for Swainson's hawk mitigation. (To reiterate, we are confident that the FAA will concur with our conclusion that the proposed hawk habitat areas represent no net increase in wildlife hazards near the Airport.)</li> </ul>  | 5-9  |
| <ul style="list-style-type: none"> <li>• <u>Floodplain Storage</u>. In Impact 3.16-d (<b>Potential to Result in Higher Frequency of Collisions between Aircraft and Wildlife at Sacramento International Airport</b>), the reference to floodplain storage issues in relation to the planned surface parking lot south of Interstate 5 (Page 3.16-11) should be removed. The County Airport System has already obtained floodplain storage for this proposed lot.</li> </ul>  | 5-10 |
| <ul style="list-style-type: none"> <li>• <u>Mitigation Measure 3.16-b(1) – Former Yuki Pear Orchard</u>. The County Airport System has not determined a timeline for removing contaminated groundwater or soils, if any, at the site of the former Yuki pear orchard has not been determined. (This 90-acre parcel located between Garden Highway and the Airport west perimeter fence was leased to a tenant farmer for a number of years.) The County Airport System will soon complete removal of the pear trees and structures at this site, but does not contemplate any airport-related development at the site in the foreseeable future that would require hazardous material investigations or removal. SAFCA may wish to undertake studies to characterize any soil or groundwater contamination that may be present. If the presence of</li> </ul> | 5-11 |



Mr. John Bassett  
October 25, 2007  
Page 4 of 4

contaminants is detected, SAFCA and the County Airport System will cooperatively resolve the situation.

5-11  
(Cont.)

- Airport Land in Agricultural Production. Page 4-9 the DEIR indicates that development of many of the facilities contemplated in the Airport Master Plan would occur on land historically in agricultural production. This is incorrect; only a small portion of the planned facility improvements will be on land historically in agricultural production. The majority of the contemplated Master Plan components are located within the existing airfield and "landside" portions of the Airport.

5-12

Again, the County Airport System appreciates the opportunity to review and comment on the Draft EIR for the Natomas Levee Improvement Program, Landside Improvements Project. We look forward to working with SAFCA to facilitate the NLIP. Please contact me at 916-874-0698 should you have any questions regarding our comments.

Sincerely,



Greg Rowe  
Senior Environmental Analyst  
Planning and Environment

C: Terry Schutten, County Executive  
G. Hardy Acree, Director of Airports  
Lisa J. Stanton, Acting Airports Chief Administrative Officer  
Diane E. McElhern, Deputy County Counsel  
David Jernigan, Assistant Environmental Analyst – Planning and Environment

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Proj\_Sept07\SAFCA EIR Comment Letter\_(5)102507.doc

- 5-1 The suggested project objective of using flood control projects located in the vicinity of the Sacramento International Airport (Airport) to facilitate better management of Airport lands is consistent with SAFCA's intent to develop the project. See Chapter 4, "Revisions to the Draft EIR," of this document for a revision of this text.
- 5-2 SAFCA continues to coordinate with Airport staff to provide sufficient information regarding changes in the management and use of lands surrounding the Airport.
- 5-3 SAFCA continues close coordination with Airport staff to ensure Airport lands will be managed consistently with FAA requirements.
- 5-4 See Chapter 4, "Revisions to the Draft EIR," of this document for a revision of this text.
- FAA's policies address the general compatibility of various land uses and habitats to Airport operations. Airport-specific evaluations are performed by local Airport managers.
- 5-5 The third paragraph on page 2-5 of the DEIR states that the primary purpose of the GGS/Drainage Canal is as habitat for the giant garter snake along with interception of drainage and irrigation flows. It does not state that the primary purpose is dewatering the Airport West Ditch.
- 5-6 No portions of the GGS/Drainage Canal would be piped. In locations where the canal intersects existing roadways, it would be confined to a culvert, but such culverts would be relatively short and designed to maximize suitability for giant garter snake passage. Therefore, the overall value of the canal as a travel corridor should not be diminished. Section 2.2.2, "Borrow Sites," of the DEIR disclosed that the Fisherman's Lake area is a potential borrow site for 2009–2010 construction. Temporary effects on water quality associated with project construction are addressed as part of Impact 3.5-a in Section 3.5, "Water Quality," of the DEIR.
- 5-7 Not all of the borrow sites listed on page 2-54 of the DEIR are included in Table 2-27 because the table is only intended to be a summary of general existing landscape and converted habitat types.
- 5-8 See Chapter 4, "Revisions to the Draft EIR," of this document for a revision of this text.
- 5-9 See Chapter 4, "Revisions to the Draft EIR," of this document for the corrected exhibits.
- 5-10 See Chapter 4, "Revisions to the Draft EIR," of this document for a revision of this text.
- 5-11 Comment noted. The DEIR discusses conditions at the Yuki Pear Orchard in Section 3.16, "Hazards and Hazardous Materials."
- 5-12 Comment noted. The FEIR will be corrected to indicate that lands within the existing airfield and other portions of the Airport have not been in agricultural production in the recent past. See Chapter 4, "Revisions to the Draft EIR," of this document for a revision of this text.

Municipal Services Agency

Department of Transportation  
Tom Zlotkowski, Director



County of Sacramento

Terry Schutten, County Executive  
Paul Hahn, Agency Administrator

September 26, 2007

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Mr. John Bassett, Director of Engineering  
Sacramento Area Flood Control Agency  
1007 Seventh Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

COPY

**SUBJECT: COMMENTS FOR TWO DRAFT ENVIRONMENTAL IMPACT  
REPORTS (DEIR) ON THE NATOMAS LEVEE IMPROVEMENT  
PROGRAM:  
A. LANDSIDE IMPROVEMENTS PROJECT  
B. BANK PROTECTION PROJECT.**

Dear Mr. Bassett:

The Sacramento County Department of Transportation has reviewed the DEIR for the above referenced projects. We appreciate the opportunity to comment on both DEIR. Please note that we previously submitted a comment letter on the NOP - dated June 28, 2007.

We would ask that our previous comments be taken into consideration in the Final EIR. The project proposes truck haul routes to access borrow and levee improvement sites via the County's rural roadways. These projects add significant amounts of truck traffic to these rural roads; therefore, significant impacts would result. As a mitigation measure, the project proponent shall enter into a maintenance agreement with the Maintenance and Operations Section of the Department of Transportation. This agreement shall cover the maintenance and repair of any roadway damaged by the project's construction activities. The agreement shall state that this maintenance and repair be at the cost of the project proponent. Please contact Hardeep Sidhu, Senior Civil Engineer, for the maintenance agreement details at (916) 875-5490 or email at [sidhu@saaccounty.net](mailto:sidhu@saaccounty.net).

6-1

If you have any questions please call me at (916) 875-2844.

Sincerely,

Jaskamal Singh  
Associate Transportation Engineer

MGD:js

c: Dean Blank, DOT



*"Leading the Way to Greater Mobility"*

Design & Planning: 906 G Street, Suite 510, Sacramento, CA 95814. Phone: 916-874-6291. Fax: 916-874-7831  
Operations & Maintenance: 4100 Traffic Way, Sacramento, CA 95827. Phone: 916-875-5123. Fax: 916-875-5363  
[www.sacdot.com](http://www.sacdot.com)

**Municipal Services Agency**

**Department of Transportation**

Tom Zlotkowski, Director



Terry Schutten, County Executive  
Paul Hahn, Agency Administrator

## County of Sacramento

June 28, 2007

Mr. John Bassett, Director of Engineering  
Sacramento Area Flood Control Agency  
1007 Seventh Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

**SUBJECT: NOTICE OF PREPARATION OF AN ENVIRONMENTAL IMPACT  
REPORT (EIR) ON THE NATOMAS LEVEE IMPROVEMENT PROGRAM'S  
LANDSIDE COMPONENTS**

Dear Mr. Bassett:

We appreciate the opportunity to comment on this Notice of Preparation. We have the following comments and would ask that these comments be taken into consideration when preparing the EIR:

- € Please study and provide recommended mitigation measures for traffic impacts that will occur as a result of construction traffic and truck hauling routes on the major project area roadways.
- € Please coordinate any necessary construction traffic control and road closures that may be necessary with the Right of Way Management Section of the Department of Transportation.
- € Please enter into a maintenance agreement with the Maintenance and Operation Section of the Department of Transportation. This agreement shall state that any roadway damaged by project construction activities shall be repaired by or at the cost of the applicant.

If you have any questions please call me at 874-7052.

Sincerely,

Matthew G. Darrow  
Senior Civil Engineer

MGD:mgd

c: Dean Blank, DOT  
Dan Shoeman, DOT  
Steve Hong, IFS



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Design & Planning: 906 G Street, Suite 510, Sacramento, CA 95814 . Phone: 916-874-6291 . Fax: 916-874-7831  
Operations & Maintenance: 4100 Traffic Way, Sacramento, CA 95827 . Phone: 916-875-5123 . Fax: 916-875-5363  
[www.sacdot.com](http://www.sacdot.com)

- 6-1 See Master Response 3. Even with mitigation to manage construction-related traffic, the DEIR on page 3.10-7 concludes that the impact on local roadway would be significant and unavoidable.

SAFCA will coordinate with Sacramento County regarding the maintenance and repair of affected roadway resulting from increased truck traffic. A preconstruction and post-construction roadway assessment would be performed to define the roadway conditions.



## Sutter County Public Works Department



Douglas R. Gault, Director

(530) 822-7450, Fax (530) 822-7450  
1130 Civic Center Blvd., Yuba City, CA 95993

October 29, 2007

John Bassett/ NLIP Landside DEIR Comments  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

**Re: NLIP Landside DEIR Comments**

Dear Director of Engineering:

Thank you for the opportunity to comment on the draft environmental impact reports for the Natomas Levee Improvement Program, landside Improvement Project. Sutter County agrees the impacts of your project to Transportation and Circulation are significant, but cannot agree with the proposed mitigations.

**1. Chapter/Section 3.10.2.2 Traffic Volumes and LOS Conditions**

**Report** states Sutter County 1996 General Plan background report contains the most recent traffic count and level of service (LOS) data.

**Comment #1:** More recent data is available from Caltrans and Sutter County Public Works Department. Numerous traffic technical memos and reports have been prepared for planned developments, specifically Sutter Point, Placer Vineyards, and the Riego Rd/SR 99 Interchange. Most recent is the interchange draft traffic report prepared by Fehr and Peers, Transportation Consultants. It characterizes the intersection as currently operating at LOS "E" in the AM peak hour (587 vehicles), and experiencing above average accident rates. Your potential haul routes utilizing this protected crossing of SR99 must consider this more recent information. Sutter County cannot agree with using this protected intersection due to the adverse impacts.

7-1

**2. Chapter/Section 3.10.3.1 Significant Criteria**

**Report** states LOS consideration for this project is not a long term effect.

**Comment #2:** The "100-year protection" project will span at least three consecutive construction seasons followed by the proposed "200-year protection" projects mentioned in the cumulative project portion of this report. LOS impacts of SAFCA projects described as "intermittent and temporary" and "at times.....could require as many as 1,400 truck trips per day....." are not short term.

7-2

**Report** states construction related vehicles will be parked in construction staging areas, away from public roadways.

7-3

P:\EN NEW DEVELOP\SAFCA\SAFCA NLIP Landside Draft EIR Comments T26Oct07.DOC

October 29, 2007

Page 2

**Comment #3:** Vehicle staging areas are not identified on exhibits or location maps. It can be anticipated that many owner/operator haul trucks will be brokered for this project. These vehicles are not routinely controlled by the contractor and may "overnight" throughout the county(s), essentially increasing the traffic and circulation impacts. Mitigation may be required depending on the actual overnight locations and routes used.

7-3  
(Cont.)

#### **4. Chapter/Section 3.10.3.2 Impact Analysis**

##### **Impact 3.10-a Temporary increase in traffic on local roadways during construction**

**Report** estimates approximately 400,000 loaded truck trips on county roads between borrow sites and projects.

7-4

**Comment #4:** County roads in south Sutter County are not engineered to handle these volumes of haul trucks as demonstrated by the damage sustained to Sankey, Powerline, and Pacific Roads during SAFCA's recently completed Phase 1 project on the NCC. Additionally, bridge #18C-050 on Riego Rd west of SR99 will be load restricted to less than "legal loads" prior to project commencement.

**Comment #5:** A Traffic Impact Study should be conducted with most current data available to assess the impacts of project-generated traffic on County roads. An acceptable study should include:

1. Use LOS and Safety analysis to determine best potential haul and project traffic routes and staging areas.
2. For potential haul routes, assess present condition of the county roadway structural section and geometrics to support haul effort and determine baseline for future impact assessment to pavements and shoulders.
3. Develop and execute a plan to fully mitigate these impacts (repair, reconstruct, resurface, reinforce, reroute) during project construction, and return county roads in at least pre-project condition.
4. Coordinate the study and plan with County Public Works staff to acquire required approvals and conditioned permits.

7-5


##### **Mitigation 3.10-a & 3.10-b Traffic Routing Plan & Traffic Safety and Control Plan**

~~Comment #6:~~ In addition to Comment #5 above, the Traffic Routing Plan and Traffic Safety and Control Plan supported by the requested Traffic Impact Study should be coordinated with and reviewed by State (CHP) and local (Sheriff) law enforcement and State (Caltrans) and local (Sutter County PW) road agencies.

7-6

The point of contact for this action is Al Sawyer, telephone (530) 822-7450; email [asawyer@sutter.ca.us](mailto:asawyer@sutter.ca.us).

Sincerely,

  
**DOUGLAS R. GAULT**  
**PUBLIC WORKS DIRECTOR**

cc: Engineering Division

- 7-1 Comment noted. Mitigation Measure 3.10-a calls for the development and implementation of a traffic routing plan for construction-related traffic.
- 7-2 Page 3.10-4 of the DEIR presents a discussion of significance criteria used to evaluate impacts on traffic and circulation. Project construction activities would be intermittent and temporary in duration because construction at one segment of levee would be finished and activities would move onward to other levee segments.
- The DEIR acknowledges that temporary increases in construction traffic on local roadways would result in significant and unavoidable impacts. Even with implementation of mitigation involving routing and managing truck, equipment, and crew vehicles, this impact would not be reduced to a level of less than significant.
- 7-3 Contract specifications will apply to the activities of the contractor and other subcontractors working on the levee improvements. All parties will be required to adhere to contract requirements, including the prescribed locations for staging equipment and parking trucks and vehicles. Provisions will be made for overnight parking of haul trucks to avoid causing traffic or circulation congestion. This measure has been incorporated into Mitigation Measures 3.10-b. See Chapter 4, “Revisions to the Draft EIR,” of this document for a revision of this text.
- 7-4 Mitigation Measure 3.10-a prescribes development of a traffic routing plan with the purpose of defining the limits and condition for using public roadway access to the project site. County roadway weight restrictions and other factors would be considered in the selection of haul truck routes. SAFCA intends to ensure that construction contractors would enforce the plan throughout the construction period by including monitoring and enforcement provisions as contract terms requiring compliance with route restrictions.
- 7-5 See Master Response 3. Even with mitigation to manage construction-related traffic, the DEIR on page 3.10-7 concludes that the impact on local roadways would be significant and unavoidable.
- SAFCA will coordinate with Sutter County regarding the maintenance and repair of affected roadway resulting from increased truck traffic. A preconstruction and post-construction roadway assessment would be performed to define the roadway conditions.
- 7-6 As described on page 3.10-8 of the DEIR, Mitigation Measure 3.10-b(a) requires preparation and implementation of a plan that would be developed in consultation with the California Department of Transportation and other interested local authorities. The local authorities would include law enforcement, emergency response providers, and roadway management agencies.





DEPARTMENT  
OF UTILITIES

ENGINEERING  
SERVICES DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

October 29, 2007

1395 35th AVENUE  
SACRAMENTO, CA  
95822-2911

PH 916-808-1400  
FAX 916-808-1497/1498

John Bassett  
Sacramento Area Flood Control Agency  
1007 7th St., 7th Floor  
Sacramento, CA 95814

**COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR  
THE NATOMAS LEVEE IMPROVEMENT PROGRAM –  
LANDSIDE IMPROVEMENT PROJECT**

Dear Mr. Bassett:

Thank you for the opportunity to review the above subject document. The following are the comments from the Department of Utilities:

1. On page 3.5-3, 3rd paragraph, Waste Discharge Requirements section, the individual NPDES stormwater permits apply to a specific activity. The General Industrial NPDES Permit applies to selected industrial facilities. The General Construction NPDES Permit applies to construction activities greater than 1 acre. These general permits are administered by the State Water Resource Control Board. 8-1
2. On page 3.15-1 in the Wastewater section, the paragraph should state that the Sacramento Regional County Sanitation District provides treatment of wastewater for all of Sacramento County. County Sanitation District -1 (CSD-1) maintains sewer services for the incorporated Sacramento County and parts of the City of Sacramento. The City of Sacramento maintains sewer service for the other part of the City. 8-2

If you have any questions regarding the comments above, please contact me at 916-808-1914.

Connie Perkins  
Associate Engineer



City of Sacramento  
Department  
of Utilities  
*Making a Difference in Your Neighborhood*

- 8-1 See Chapter 4, “Revisions to the Draft EIR,” of this document for a revision of this text.
- 8-2 See Chapter 4, “Revisions to the Draft EIR,” of this document for a revision of this text.

**Department of Water  
Resources**  
Keith DeVore, Director



Including service to the cities of  
Elk Grove and Rancho Cordova

**SACRAMENTO COUNTY  
WATER AGENCY**

October 18, 2007

John Bassett  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Re: NLIP Landside Improvement Project DEIR Comments

Dear Mr. Bassett:

Thank you for the opportunity to review the Draft Environmental Impact Report (DEIR) on the Natomas Levee Improvement Program Landside Improvement Project (NLIP/LIP), State Clearinghouse No. 2007062016. In general, the Sacramento County Water Agency (Water Agency) supports the efforts of the Sacramento Area Flood Control Agency to provide a 100-year level of flood protection to the Natomas Basin as quickly as possible while laying the groundwork for providing a 200-year level of protection.

Chapter 3 of the DEIR describes several methods for underseepage remediation along the Sacramento River. These methods include the construction of seepage berms, relief wells, and cutoff walls. The installation of deep seepage cutoff walls, whether they are conventional slurry walls or constructed using deep soil mixing (DSM) or trench-remixing deep (TRD) methods, interfere with the potential recharge of the groundwater in the vicinity of the surface water body. The DEIR identifies the groundwater basin bounded by the American River on the south, the Sacramento River to the west and the Feather River to the north; however, the DEIR does not acknowledge the interaction between the surface water and groundwater, nor does the DEIR address the cumulative impact of the construction of these deep seepage cutoff walls contemplated by SAFCA (as well as similar US Army Corps of Engineers efforts) on this groundwater basin. The Water Agency grows concerned with the potential adverse impacts these deep seepage cutoff walls have on the surface/ground water relationship and requests that these impacts be thoroughly identified and evaluated and mitigation to these impacts be addressed in the final EIR.

9-1

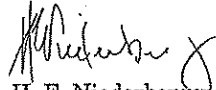
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Facilities Operations & Admin.: 3847 Branch Center Rd. #1, Sacramento, CA 95827 • (916) 875-RAIN • fax (916) 875-6884  
Elk Grove Office: 9280 W. Stockton Blvd., Suite 220, Elk Grove, CA 95758 • (916) 875-RAIN • fax (916) 875-4046

John Bassett  
October 18, 2007  
Page 2

The Water Agency reserves the right to review and comment on the SAFCA's response to this concern. Should you require additional information, please contact me at 916-874-5436.

Very truly yours,



H. E. Niederberger, Jr.  
Division Chief

cc: Keith DeVore, Director  
Ed Winkler, Regional Water Authority

- 9-1 No cutoff walls would be installed in the Sacramento River east levee during the 2008 construction phase. Therefore, this phase of the proposed project would not adversely affect groundwater exchanges with Sacramento River surface water. Prior to implementing the 2009 and 2010 phases of construction, SAFCA intends to conduct project-specific analyses to assess the potential impact of installing cutoff walls. This analysis will assess the potential effects of various cutoff wall lengths, depths, and locations that would be identified as the descriptions of the 2009 and 2010 projects become better defined.

The portion of the Sacramento River east levee proposed for modification by the NLIP is located in the southern Sacramento Valley in the North American Subbasin (DWR 2006). The aquifer system in the Valley consists of many discontinuous beds of clay, silt, sand, and gravel. The thickness of the usable aquifer ranges from 400 to 1,600 feet below sea level. Groundwater elevations fluctuate on a seasonal basis but average about 10 to 25 below the ground surface in the Natomas Basin. Groundwater elevations in northern Sacramento County have generally decreased at a rate of about 1.5 feet per year over the past 40 years because of pumping to supply irrigation water for local agricultural production (DWR 2006).

Groundwater and surface water in the Sacramento River interact throughout the Valley. In general, the Sacramento River is considered a losing river, where surface water migrates into the adjacent groundwater system. On average, the river loses about 2,400 acre-feet (af) of water annually between the Sutter/Sacramento County line and the confluence with the American River (MWH 2001). This loss equals a rate of about 170 af/mile/year that would flow into both sides of the river channel.

Theoretically, a cutoff wall capable of intercepting all migrating surface water could potentially block about 85 af/year along each mile of cutoff wall length. This is a relatively minor volume of water when compared to the estimated storage capacity of the North American Subbasin of about 4.9 million af (DWR 2006).

USACE recently completed an analysis assessing the effects of alternative seepage cutoff wall lengths and depths on local groundwater movement and migration into and from the Sacramento River (MWH 2001).

Using hydrogeologic principles, the analysis found that the installation of seepage cutoff walls would not adversely affect the ability to recharge the Natomas Basin groundwater aquifer. Even with construction of a 150-foot deep continuous cutoff wall surrounding the Natomas Basin, except along the Natomas East Main Drainage Canal, deep percolation of rainfall and imported water supplies were sufficient to maintain local groundwater levels.

The installation of cutoff walls would likely result in local seasonal surface ponding and elevated groundwater levels on the landside of the wall. However, it is expected that surface ponding and elevated groundwater levels would diminish to conditions similar to no cutoff walls within 500 feet. Based on this analysis, no adverse impact to groundwater recharge is expected. However, this expectation must be confirmed by further project-specific analyses, as discussed above.



**Sacramento Groundwater Authority**  
*Managing Groundwater Resources  
 in Northern Sacramento County*

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Edward D. Winkler  
 Executive Director

October 25, 2007

California-American  
 Water Company

Carmichael  
 Water District

Citrus Heights  
 Water District

City of Citrus Heights

City of Folsom

City of Sacramento

County of Sacramento

Del Paso Manor  
 Water District

Fair Oaks Water District

Natomas Central Mutual  
 Water Company

Orange Vale  
 Water Company

Rio Linda / Elverta  
 Community Water  
 District

Sacramento Suburban  
 Water District

San Juan  
 Water District

Southern California  
 Water Company

Agricultural and  
 Self-Supplied  
 Representative

Mr. John Bassett  
 Sacramento Area Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814

Re: NLIP Landside Improvement Project DEIR Comments

Dear Mr. Bassett:

On behalf of the Sacramento Groundwater Authority (SGA), I am writing to comment on the Draft Environmental Impact Report (DEIR) on the Natomas Levee Improvement Program Landside Improvement Project (Project), State Clearinghouse No. 2007062016. The SGA is a joint powers authority formed to manage the groundwater basin underlying Sacramento County north of the American River.

SGA is supportive of the Project and SAFCA's effort to provide improved flood protection to the region. Flood and floodplain management are key components of the region's overall water management activities. The SGA is committed to working with SAFCA and other flood control agencies to improve flood protection in the region in a manner that protects, and possibly enhances, the region's groundwater supplies.

Groundwater levels adjacent to the Sacramento River are very close in elevation to water levels in the river channel. Because of this, there is the potential to affect the flow of water between the groundwater basin and the river as a result of construction of cutoff walls contemplated by the project. The DEIR does not acknowledge the important linkage between these two water systems, and does not propose to evaluate potential impacts resulting from either reduced recharge or discharge to and from the groundwater basin as a result of the proposed construction of deep cutoff walls along substantial reaches of the river levee. SGA is concerned that future proposed cutoff walls, and recently installed cutoff walls along the American River, may have an impact on groundwater basin recharge.


The SGA is requesting that these potential impacts be identified and evaluated and appropriate mitigations be addressed in the Final EIR. The SGA stands ready to work with SAFCA on the development of appropriate monitoring and mitigation programs to address these potential impacts, as necessary.

10-1

Letter to Mr. John Bassett  
Sacramento Area Flood Control Agency  
October 25, 2007  
Page Two of Two

Finally, we were only recently made aware of the release of the DEIR. We request closer coordination on these types of projects in the future. Please add us to the list of responsible and trustee agencies for the project.

Sincerely,



Edward D. Winkler  
Executive Director

cc: Pam Tobin, SGA Board Chair  
Rob Donlan, SGA legal counsel  
Herb Niederberger, Sacramento County Water Agency

10-1 See response to Comment 9-1.





Larry Greene  
AIR POLLUTION CONTROL OFFICER

October 26, 2007

Mr. John Bassett  
Director of Engineering  
Sacramento Area Flood Control Agency (SAFCA)  
1007 Seventh Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

**Subject:** Natomas Levee Improvement Program- Landside Protection DEIR  
**SCH Number:** 2007062016  
**AQMD Number:** SAC200701184

Dear Mr. Bassett:

Thank you for submitting the DEIR for the above referenced project to the Sacramento Metropolitan Air Quality Management District (District) for review. District staff comments follow.

**Administrative Fee**

A five percent administrative fee is required on all construction mitigation fees. Given the currently identified fee of \$45,551.00, the administrative fee is \$2,277.55. The FEIR should contain the revised fee of \$47,828.55.

11-1

**Authority to Construct and Permit to Operate**

Page 1-5 of the DEIR states that the District will give authority to construct (AC) or a permit to operate (PO). ACs and POs are granted for stationary source equipment only. The DEIR should clarify that the District does *not* grant ACs or POs as part of the construction mitigation process; instead, the District reviews and endorses the construction mitigation plan. The review and endorsement of the construction mitigation plan should occur prior to the issuance of the grading permit(s) from the appropriate agency or equipment mobilization if a permit is not necessary.

11-2

An AC and PO will likely be required for the diesel back up generator that will be used in emergency situations and tested monthly. Please contact Mark Loutzenhiser at 916.874.4872 for more information on the stationary equipment permitting process.

**Dust Control Measures**

Pages 3.11-20 and 3.11-21 lists measures intended to reduce dust emissions. Several of these measures, such as reduction in heavy duty equipment idling time, will reduce exhaust emissions instead of dust emissions. The DEIR should make the distinction between exhaust reducing measures and dust reducing measures. Clearly, all of the listed measures will reduce PM10.

While District staff supports the DEIR's specified dust/PM10 mitigation measures, we'd also like to point out that the District addresses PM10 impacts and mitigation as discussed in Appendix B-1 of our CEQA Guide to Air Quality Assessment in Sacramento County (Guide), which can be found on our website.

11-3

Please be advised that Appendix B-1 of our Guide specifies the use of emulsified diesel fuel for Level Three mitigation. Emulsified diesel fuel is no longer commercially available. Therefore, emulsified fuel should not be required as mitigation. Additionally, Level Three mitigation recommends that diesel catalysts be required for applicable equipment. The most effective currently available technology for reducing exhaust PM10 is a diesel particulate filter (DPF) that meets Air Resources Board "Level 3" verification standards. A list of currently verified DPF technologies can be found at: <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>. If Level Three mitigation applies to this project, the

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

appropriate catalysts and equipment should be identified in the FEIR so that the PM10 mitigation requirement is clear to the contractor included in the FEIR, the mitigation measure should require the use of Level 3 DPFs for all off-road construction equipment that operates on the project for more than 40 hours, and should prohibit the use of off-road construction equipment that is not capable of operating with a DPF.

11-3  
(Cont.)

Please note that the contractor must adhere to District Rule 403 regarding fugitive dust.

**All Mitigation Measures**

District staff recommends that all specific air quality mitigation measures be enumerated clearly in the Summary of Impacts and Mitigation Measures in order to provide clear direction to the project contractor.

11-4

**District Rules and Regulations**

All projects are subject to the District's rules and regulations in effect at the time of construction. I have attached a list of rules and regulations that may apply to this project is attached. For more information on District Rules and Regulations, call 916.874.4800 or visit [www.AirQuality.org](http://www.AirQuality.org).

11-5

Again, thank you for providing the District with the DEIR for review. Please do not hesitate to contact me at 916.874.4876 or [rdubose@airquality.org](mailto:rdubose@airquality.org) if you have any questions.

Sincerely,



Rachel DuBose  
Air Quality Planner/Analyst

C: Larry Robinson, Sacramento Metropolitan Air Quality Management District  
Mark Loutzenhiser, Sacramento Metropolitan Air Quality Management District  
Yachun Chow, Feather River Air Quality Management District

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

## **SMAQMD Rules & Regulations Statement** (revised 1/07)

*The following statement is recommended as standard condition of approval or construction document language for **all** development projects within the Sacramento Metropolitan Air Quality Management District (SMAQMD):*

All projects are subject to SMAQMD rules and regulations in effect at the time of construction. A complete listing of current rules is available at [www.airquality.org](http://www.airquality.org) or by calling 916.874.4800. Specific rules that may relate to construction activities or building design may include, but are not limited to:

**Rule 201: General Permit Requirements.** Any project that includes the use of equipment capable of releasing emissions to the atmosphere may require permit(s) from SMAQMD prior to equipment operation. The applicant, developer, or operator of a project that includes an emergency generator, boiler, or heater should contact the District early to determine if a permit is required, and to begin the permit application process. Portable construction equipment (e.g. generators, compressors, pile drivers, lighting equipment, etc) with an internal combustion engine over 50 horsepower are required to have a SMAQMD permit or a California Air Resources Board portable equipment registration.

**Rule 403: Fugitive Dust.** The developer or contractor is required to control dust emissions from earth moving activities or any other construction activity to prevent airborne dust from leaving the project site.

**Rule 417: Wood Burning Appliances.** Effective October 26, 2007, this rule prohibits the installation of any new, permanently installed, indoor or outdoor, uncontrolled fireplaces in new or existing developments.

**Rule 442: Architectural Coatings.** The developer or contractor is required to use coatings that comply with the volatile organic compound content limits specified in the rule.

**Rule 902: Asbestos.** The developer or contractor is required to notify SMAQMD of any regulated renovation or demolition activity. Rule 902 contains specific requirements for surveying, notification, removal, and disposal of asbestos containing material.

Other general types of uses that require a permit include dry cleaners, gasoline stations, spray booths, and operations that generate airborne particulate emissions.

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916/874-4800 ■ 916/874-4899 fax  
[www.airquality.org](http://www.airquality.org)

- 11-1 See Chapter 4, “Revisions to the Draft EIR,” of this document for a revision of this text. The administrative fee has been added to the cost of the construction mitigation fees.
- 11-2 See Chapter 4, “Revisions to the Draft EIR,” of this document for a revision of this text. The roles of the two air quality management districts have been corrected.
- 11-3 See Chapter 4, “Revisions to the Draft EIR,” of this document for a revision of this text. The Sacramento Metropolitan Air Quality Management District (SMAQMD) rules and regulations are discussed on page 3.11-5 of the DEIR. Specific SMAQMD rules and regulations are not called out in the DEIR because they are too numerous. SAFCA notes that the construction contractor(s) will be required to adhere to District Rule 403 regarding fugitive dust.
- 11-4 A Mitigation Monitoring and Reporting Program (MMRP) has been prepared for this project and it will be adopted by the SAFCA Board when the Board certifies the FEIR and approves the proposed project. The MMRP will be used by SAFCA to ensure that all adopted mitigation measures described in the EIR are implemented and that implementation is documented. All proposed mitigation measures, including those related to air quality, are clearly identified in the EIR and will be listed in the MMRP. Additionally, the timing/schedule for implementation and agency or person responsible for reporting and completing the mitigation are listed.
- 11-5 SMAQMD rules and regulations are discussed on page 3.11-5 of the DEIR. SAFCA is in receipt of the *SMAQMD Rules and Regulations Statement* provided by the SMAQMD. SAFCA will adhere to applicable SMAQMD rules and regulations during project construction.

TRUSTEES  
 ROBERT SCHEIBER  
 ROY C. OSTERLI II  
 JAMES HUDSON  
 ERIC ROLUFS  
 JOHN TARESH

OFFICE OF

OFFICERS  
 ROBERT SCHEIBER, PRESIDENT  
 ROY C. OSTERLI II, VICE PRESIDENT  
 DIANE FALES, SECRETARY/MANAGER

BOARD OF TRUSTEES  
**RECLAMATION DISTRICT 1001**  
 1959 CORNELIUS AVENUE  
 RIOOSO, CALIFORNIA 95674  
 530 656-2318 or 530 633-2586  
 FAX 530 656-2165  
 EMAIL: [rd1001@svix.com](mailto:rd1001@svix.com)

October 26, 2007

Sacramento Area Flood Control Agency  
 Mr. John Bassett, Director of Engineering  
 1007 Seventh Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814

Re: Draft Environmental Impact Report on the Natomas Levee Improvement Program  
 Landside Improvements Project – State Clearinghouse #2007062016- Sept, 2007

Dear Mr. Bassett:

Reclamation District 1001(District) is responding to the above mentioned Draft Environmental Impact Report (EIR). This District has commented in the past to EIR's regarding improvements to the Natomas Cross Canal South Levee and the effects that it may have on the District's ability to provide a safe flood control system to the landowners protected by the north levee of the Natomas Cross Canal.

The following comments:

- (1) Natomas Cross Canal – Page 2-13 Item 2.3.2.1 – General Methods - Raising of Natomas Cross Canal South Levee and Seepage Berm

The proposed elevation improvement and installation of seepage berms, would create a far superior flood control levee than the north levee may provide. This action may infringe on this District's north levee meeting the minimum FEMA 100-year flood protection of the agriculture lands and small communities.

12-1

- (2) Pleasant Grove Creek Canal (PGCC) – Page 2-13 Item 2.3.2.1

Raising of the PGCC may have a severe impact on lands east of the PGCC by creating a larger flood prone area.

12-2

Improvement to the PGCC may have some legal ramifications to this District and Reclamation District 1000. Requirements as outlined in Sutter County Superior Court

SAFCA '07 OCT 30 PM12:49

Orders obtained by landowners as part of acquisition of property by Districts for Rights of Ways for construction of PGCC system.

12-2  
(Cont.)

(3) Page 2.8 Item 2.2.2 Borrow Sites

The District and SAFCA do not at this time have any type of written agreement for borrow material for projects as outlined in this EIR. Establishment of an approved borrow site on lands owned by the District lying east of UPRR tracks has not been applied for or approved at present time. SAFCA does not have any type of written agreement pertaining to this site.

SAFCA's agreement with the District pertaining to borrow on the west side of the tracks for projects is relative to current SAFCA projects and terminates December 1, 2007.

12-3

Page 3.7-16 Item 3.7-a and Page 3.7-22 Item 3.7-d Impacts

Use of District's existing and proposed borrow sites for mitigation areas such as managed marsh habitat for construction projects in the Natomas Basin has no merit. Discussion of this matter or any type of consensus has not been approved by District.


(4) Page 3.16-2 Item 3.16.1.2 Emergency and Hazardous Materials Response

Construction of a superior flood control system within the Natomas Basin thus putting District's system at risk of failure may drastically change Sutter County's Emergency Services Program current major evacuation plans of State Route 99 and 70. The threat or occurrence of a levee failure may inundate these routes, thus nullifying the ability to be evacuation routes.

12-4

Thank you for the opportunity for this District to comment on this Draft EIR.

Yours truly,



Diane Fales  
Secretary/Manager

cc: Dan Silva, Supervisor, County of Sutter  
Jim Whitaker, Supervisor, County of Sutter  
Larry Munger, Supervisor, County of Sutter  
Stan Cleveland, Supervisor, of County of Sutter  
Larry Montna, Supervisor, County of Sutter  
Brant Bordsen, Legal Counsel, RD 1001

- 12-1 See Master Response 1. The NLIP Landside Improvement Project would not raise 100-year surface water elevations and, therefore, would have no effect on the ability of Reclamation District (RD) 1001 to meet the Federal Emergency Management Agency (FEMA) 100-year flood protection standards on the north side of the Natomas Cross Canal (NCC).
- 12-2 SAFCA has recently concluded that raising the height of the Pleasant Grove Creek Canal west levee is not required to achieve the objectives of the NLIP Landside Improvement Project. Therefore, the raise activity of this component of the project has been eliminated (see Section 1.1, “Summary Description of the Proposed Project,” of this document).
- 12-3 SAFCA intends to work closely with RD 1001 in obtaining the necessary permits from Sutter County to create a borrow site on land owned by RD 1001 which would serve the needs of both SAFCA and RD 1001. SAFCA recognizes that this objective cannot be achieved without an agreement with RD 1001.
- SAFCA anticipates that such an agreement would address Sutter County’s specific requirements for reclaiming the borrow site on an incremental basis as borrow material is excavated from the site over time.
- 12-4 See response to Comment 12-1 and Master Response 1.



SCOTT A. MORRIS

October 29, 2007

VIA E-MAIL (Email: BassettJ@SacCounty.net)  
and U.S. MAIL

Mr. John Bassett  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Comments on SAFCA's Landside Improvements Project and Bank  
Protection Project Draft Environmental Impact Reports

Dear Mr. Bassett:

#### **A. Introduction**

This letter provides Reclamation District 2035's ("RD 2035") joint comments on both Draft Environmental Impact Reports for the Natomas Levee Improvement Program Bank Protection Project, SCH# 2007062017, ("Bank Project") and the related Natomas Levee Improvement Program Landside Improvements Project, SCH# 2007062016, ("Landside Project"). RD 2035 is providing a single response letter in light of the Sacramento Area Flood Control Agency's ("SAFCA's") decision to simultaneously release both DEIRs (i.e., the "Landside DEIR" and the "Bank DEIR") for public review. Both DEIRs involve different parts of the same project, which is part of one overarching program that was evaluated in SAFCA's Local Funding Mechanisms Program DEIR ("Programmatic DEIR"). RD 2035 intends that all the comments in this joint comment letter be submitted separately to each DEIR and responded to separately by SAFCA in both the Landside and Bank FEIRs.

#### **B. Reclamation District 2035**

Reclamation District 2035 ("RD 2035") was formed in 1919 to provide levee maintenance and drainage services to approximately 20,500 acres of land in Yolo County near the City of Woodland. RD 2035 is a local public entity that has legal authority and jurisdiction under Water Code Section 50000 et. seq to implement flood control programs and projects that reconstruct, replace, improve, or add to facilities as defined in Public Resources Code Section 5096.805(j). RD 2035's service

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area includes the Conaway Ranch property. The Conaway Ranch property covers over 17,000 acres on the west side of the Sacramento River between the cities of Davis and Woodland. Approximately 40 percent of the Ranch is located within the Yolo Bypass and the remainder lies west of the bypass. Both RD 2035 and the Conaway Preservation Group, LLC, which manages the Conaway Ranch, are actively involved in encouraging and seeking solutions to the region's flood problems while conserving open space, agriculture, and rural and environmental values.

#### C. SAFCA is Protecting Natomas at the Risk of Flooding Other Areas

SAFCA is attempting to proceed with levee improvements to only one side of the Sacramento River. While this approach may be more convenient for SAFCA, it represents a myopic focus on local benefits that is contrary to sound public policy and flood project planning for the entire region. SAFCA should acknowledge this short-sighted policy and admit that it creates an increased risk of flooding to lands on the opposite side of the Sacramento River and Natomas Cross Canal. Is it SAFCA's policy to increase flood risks to less urbanized or extra-jurisdictional areas in order to protect lands within its jurisdiction, like Natomas? What is SAFCA's view of its responsibility for the effects of its flood control activities on flood risk in other areas?

13-1

#### D. SAFCA is Using Improper Significance Thresholds to Analyze the Flood Threat to the Opposite Side of the River

The DEIRs significance criteria and conclusions based on them are improper. Given that the west side Sacramento River levees are already under great stress in flood events, any change to the hydraulics or river elevation should be considered significant. The catastrophic consequences of a levee failure on any stretch of the Sacramento River leave no room for further increases in river elevation. Thus, any increase in river elevation during floods is significant and should be the proper threshold used in the analysis, not 0.1 foot. What is the basis supporting the 0.1 foot threshold?

13-2

Regarding impacts to water surface elevations and freeboard, SAFCA's approach to using a different threshold of significance for levees within the SRFCP and those outside the SRFCP's protection is irrational. The threshold for impacts to flood risk should be the same for all levees. The choice of the "1957" design profile as the threshold for significant encroachment is not justifiable. The known flood threats using information after the 1986 and 1997 storm events, render the 1957 design profile outdated for use as a significance threshold.

If the 1957 design standard is an accurate threshold for significance, then SAFCA should be trying to achieve that standard along the Natomas levees – instead, SAFCA is pursuing a higher, more realistic standard for itself and judging its impacts on others using the outmoded standard. As SAFCA has stated,<sup>1</sup> the levees on the west side are already apparently below the freeboard

<sup>1</sup> At the public hearing before the SAFCA Board, Executive Director Stein Buer repeatedly maintained that the status quo (i.e., baseline) was that levees on the opposite side were already significantly shorter and weaker.

standards that SAFCA is seeking for the east side levees. Thus, the west side levees already have a significant problem with freeboard encroachment using modern standards, not the outmoded 1957 design standard. Any further rise in water elevation makes this existing problem that much harder to solve and is a de facto significant impact, which SAFCA must recognize and mitigate. As SAFCA itself stated:

These improvements could reduce the risk of overtopping and failure of these levees, thereby causing more water to be retained in the channels under rare flood conditions. This, in turn, could increase the potential for overtopping and failure elsewhere in the SRFCP system, either within the Sacramento metropolitan area or upstream or downstream of this area. (Landside DEIR at 3.4-6).

Regarding project impacts to river velocity and flow, the Bank DEIR states that "[s]ome slight increase in scour would result from the increased velocities that could result in surface erosion of exposed soils on the berm areas where vegetation was removed." (Bank DEIR pg. 7-7). But the Bank DEIR does not discuss the increase in elevation or water velocity caused by adding fill to the waterside banks of the levees as depicted in its Figures 5-1 and 5-2. Table 4-1 indicates that proposed bank protections from only next year's construction will involve almost 9,000 linear feet with an average width of 65 feet. (Bank DEIR pg. 4-3). What is the total cubic volume of fill that SAFCA intends to add to the Sacramento River next year and for all the remaining Natomas levee improvements? How did SAFCA quantitatively calculate the effects of all this additional fill within the levees?

Without quantitative analyses of the effects on the river (e.g., velocity, height, etc. ...) of the fill, there is no justification for concluding the effects are less than significant. In light of the previously discussed stress that west side levees are already under during flood events, and the deficiencies of those levees assumed under SAFCA's baseline, any increase in scouring, erosion, or water elevation to the west side levees must be considered significant and must be mitigated.

#### **E. SAFCA's Flood Modeling Should Include More Details**

Several issues with regard to modeling require comment. First, it appears the baseline model run indicated that the Natomas levees would not overtop or fail at their current heights. In fact, this result is what SAFCA uses to justify its conclusion that there will be no impacts to the opposite side of the river, namely that the Natomas levees are stronger and higher already. But, as explained above, this baseline result weakens any need to implement the projects quickly. The model indicates that current infrastructure in Natomas is safe from the 100-year flood. Therefore, there is

13-2  
(Cont.)

13-3

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no reason to rush to invest hundreds of millions of dollars in the current flood control system when it is admittedly outdated and designed to solve problems that no longer occur (i.e., siltation).<sup>2</sup>

SAFCA should clarify that the main impetus for quick implementation of these projects is to avoid the FEMA remapping process that would occur. If alternatively, there is a real, physical 100-year flood threat to Natomas that must be repaired, then SAFCA's chosen modeling assumptions or methods are improper and inaccurate because the model does not accurately reflect that situation.

Please provide more specific information regarding the modeling methods. Please provide specific evidence of the exact location of Sacramento River levee failures (both west and east side) and/or overtopping for all model runs or scenarios for all three DEIRs. Please also explain the reason why the model indicates these levees failed. Please explain if the model indicates any east side Sacramento River levees would fail under any modeled scenarios and why they failed. If none failed, why not?

In regards to Section D's discussion of significance criteria, please explain how accurate and precise the UNET model used in this analysis is in detecting slight river elevation changes, or other metrics like river velocity and erosion or scouring potential. What is the confidence interval surrounding the model's results? What statistical methods were employed to assess the model's results? Were multiple model runs performed and the average taken? If so, what are the standard deviations around the averages? If no such information is available, then how can SAFCA rely on an abstract model to claim that the flood risk on the other side of the river will not be increased?

#### **F. SAFCA Must Evaluate the Threat of Underseepage and Overall Levee Stability**

The modeling in the DEIRs does not appear to analyze the threat of underseepage or levee instability. Did SAFCA analyze these threats in the UNET modeling or through other quantitative analyses of the flood risk its improvements would have to levees on the opposite side? If not, then SAFCA cannot assert that its projects will not affect the flood risk to the opposite levees.

The current modeling appears to indicate that the Natomas levees are already high enough to withstand the 100-year and 200-year flood threat because there is no overtopping. The urgency with which SAFCA is proceeding, however, suggests that the true concern may be levee underseepage and stability. If the UNET model did not model these factors, then it cannot be used to conclude that the baseline conditions of the Natomas levees are superior to the levees on the opposite side. What other information do the DEIRs contain to inform the public and decision makers of the superiority of the Natomas levees with regards to underseepage and stability. Without such information, SAFCA cannot support its baseline premise that the Natomas levees are

<sup>2</sup> At the public hearing on these EIRs, Executive Director Stein Buer explained that erosion of the Sacramento River bed, and not siltation, is the current condition.

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13-3  
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13-4

already stronger than the opposite side's and that the opposite side levees will fail first with or without the proposed project(s).

The Natomas Levee Evaluation Report (prepared in 2006 for SAFCA by MBK Engineers and others) contains information about the composition and stability of the east side levees based on borings, but no comparable west-side levee data is provided. Please provide details of the stability and underseepage risk of the Natomas levees versus those across the Sacramento River to support the baseline premise that the current state of the Natomas levees has already shifted all of the flood risk to the other side. Were any borings or modeling of the sort done for the east side levees performed for the west-side levees? If so, please provide the information to prove that the stability and underseepage risk on the west-side levees is already materially greater than the east-side levees. We believe that this data is available from the Reclamation Board or the Army Corps of Engineers.

This issue is critically needed to assess the true increased flood risk that SAFCA's project creates for the opposite side. For instance, assume that levees on both sides of the river have an equal chance of failure and that one levee break must occur somewhere in that stretch of river during a 100-year flood to release pressure. Under this baseline each side effectively has a 50% chance of being flooded. If, however, one side then removes the chance of levee failure on its side, the other side is guaranteed to flood. The 50% risk of flooding on that side has been increased to 100% by the other side's actions. This oversimplified example shows the effects on flood risk that SAFCA's projects may have. SAFCA has presented no substantial evidence to support its premise that the east-side levees will not fail before the west-side levees as a result of underseepage and levee instability. Please provide such information or discuss the added flood risk to the opposite side of the river.

In sum, RD 2035 believes that SAFCA's baseline premise that Natomas area levees are already stronger than levees on the opposite side is unsupported in the DEIRs. Therefore, SAFCA's improvements may demonstrably increase the potential for a catastrophic levee break on the opposite side of the river, which may affect RD 2035 lands. This would be a significant impact under CEQA, for which SAFCA must provide mitigation.

**G. SAFCA's Objective to Provide 100-year Flood Protection "As Quickly As Possible" Unnecessarily Forecloses the Development of Better Alternatives**

The insertion of a time factor into the program and project objectives is not needed because SAFCA's own modeling in all three DEIRs did not indicate that the Natomas Basin levees would be overtopped or fail — even at the 200-year flood level. If this is true, the area already has 100-year flood protection by SAFCA's estimation and there should be no rush to spend large sums of money on a physical solution without an apparent physical problem. What does SAFCA mean by the 100-year flood protection it seeks to achieve as soon as possible?

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13-5

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If SAFCA's real objective is to achieve FEMA 100-year certification as quickly as possible, then SAFCA must explain why FEMA 100-year certification is so critical given that its own modeling shows that the levees are currently strong enough to physically protect the Natomas Basin from a 100-year flood. Furthermore, the objective should be changed to more accurately state this. In this context FEMA 100-year protection appears to be merely an administrative determination that is separate from the physical threat evaluated and disclosed by the modeling. Which is the proper standard? Is it the FEMA determination or SAFCA's modeling?

13-5  
(Cont.)

The above issues present a logical disconnect in the DEIRs' explanation of why the project(s) is/are needed and what hydraulic effects they will have. As discussed in Section F, it appears SAFCA maintains that under baseline conditions its levees are already stronger than levees across the Sacramento River so that those levees would fail before the Natomas levees, thus reducing pressure on the Natomas levees even without the projects. But if this is the case, then the urgent need for these projects is obviated. SAFCA's own modeling, therefore, fails to disclose the urgent need for increased flood protection. Without this urgent need, SAFCA has more time to develop and discuss alternatives that will provide a comprehensive solution, as discussed in Section H. If this is not so, then SAFCA must explain the disconnect. RD 2035 suspects this is because, as discussed in Section F, levee stability and underseepage were not included in the modeling or any other quantitative analyses – a true failure of the DEIRs.

#### H. SAFCA Should Pursue A More Integrated and Comprehensive Flood Solution

Even with the proposed levee improvements, the threat of flooding in the Natomas Basin will remain, and the residents of the Sacramento region and the State of California will have to continue to periodically invest huge sums of money to support the levees and maintain SAFCA's project. The Programmatic DEIR explained that the current flood control system "although well suited to address the technical and financial challenges of a previous era, has left a succeeding generation of flood managers with two systemic problems and levee risk factors: chronic erosion and seepage." (Programmatic DEIR at 4.4-6). It also indicates that because "many segments of the mainstream levee system were constructed using relatively porous hydraulic mining sediments borrowed from the river channel, the levees have a propensity to seep when subjected to prolonged high water surface elevations." (*Id.*). The Bank DEIR concludes that:

13-6

Over the long term, it is likely that additional bank protection will be needed in the region because the design of the SRFCP is expected to continue to induce erosion of unprotected banks and result in the loss of riparian vegetation. (Bank DEIR at 2-7).

The fact is that the Sacramento River levees are too narrow in many places. As explained in the quote above, the current configuration creates excessive erosion that requires constant monitoring and maintenance. Over time, this constant activity will further degrade the environmental, aesthetic, and recreational values of the Sacramento River. The DEIRs do not adequately discuss,

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analyze, or seek to avoid this problem. Quite the opposite, the Programmatic DEIR simply states that "by the mid-1950's it was agreed that bank protection would be a permanent capital cost of operating the SRFCP." (*Id.*). However, in the 1950's agencies did not have to comply with CEQA or consider alternatives. In 2007, CEQA requires that SAFCA consider longer lasting solutions to the flood situation and long-term impacts of its actions. The scanty selection of alternatives provided are not sufficiently innovative and are discounted too quickly without a real analysis of their comparative merits when compared to the long term environmental effects the chosen course of action commits to.

Instead of rushing to grab the low hanging fruit of continued fortification of the existing levee system to avoid being mapped a floodplain by FEMA for a few years, SAFCA should foster discussions and consideration of more comprehensive, overarching solutions to regional flood problems. RD 2035 stands ready to assist in this effort. While a comprehensive solution might take a few more years to develop, it would provide permanent and more effective flood control for the Natomas Basin and the region that would not need continued input of expensive construction and maintenance, which would also continually cause environmental impacts that CEQA requires a discussion of. Such a solution would provide a more dynamic, living river system that would provide lasting and greater environmental, recreational, and aesthetic benefits. CEQA requires that the public and decision-makers be presented with sufficient information about long-term environmental effects and potential alternatives before committing themselves to a long-term path that may foreclose other more viable paths.

Whether a comprehensive solution would include setting back existing levees, redesigning the Yolo Bypass, purchasing or creating additional flood storage in reservoirs, developing additional designated flood plains or temporary flood storage locations, or other solutions is up to SAFCA. Citing institutional hurdles is not a sufficient excuse that justifies avoiding these issues because there is currently a great deal of political momentum behind a comprehensive solution to flood issues. The recent passage, among other things, of SB 5, SB 17, AB 70, AB 162, and AB 156 are new events substantially changing the circumstances under which SAFCA is proposing its projects. These changed circumstances provide added incentive to pursue a broader solution and render any reliance on the Programmatic DEIR's alternatives discussion obsolete and inadequate under CEQA Guidelines section 15162. For instance, the Legislature has directed the Department of Water Resources to provide system-wide evaluations and recommended flood control measures in a few years. SAFCA should cooperate with DWR in this effort instead of going forward with its project. The DEIRs should be revised to discuss these issues and the potential for the current approach to foreclose better, long-term solutions that would allow the Sacramento River to remain a valuable environmental, aesthetic, and recreational resource and will require less frequent infusions of costly construction activities.

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### **I. SAFCA's Piecemeal Approach to the DEIRs Is Improper, Inconsistent, and Confusing**

The division of the environmental review process into numerous DEIRs, both now and apparently in the future, is confusing and fails to disclose the true environmental effects of the overall program. The Landside and Bank projects, and all future SAFCA actions on the Natomas levees, are all parts of the same project because they are all collectively required to satisfy the project objectives and prevent FEMA from mapping the Natomas basin as a major flood zone. Improving only half the length of the east Sacramento River levees will not achieve the project objectives and would not be an action with independent utility unrelated to the other contemplated actions. CEQA requires an impact analysis of the "whole of the project," not chopping the project into smaller segments, each with a minor effect on the environment, but this is what SAFCA is doing.

By separating the Landside and Bank projects from one another and preparing two separate DEIRs, SAFCA has created a confusing muddle of documentation that is hard to follow and sometimes inconsistent. More importantly, by dividing the program into so many parts, each DEIR is able to address a smaller impact than the true impacts of the project. For instance, the impact to biological resources of the Landside project is distinct from that in the Bank project, but they should be considered together. The same is true of impacts to agricultural land that will be used to obtain the fill and raw materials for the levee fixes. Similarly, the impacts of future phases of both projects are not adequately discussed here. Why were the Bank DEIR and Landside DEIR not part of the same DEIR?<sup>3</sup>

13-7

SAFCA should develop a detailed description of all the levee improvements it intends to make, and which are required to achieve the project objectives of attaining (or maintaining) 100-year FEMA certification. Then, one EIR should evaluate the specific impacts to various resources that will occur as a result of the whole of those actions, which represents the single project's true environmental impact. Responding to this comment by pointing to the cumulative effects analysis in both DEIRs is not adequate because that analysis is intended to more generally analyze the effects of other reasonably foreseeable projects, not other parts of the same project. Citing the Programmatic DEIR is also inadequate because it did not provide sufficient detail of the various project components to adequately assess project-level impacts. That modeling also included revised Folsom Dam operations that are not yet possible because, to our knowledge, the revised spillway has not been completed.

While evaluations in the Programmatic DEIR may be appropriate for analyzing various parts of a program, there is a limit to how finely a lead agency may segment a program. Here, SAFCA has gone too far because it is not separately analyzing two different projects under the same program,

<sup>3</sup> The simultaneous release and circulation of both DEIRs indicates that both could have been combined into a single document, which would be easier for the public and the decision makers to review and would provide a better picture of the true impacts of the levee improvements SAFCA proposes.

but rather two parts of the same project, and SAFCA has plans to do more of the same.<sup>4</sup> As stated, this shrouds the true impacts of the project, presents a confusing assembly of CEQA documents, and prevents a real evaluation of the merits of the proposed project versus alternatives.

13-7  
(Cont.)

#### J. SAFCA's No-Project Alternatives are Inconsistent

Both the Landside and Bank DEIR correctly state that an EIR "must evaluate a 'no-project' alternative, which represents 'what would be reasonably expected to occur in the foreseeable future if the project were not approved, based on current plans and consistent with available infrastructure and community services.'" (Landside DEIR at 11-1, Bank DEIR 6-1). Oddly, however, the EIRs present different pictures of what would reasonably occur in the no-project alternative. Because both projects are related parts of the overall program, and SAFCA maintains each is required to provide adequate flood protection to Natomas, the no-project alternative in each should be the same. In contrast, the current no-project alternatives appear to present artificial assumptions instead of explaining the reasonably foreseeable actions that would occur in the absence of the contemplated projects.

Alternative 1 of the Bank DEIR indicates that "[w]hile future federal/state action is the most likely scenario if SAFCA did not implement bank protection, the No-Project Alternative is defined as no bank protection being implemented at the nine sites." (Bank DEIR at 11-5). Thus, it appears that instead of presenting the reasonably foreseeable consequences of not implementing the project (i.e., Federal/State action) SAFCA created an improper and artificial no-project alternative precluding these likely actions and mimicking the project baseline.

13-8

Confusingly, in Alternative 4 of the Landside DEIR, SAFCA presents a different no-project alternative than it presented in the Bank DEIR. The Landside DEIR no-project alternative does not even mention the possibility of other Federal/State actions. The Landside DEIR also presents different future actions and consequences than the Bank DEIR's no-project alternative. The Landside DEIR states:

Federal Floodplain regulations would prevent the Natomas Basin from absorbing new development as currently anticipated in the regional blueprint for future (2030) growth adopted by the Sacramento Area Council of Governments [cite]. As a result, up to 60,000 dwelling units and associated commercial and industrial developments may be redirected to other areas in the region over the next 2 decades. (Landside DEIR at 6-14).

<sup>4</sup> At the October 19, 2007 public hearing on this issue, SAFCA's general counsel indicated that supplemental or subsequent EIRs would be prepared for levee improvements for the next 6 miles of levee improvements slated for 2009, and then a similar process would again be followed for improvements intended in 2010. Such year-to-year CEQA review of the same project is improper.



The Programmatic DEIR presented a similar no-project discussion. (Programmatic DEIR at 7-4). The three no-project alternatives should all be the same. They should provide the public and decision-makers with SAFCA's best analyses of what will occur in the absence of the projects and the overall program because they are all one inter-related part of the whole.

13-8  
(Cont.)

#### K. SAFCA Requires Reclamation Board Approval

Lastly, SAFCA's projects will require approval by the Reclamation Board. It appears that under Water Code section 8710, SAFCA will require approval from the Reclamation Board before construction is commenced. Furthermore, under Water Code section 8722, the Reclamation Board may change the plans or specifications for work undertaken at any time upon its own initiative. How will this process fit with SAFCA's intended schedule of rapid implementation?

13-9

#### Conclusion

In sum, RD 2035 remains interested in working with SAFCA to resolve regional flood control issues and to develop comprehensive flood protection for the region. RD 2035 also supports flood protection for urbanized areas such as Natomas, but not without assurances that such actions will not affect the current and future flood risks to RD 2035, or some other measures or mitigation to offset this increased risk. The DEIRs do not presently provide sufficient information for RD 2035 to determine the effects of SAFCA's proposed project(s) on the flood risks to the opposite side of the Sacramento River or Natomas Cross Canal. SAFCA's analyses and approach in the DEIRs also create other inconsistencies that make the analyses incomplete or difficult to understand.

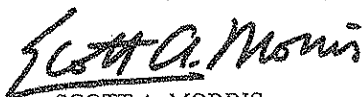
13-10

RD 2035 appreciates the opportunity to comment on the DEIRs, and will gladly work with SAFCA to resolve the issues raised in these comments. If more clarification or other information is needed regarding these comments, please contact me at (916) 321-4500.

As a public agency, RD 2035 looks forward to receiving your official responses at least 10 days prior to certification of the EIRs.

Very truly yours,

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- 13-1 See Master Response 1. As discussed, the NLIP Landside Improvements Project would not alter water surface elevations and therefore would not increase flooding potential on the Sacramento River.

SAFCA's goal is to provide maximum flood protection to lands in the Natomas Basin while not increasing flood risk to other areas or facilities in the Sacramento River Flood Control Project. The studies conducted by SAFCA as part of planning the NLIP and previous investigations consistently show that the proposed improvements would not alter river channel geometry and associated water surface elevations. Therefore, the project would not increase flood risk to other areas.

- 13-2 The significance threshold of 0.1 feet in stage is less than 0.5% (0.1 feet out of typically over 20.0 feet of height) of the river stage above the landside ground surface elevation. From a geotechnical viewpoint regarding both underseepage and through-levee seepage, this extremely small change in water surface elevation would not significantly change levee stability conditions (i.e., existing potential for levee failure). Likewise, from a hydraulics point of view, a change of 0.1 feet in river stage is not significant when compared to the potential to have 3 to 5 feet of wave run-up during a flood event.

See Master Response 1 for a discussion of the "1957" design profile and water surface elevations.

- 13-3 Master response 1 explains in greater detail the hydraulic modeling conducted as part of planning the proposed project. As discussed, a goal of the NLIP Landside Improvement Project is to achieve a levee height having 3 feet of freeboard above the "200-year" flood surface elevation. This additional height would protect against wind and wave action that could occur during such an event. Currently, the Sacramento River east levee along Natomas does not have sufficient height to reliably withstand wind and wave action associated with a "200-year" flood event.

- 13-4 Implementing the levee improvements on the Sacramento River east levee along Natomas would not increase the risk of levee failure on the westside of the river.

The westside levees would continue to have the same risk of failure with or without implementation of the NLIP Landside Improvement Project. Because the SAFCA project would not alter channel geometry and associated surface water elevations, the westside levees would continue to be exposed to conditions similar to pre-project conditions. There is no basis for concluding that the proposed improvements would have any direct or indirect effect on the reliability of the westside levees.

- 13-5 See response to Comment 13-3.

- 13-6 As acknowledged in Master Response 1, SAFCA has participated in working towards regionally oriented improvements to the Yolo and Sacramento Bypass systems that are of long-term interest to SAFCA.

SAFCA will continue to participate in such regional collaborations and fully intends to cooperate with any federal, state, or local initiative that has the potential to move such improvements forward. SAFCA also recognizes that these improvements would be extremely costly and time consuming to implement; they could occur entirely outside SAFCA's jurisdiction, would require extraordinary cooperation among affected federal, state, and local interests; and they would not necessarily resolve the seepage problems affecting the Sacramento River east levee and the Natomas Cross Canal south levee.

Therefore, SAFCA is proposing to address the immediate flood control issues facing the Natomas Basin in a way that would not adversely affect other portions of the Sacramento River system or other entities with flood management responsibilities. This project would not preclude SAFCA from working in

coordination with other responsible parties to identify additional long-term solutions to the flood control deficiencies related to the river system.

- 13-7 SAFCA's approach to environmental review is intended to disclose reasonably foreseeable environmental impacts of future improvement phases as sufficient technical information becomes available to understand and analyze those impacts. The *Environmental Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area* (Local Funding EIR) broadly examined the physical effects of the improvements to be funded, including the Natomas Levee Improvement Program. The DEIR, which tiers from the Local Funding EIR, examines the physical effects of the 2008 program of landside construction under the NLIP at a project level of detail, while examining landside construction that would take place in 2009–2010 at a program level of detail. As more details of 2009–2010 landside construction become known, SAFCA would analyze the 2009–2010 project elements at a project-level of detail. SAFCA's *Draft Environmental Impact Report on the Natomas Levee Improvement Program Bank Protection Project* (Bank Protection Project EIR), which also tiers from the Local Funding EIR, provides project level analysis of the environmental effects of bank stabilization improvements along the east bank of the Sacramento River.

Although they are both components of the NLIP, the proposed Landside Improvements Project and the Bank Protection Project are logically divided into separate projects for purposes of CEQA analysis for the following reasons:

The projects address different types of levee deficiencies that are caused by different mechanisms.

Different remediation methods, designs, construction materials and methods would be employed for waterside and landside improvements.

The projects are physically independent of each other.

The erosion sites are geographically very limited in comparison to the landside improvements.

Very different types of alternatives are being considered for the waterside and landside improvements.

Different resources would be affected by the waterside and landside improvements. There are only a few possible areas of impact overlap: traffic (if transport of construction materials occurs on the same roadways at the same time), temporary pollutant emissions during construction, and construction noise. In addition, each may have some impact on valley elderberry longhorn beetle habitat (elderberry shrubs).

Different regulatory (permitting) issues are associated with the waterside and landside projects. Maintaining separate CEQA processes will likely simplify and facilitate the permitting processes and National Environmental Policy Act (NEPA) compliance, resulting in less chance of regulatory delays.

The landside improvements are likely to be the source of far more controversy than the waterside improvements. Separation will ensure that the critical erosion site repairs can go forward even if the land-side improvements are delayed by challenges or the need for greater public outreach.

Chapter 4, "Cumulative Impacts," of the DEIR identifies the NLIP Bank Protection Project as a similar project that could contribute to potential cumulative effects. The potential cumulative effects of the two projects are specifically described in Section 4.2.5, "Analysis of Cumulative Impacts," on pages 4-14 through 4-19 of the DEIR. Neither of the proposed projects (bank protection actions and landside improvements) is a consequence of the other, is an expansion of the other, or would change the scope of the other. Neither project is an integral part of the other since both projects can be built independently of

the other without affecting their respective functions. Evaluating impacts in two EIRs would not minimize overall impacts, thereby compromising the impact analyses, because the areas of potential overlap are represented in the two cumulative impact analyses in each document.

SAFCA determined that addressing the impact analyses in two EIRs would be less confusing to reviewers than combining them in one EIR. For the most part (particularly in the case of public agency reviewers), the two EIRs would be of interest to different audiences.

- 13-8 The NLIP Bank Protection DEIR acknowledges that in the absence of any action by SAFCA to implement bank protection improvements at the nine identified erosion sites, improvements could be carried out by USACE and the state under the authority of the Sacramento River Bank Protection Project, which requires no local cost-sharing partner. The Landside Improvements Project DEIR does not recognize the possibility of independent USACE/state action to implement landside levee improvements because there is no authority for such an action without a local cost-sharing partner. Both DEIRs identify existing conditions as the No-Action Alternative against which consequences of project implementation are compared.
- 13-9 The Reclamation Board has approval authority over portions of the NLIP Landside Improvements Project. The NLIP Landside Improvements Project would not alter water surface elevations and therefore would not increase flooding potential in the SRFCP. SAFCA does not foresee any conflict with obtaining the Reclamation Board approval, where applicable, and meeting the milestones defined in the project development schedule.
- 13-10 See Master Response 1.



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09-29-07 09:29:44:25

October 29, 2007

John A. Bassett, SAFCA  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, Ca. 95814

Roberta Childers, EDAW  
2022 J Street  
Sacramento, Ca. 95814

*Comments on: Draft Environmental Impact Reports for Natomas Levee Improvement Program, Landside Improvements Project and Bank Protection Projects (DEIR)*

Dear Mr. Bassett and Ms. Childers

In general we think that the EIRS should do a better job of assessing impacts on the NBHCP, NBC preserves, listed species, and growth inducement. We will offer suggestions on more effective mitigation measures. Impacts have not been mitigated adequately.

1. Growth Inducing Impacts and Effects on Natomas Basin Habitat Conservation Plan (NBHCP) and listed species.

The DEIRs fail to acknowledge that the Natomas Basin Habitat Conservation Plan (NBHCP) was created as a requirement of past SAFCA improvements to achieve 200 year flood control in the Basin in order to mitigate growth inducing and indirect impacts of the flood control project. In March 1994, the Fish and Wildlife Service issued a biological opinion that SAFCA's 200 year flood control project would not likely jeopardize the continued existence of the giant garter snake, based on the Corps 404 permit condition of completion of a habitat mitigation plan prior to the flood control work. (NBHCP p. 1-23) At the time additional development in the basin was estimated at 17,500 acres based on existing general plans, and an HCP was created to accommodate that level of indirect impact. The NBHCP should be included in the SAFCA NLIP DEIR.

The US Fish and Wildlife Service biological opinion of March 1994 on the SAFCA 200 year flood control project is attached and makes clear that approval of that project was contingent upon the habitat plan covering 17,500 acres of urban development in the 55,000 acre basin.

The intent at the time was to have one regional Natomas Basin Habitat Conservation Plan that defined what areas would develop and what areas would not. The mitigation ratios and other features of the Conservation Program were designed with a limit of 17,500 acres of additional

14-1

development in the Basin. The NBHCP at I-2 and I-3 states that any new urban development proposal would “trigger a new effects analysis, a new conservation strategy, and issuance of Incidental Take Permits. . . .”

While the DEIR acknowledges the need to assess impacts to the NBHCP, it falls short in that assessment. One of the biggest threats to the integrity of the present NBHCP is the proposed additional urban development that local jurisdictions have proposed but not yet adopted into their general plans. SAFCA’s DEIR assumes this development — which is not included in adopted general plans — and includes no mitigation for the growth inducing impact of this flood control project .

US Fish and Wildlife and California Fish and Game have informed the City of Sacramento that additional development outside of the permit area of the NBHCP will require the City to do an effects analysis and mitigation program that includes mitigation of all impacts on the NBHCP and operating program of the NBC. To date the agencies have not accepted an effects analysis and mitigation program for any such development, and have stated that such acceptance will be a part of consideration of an incidental take permit for additional development. Clearly the SAFCA project not only must do the same with respect to the impacts it has on mitigation lands assumed at present to be protecting the species, but also with respect to any growth inducing impacts on other lands in the basin.

It is not accurate to claim that the proposed flood control improvements would have no growth inducing or indirect impacts (NLIP LIP, 5-2). The “Federal Emergency Management Agency informed Sacramento that it was denying the city’s request to continue allowing unrestricted growth in North Natomas while the levees are improved. Sutter and Sacramento counties received similar letters. FEMA’s determination means no new development will be allowed for now on farmland in Sacramento or Sutter counties. The restriction could remain in place until the levees are recertified to provide 100-year flood protection, which local flood control officials hope to achieve by 2010.” (Sacramento Bee, “Feds to Limit Capital Growth,” October 12, 2007, B3.) SAFCA’s project is the precondition for removal of the federal bar to further development in the Natomas Basin.

SAFCA has stated that developments would proceed anyway, with ring levees. Sound financial analysis of such projects would very likely demonstrate that the additional cost of such a levee system for the project would render the project financially infeasible. Clearly this would be the case with Greenbriar, now before City Planning Commission, for which the financial analysis shows the fees to be very close to the maximum feasible. Attached is a letter from James P. Pachi to the City Planning Commission dated October 6, 2007, regarding the Public Infrastructure Finance Plan and other financial features of the Greenbriar project which documents why we believe Greenbriar could not afford to build a ring levee and is entirely dependent upon the SAFCA NLIP project for flood control.

**SAFCA’s role in generating demand for additional land use entitlements in the basin should be assessed and mitigated with land acquisitions in the basin dedicated to**

14-1  
(Cont.)

purposes consistent with the NBHCP and to offset potential growth inducement in critical locations to protect preserve areas. In particular, SAFCA should acquire mitigation lands south and west of the I-5 and 99/70 interchange. The City and County have conducted an open space analysis for Joint Vision demonstrating that (at minimum) 6,000 acres of open space will be need to be acquired in the Basin. SAFCA should share in the cost of retiring development rights. This can be accomplished in conjunction with other mitigation requirements for this project.

14-1  
(Cont.)

**2. Impacts on Agricultural Land.** The DEIR acknowledges that SAFCA's project has a very large impact on working farms in the Basin and on farmlands held by NBC. The landside improvements will convert 1500 acres of farmland to non-agricultural use (DEIR NLIP LIP, 3.213) It also acknowledges a mitigation obligation of 1:1 to permanently protect agriculture. Since these farms were assumed in the NBHCP to continue to be in the Basin to provide valuable habitat in the Basin, **SAFCA's mitigation for agricultural land impacts must be required to be in the Basin.** The DEIR does not acknowledge this obligation.

14-2

Mitigation Measure 3.2b (NLIP LIP) lists six actions SAFCA will take to reduce the impact on agricultural lands. However, it is not clear how these actions will be monitored and enforced. These mitigation measures should be guaranteed with third party monitoring and enforcement to ensure that 1500 acres of farmland are permanently preserved for agriculture with adequate agricultural infrastructure to maintain production of crops. Of particular concern is the timing of acquisition of permanent agricultural conservation easements. Mitigation Measure 3.2b does not include any requirements for the timing of acquisition. We would suggest that SAFCA be required by the EIR to annually lease and farm land in the Swainson's Hawk zone from the inception of the project adequate to mitigate the annual temporal impacts, and maintain the leases until land is acquired or restored to agricultural uses as described in Measure 3.2b.

### **3. Impacts on Swainson's Hawk**

#### **Impacts on Swainson's Hawk Foraging.**

The DEIR makes what we think is a mistaken assumption that grasslands will provide equivalent foraging value to agricultural lands for the Swainson's Hawk in the Natomas Basin. Grasslands have traditionally been a primary foraging habitat for Swainson's Hawk, but the particular foraging needs of Central California Swainson's Hawks, and in particular the foraging pattern in the Natomas Basin, do not support the conclusion that grasslands can substitute for agricultural lands acre for acre. The Natomas Basin has been irrigated for generations. SAFCA should provide more assurances that the grasslands it creates can indeed support the foraging needs of the Swainson's Hawks nesting in the Swainson's Hawk zone, in combination with lands that SAFCA's project is not impacting.

14-3

We have some other problems with this DEIR assertion about the usefulness of grasslands it will create. First, SAFCA is counting a long narrow strip of berm as part of the grassland to be

created. This term is unlikely to be used as heavily by Swainson's Hawk as farmland would be used though it might provide benefits for other raptors. The Swainson's Hawk Technical Advisory Committee (research biologists) and the Department of Fish and Game (trustee agency) have commented extensively on the Greenbriar DEIR on issues of assessment of foraging value and mitigation ratios. (See attached letters) In general the scientists take the view that landscapes cannot be mitigated by fragmented parcels and narrow linear features.

Also relevant to the assessment of farmlands' role in the NBHCP is a recent study of Swainson's Hawk habitat in South County (see attached). The study found that the most dense nesting habitat occurred where there was a mosaic of irrigated crop land and irrigated pasture. It is well documented in the literature that Swainson's Hawks preferred irrigated pasture, due to increased prey compared to the dry pasture. It is unlikely that grasslands that are not irrigated and mowed or grazed can provide anywhere near the prey values of the agricultural lands taken out of operation. The DEIR at 3.7-30 fails to recognize the critical role of irrigation in the foraging value of grasslands for Swainson's Hawk. The management plan, including irrigation of Swainson's Hawk foraging lands, is an essential component of the mitigation program for this project but such a management plan has not been adopted (3.7-27, 3.7-29). The management plan must be included or the efficacy of the habitat mitigation cannot be assessed.

Department of Fish and Game expects that the mitigation ratio for Swainson's Hawk foraging impacts will be 1:1 consistent with the Sacramento County Ordinance. (See USFWS/CDFG letter, September 2007 ) The DEIR at 3.7-29 does not acknowledge this obligation.

The NBHCP requires that Swainson's Hawk mitigation land be acquired primarily in the Swainson's Hawk zone and otherwise within the Natomas Basin. SAFCA's mitigation land acquisitions for the NLIP should be required to be in the Basin for this reason. (See NBHCP pp. IV-29 and IV-30. )

The NBHCP identifies the Swainson's Hawk zone as part of the NBHCP Conservation program and the Swainson's Hawk zone has been recognized in litigation as an indispensable element for protecting Swainson's Hawk in the Natomas Basin. The NBHCP at V-9 to V-10 specifically acknowledges that City of Sacramento and County of Sutter will not approve development inconsistent with agricultural zoning within the Swainson's Hawk zone beyond what is permitted in the NBHCP.

The most recent Natomas Basin Conservancy "Biological Effectiveness Monitoring for the Natomas Basin Habitat Conservation Plan Area" (2006) states in its conclusions,

**"Continue to focus acquisition efforts within 1.6 kilometers (1 mile) of the Sacramento River. This is the area that is currently most critical to sustaining the existing populations because it provides the highest value nesting and foraging habitat and supports the majority of breeding pairs that use the Basin. Enhancement efforts (i.e. converting unsuitable habitat to**

14-3  
(Cont.)



**suitable habitat in this area will help to offset the loss described in item 1.”**

SAFCA’s project largely occurs within the Swainson’s Hawk zone. The DEIR acknowledges converting Swainson’s Hawk foraging habitat into giant garter snake impact and grasslands as well as the flood control project itself. Its temporal and permanent impacts on that zone should be mitigated through temporary and permanent improvements in Swainson’s Hawk foraging habitat in the Zone. Enhancement efforts should be included. SAFCA mitigation should include intensive management of equivalent lands in the zone for high quality Swainson’s Hawk foraging during the period of the project. Conversion of orchards would provide a positive long term benefit. On a permanent basis, SAFCA should acquire 1500 acres in the Swainson’s Hawk zone and fund a permanent endowment to manage these acres in crops compatible with Swainson’s Hawk foraging. Such a strategy would also mitigate for agricultural land impacts and help ensure that farming remains in the Basin permanently.

The DEIR acknowledges significant impacts but argues that habitat impacts are offset by the creation of a habitat corridor. This corridor however largely serves species other than the Swainson’s Hawk. It enhances giant garter snake habitat in an area that has not traditionally been heavily used by GGS, while “taking” Swainson’s Hawk habitat in an area assumed by the NBHCP to be vital for maintenance of the Swainson’s Hawk population of Basin. The DEIR fails to demonstrate why additional mitigation land acquisition in the Swainson’s Hawk zone, managed for Swainson’s Hawk compatible farmland would not be a necessary action to ensure that the corridor created actually serves Swainson’s Hawk nesting.

The DEIR acknowledges at 3.7-30 that the project would change agricultural uses integral to foraging by listed species but claims that “the grassland and marsh habitats would be more consistently available all year,” and therefore they would provide “comparable or higher overall foraging quality.” We are not convinced by the presentation in the DEIR that this could be so. Swainson’s Hawks are only in the Basin between March and September of each year, a period primarily of dry season so what is important is what is available during this period (not all year long). The DEIR needs to be more specific about how the massive changes being made in the Swainson’s Hawk zone can be ensured to provide net benefit to Swainson’s Hawk foraging values. Specifically in regard to NBC properties, we are opposed to any conversion from what is now Swainson’s Hawk habitat to marsh habitat.

#### **Direct Impact and Cumulative Impact to Nesting Sites.**

The SAFCA NLIP BPP DEIR at 7-54 acknowledges direct impacts on nesting Swainson’s Hawks at 20-50 sites. Since nesting sites and the site of construction are well known, we are surprised by the lack of specificity in describing the impacts. Due to the lack of time to review the documents and press of other business, we have been unable to attempt to do the correlation ourselves. We would like to see this DEIR delayed for further analysis of this impact, and for discussion with the Swainson’s Hawk Technical Advisory Committee, Department of Fish and

14-3  
(Cont.)

14-4

Game and Friends of the Swainson's Hawk.

The only mitigation measures cited are TERR-MM-3 and TERR-MM-4 related to preconstruction nesting surveys and avoiding and minimizing construction related disturbances. As mentioned elsewhere in this letter, we think that providing protection for other nesting sites in the Swainson's Hawk zone, and providing secure high quality forage at other nesting sites in the Swainson's Hawk zone could help offset the negative impact on breeding which will occur in the construction area. Again, as mentioned elsewhere in part, we think in a massive project such as this, there is value in

- monitoring and measuring the impact and adjusting mitigation levels in subsequent years;
- phasing the project to diminish impacts in any one year;
- putting off parts of the project that are not urgent until the impacts of the urgently needed repairs have been mitigated.

We therefore do not agree that the two mitigation measures MM-3 and MM-4 reduce the impacts to less than significant.

14-4  
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The DEIR does not acknowledge the current trend toward decreased nesting activity in the Basin, and the other factors affecting these changes, such as increased housing on the river side of the levee where most nesting sites occur. The most recent Natomas Basin Conservancy "Biological Effectiveness Monitoring for the Natomas Basin Habitat Conservation Plan Area" (2006) says at 4-12 that nest tree removal has occurred because of development covered by the NBHCP, new home sites on the river, and could further decline because of Airport removal of airport land trees. While SAFCA proposes to plant a riparian corridor which in the long term could help counteract these effects on nesting, it should also mitigate long term and cumulative loss through land acquisitions that protect known nesting sites immediately along the river.

**Temporal Loss.** Temporal loss is a massive problem in this project. There will be impacts of the project that cannot be mitigated for many years due to the length of time it takes for vegetation to grow and trees to mature. There will be impacts to preserve lands and mitigation lands that were committed to protect the species from the impacts of prior development in the Basin. The project proposes change preserve lands owned by the Natomas Basin Conservancy specifically for the purpose of supporting wildlife that has been negatively affected by development. Clearly any impacts on preserve lands must be mitigated at least 2:1 by SAFCA. However, the DEIR does not acknowledge the increased mitigation obligation of removing habitat values from preserve lands acquired to offset habitat impacts of development.

14-5

SAFCA also plans substantial changes to land that has been committed by the County Department of Airports to offset the negative impacts of airport expansion on listed species. We are particularly concerned by the project impacts on the Airport South Bufferlands. Given the disturbance to this land, and the lack of flood protection for the Basin, it seems reasonable that the airport should delay the expansion of its footprint into Swainson's Hawk foraging habitat until its mitigation land is restored to Swainson's Hawk habitat. Otherwise SAFCA will have to

do double mitigation for its impacts on this area.

The speed of the project will obviously affect the temporal loss. To the extent that the project is implemented completely within the three year window described in the DEIR, the temporal loss will have a huge effect on reproductive success for the Swainson's Hawk and potential for take of all listed species because of the level of disturbance in the Basin, including destruction of foraging habitat and disturbance to nesting behavior. To the extent that the implementation of the project can be or is elongated over more seasons, the impact will be diminished in any one season and localized rather than generalized. One mitigation measure that could help would be a measure that phases temporal loss mitigation to the phasing of the project. As suggested above, leasing and managing farmland adequate to offset the annual impacts would phase the mitigation effort to the impact. Another measure that would help would be a measure that adjusts temporal loss mitigation to the measured impact of the project on the species as monitored by the Natomas Basin Conservancy. Under this concept, if the temporal loss mitigation is not adequate to offset the actual temporal loss, a greater effort would then be required in subsequent years.

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#### Deferred Mitigation.

It appears that SAFCA may rely on County Tree Preservation Fund to mitigate for loss of heritage trees. (NLIP BPP)

"The commitment to pay fees without any evidence that the mitigation will actually occur is inadequate." (*Save Our Peninsula Committee v. Monterey County Board of Supervisors* (2001) 87 Cal.App.4th 99, 140, citing *Kings County Farm Bureau v. City of Hanford* (1990) 221 Cal. App.3d 692, 728.) The public needs to be able to review the fee program in conjunction with the Mitigation Measures to determine if payment to the County Tree fund is reasonably certain to result in adequate physical mitigation relied upon by the Mitigation Measure. In *Napa Citizens for Honest Government v. Napa County Board of Supervisors* (2001) 91 Cal.App.4th, 342, 363-365, the court said that the EIR included information about the fees to be paid by the project and said: "Although the existing mitigation fee appears to be a reasonable attempt to have developers pay their proportionate share of the costs of needed highway improvements, and the continued use of such fees undoubtedly would be useful, it cannot reasonably be argued that the funds that the county already has raised or that it reasonably can expect to raise in the future, will be enough to mitigate the effect on traffic that will result from cumulative conditions." In *Anderson First Coalition v City of Anderson* (2005), 130 Cal. App. 4th 1173, the Court of Appeal held that bare recitation that a project would pay "fair share" fees towards highway improvements, was too speculative to be deemed an adequate mitigation measure. (*Id.*, pp. 1193, 1194.)

14-6

CEQA requires mitigation measures to be "fully enforceable through permit conditions, agreements, or other legally-binding instruments." (Guidelines, § 15126.4(a)(1)(D)(2).) The purpose of this requirement "is to *ensure that feasible mitigation measures will actually be implemented* as a condition of development, and not merely adopted and then neglected or disregarded. (See Pub. Resources Code, § 21002.1(b))" (*Federation of Hillside and Canyon Assn. v. City of Los Angeles* (2000) 83 Cal.App.4th 1252, 1261.)

Public Resources Code, § 21081.6(b) provides that an "agency shall provide that *measures to mitigate or avoid significant effects on the environment are fully enforceable* through permit conditions, agreements, or other measures." The purpose of these requirements is to ensure that feasible mitigation measures will actually be implemented as a condition of development, and not merely adopted and then neglected or disregarded. (Pub. Resources Code, § 21002.1(b). *Federation of Hillside and Canyon Ass'n, supra*, 83 Cal.App.4<sup>th</sup> at 1261; *Napa Citizens*, 91 Cal.App.4<sup>th</sup> at 358-359.)

The DEIR has a couple of other problems with deferred mitigation. Some of these may be resolved by the program EIR for the 2009 and 2010 improvements, but the DEIR does not provide a summary of exact impacts attributable to the 2008 project and how they will be mitigated, and what impacts are attributable to 2009 and 2010 improvements with detailed mitigation to be approved in a subsequent EIR.

At 3.7-29 the DEIR acknowledges significant impacts on the NBC preserves and operating program for which it has not defined a mitigation program. Also on this page, the DEIR acknowledges that it does not have a management plan for its habitat creation. We do not think CEQA permits deferred mitigation such as this.

Troubling indeed is the fact that actual barrow sites are not known and impacts on specific Swainson's Hawk nesting territories cannot be adequately assessed without knowing nesting proximity to barrow sites. Though the mitigation plan protects against disturbance of nesting, it does not protect against the destruction of foraging habitat adjacent to nesting sites which is likely to be the essential foraging for reproduction. The cumulative impacts on Swainson's Hawk nesting activities of alternative barrow site combinations is not assessed, although the nesting activities at these sites are well documented by NBC.

Brookfield for example contains a known nesting tree and provides forage for this nesting activity. This impact is not acknowledged in the DEIR. This is particularly important since the wildlife regulatory agencies have repeatedly stated that they want to see Swainson's Hawks succeed on the east side of the Basin as well as in the Swainson's Hawk zone.

Another aspect of deferred mitigation is any use of fees to mitigate. For example in the case of the oak tree mitigation, payment of a fee to the County is not adequate mitigation since the county program cannot be relied upon to complete the mitigation. SAFCA's TERR-MM2 (NLIP BPP) to compensate for loss of native oaks/heritage trees through the County is not acceptable mitigation. There are several problems. To summarize: mitigation may occur at some unknown site at a future unknown time, or may not occur at all if SAFCA pays a fee to a fund and the fee does not result in the expected mitigation. It is unclear when and how the funding for the mitigation program will be provided. If a mitigation fee is the alternative chosen, it is not clear who will produce the necessary mitigation, in what time period, to meet the obligation.

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The County has had repeated examples of tree mitigation not performed. The most recent report by DERA on Rancho Murieta deficit in tree mitigation identified 8000 inches owed. Typically the problem is that land doesn't exist suitable for planting and maintaining the trees. In SAFCA's case, the project likely has adequate land to support the tree mitigation but this is not assured in the DEIR.

CEQA requires that payment of a mitigation fee be reasonably certain of resulting in achievement of actual on-the-ground mitigation. Payment to a fund, without more, does nothing. The only achieve this goal with reasonable certainty is to require the mitigation to be performed and verified before the project proceeds.

There is reasonable doubt that a fee can be relied upon to result in the mitigation required. The County Tree Fund has customarily relied upon the Sacramento Tree Foundation to provide land and services to meet native tree mitigation needs. However, experience has shown that the Tree Foundation has experienced substantial difficulty in persuading landowners, including public agencies, to accept plantings of native replacement mitigation trees on their properties. As a result, there have been delays in implementation of mitigation after payment of fees, and there has been a substantial backlog of unspent mitigation funds.

If SAFCA intends to use the County Fee program for any tree replacement, please disclose the balance in the County Tree Preservation Fund, and the list of tree mitigation obligations by date of fee deposit that remain unfulfilled because the fees in the Fund have not been expended as intended. The backlog in unmet mitigation requirements is an important part of the assessment of whether fee mitigation is feasible. We contend that it is not.

Regarding tree mitigation, the NBHCP requires a 15-1 tree replacement ratio, planting within habitat reserves, and a 5 year monitoring program to ensure survival. These requirements are substantially higher than the County ordinance referred to in the SAFCA DEIR, and we believe that SAFCA should be bound by the NBHCP requirements, not the County Ordinance.

**Measures to Reduce Take.** The text variously says that measures to reduce take will be occur within ¼ mile or ½ mile at different places. All such references should be ½ mile as specified in DFG guidelines and in the NBHCP, v22.

**Hydrology.** Fisherman's Lake is particularly sensitive and important to the NBHCP conservation strategy. [See NBHCP p v-2.] The project should monitor water quality before, after and during the project to determine impacts and to offset negative impacts during project construction.

Sincerely,



Judith Lamare Ph.D., President 916-447-4956

14-6  
(Cont.)

14-7

14-8

### **List of Attachments**

U.S. Fish and Wildlife Service, Biological Opinion, March 1994

"Feds to Limit Capital Growth," Sacramento Bee, October 12, 2007

US Fish and Wildlife Service, Department of Fish and Game letters to City of Sacramento and LAFCo regarding review of proposed Greenbriar impacts.

Pachl letter to City Planning Commission, October 6, 2007, Greenbriar financial analysis

Swainson's Hawk TAC letter re Greenbriar September 2, 2006

Powerpoint presentation South County Swainson's Hawks, Jim Estep



United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Sacramento Field Office  
2808 Cottage Way, Room E-1883  
Sacramento, California 95825-1846

In Reply Refer To:  
1-1-94-F-13

March 11, 1994

District Engineer  
U.S. Army Corps of Engineers  
Regulatory Branch (Attention: Tom Kavanaugh)  
1325 J Street  
Sacramento, California 95814-2922

Subject: Endangered Species Act Consultation on the Revised Natoma Area  
Flood Control Improvement Project (PN 199200719) in Sacramento  
and Sutter Counties, California

Dear Sir:

This responds to your request of January 21, 1994, for initiation of formal consultation pursuant to section 7 of the Endangered Species Act of 1973, as amended (Act), on the proposed provision of 200-year flood protection for the lower American Basin. Your request was received by the U.S. Fish and Wildlife Service (Service) on January 25, 1994. At issue are the effects of the proposed project on the giant garter snake (*Thamnophis gigas*), listed as a threatened species by the State and Federal governments.

This biological opinion is based on the public notice for this project, numerous environmental documents prepared under the National Environmental Policy Act and California Environmental Quality Act, and other scientific and commercial information in Service files.

Biological Opinion

It is our biological opinion that the proposed Revised Natoma Area Flood Control Improvement Project, together with the five proposed permit conditions described in the Corps' letter dated January 21, 1994, is not likely to jeopardize the continued existence of the giant garter snake. Critical habitat has not been designated for this species; therefore, none will be adversely modified or destroyed.

Description of the Proposed Action

Please refer to the public notice (PN 199200719) for a description of the construction related details of the proposed project. In brief, the Sacramento Area Flood Control Agency (SAFCA) proposes to improve levee systems needed to provide 200-year flood protection to the 55,000-acre lower American

MAR 2849

(Natomas) Basin. Your January 21, 1994, request for consultation included a list of five special conditions proposed for inclusion as part of any permit issued for the proposed project--three conditions designed to avoid, minimize, and offset the direct effects of project construction on the garter snake, and two conditions that would offset the indirect effects of the proposed flood control project. By mutual agreement, the Corps and Service consider these permit conditions to be part of the project proposal. Please refer to the Incidental Take section below for more details on conditional language to be included in any Department of the Army authorization of the proposed project.

To avoid, minimize, and offset the direct effects of the proposed project on the giant garter snake, the Corps proposed three permit conditions to supplement the applicant's proposed Wetland Mitigation Plan, dated June 1993. These three permit conditions, as described by letter dated January 21, 1994, would (1) require preconstruction surveys for the giant garter snake, (2) include measures to minimize the extent of incidental take, and (3) compensate for any direct losses of giant garter snake habitat. To address indirect effects of the proposed project, the Corps also proposed (in the same letter) to require (4) completion of a habitat management plan prior to start of construction of the proposed pumping station, per direction of the Assistant Secretary of the Army (Civil Works), that addresses mitigation requirements for the giant garter snake, and (5) inclusion of a habitat management plan and signed agreement among the City of Sacramento, Sacramento and Sutter counties, and the Service, to guarantee implementation of the plan. Relative to items #1 and 2 above, the permit applicant, by letter dated February 3, 1994, submitted a proposed plan to avoid direct effects of project construction on the giant garter snake. This plan will be modified and approved by the Service per requirements described in the Incidental Take section below.

#### Species Account/Environmental Baseline

Please refer to the October 20, 1993, Federal Register notice (58 FR 54013-54066) listing the giant garter snake as a threatened species, for detailed information on the biology/ecology of the species. One of the largest garter snakes, reaching a total length of at least 64 inches, this highly aquatic species feeds exclusively on small fishes, tadpoles, and frogs. The giant garter snake inhabits small mammal burrows and other soil orifices above prevailing flood elevations throughout its winter dormancy period (November to mid-March). The breeding season commences immediately upon emergence in the spring, extending through March and April; females give birth to live young from late July through early September (Hansen and Hansen 1990). Brood size is variable, ranging from 10 to 46 young, with a mean of 23.1 (n=19) (*ibid.*). Although growth rates are variable, young typically more than double in size by one year of age (*ibid.*). Sexual maturity averages 3 years of age in males and 5 years for females (*ibid.*).

The giant garter snake is endemic to valley floor emergent marshes in the Central Valley, historically distributed throughout the large flood basins from the former Buena Vista lakebed in Kern County northward to the Butte Basin. Reclamation of wetlands for agriculture and flood control have resulted in severe habitat fragmentation, to the extent that wetland habitats with natural hydrologic and vegetative characteristics effectively have been eliminated throughout the entire range of the species. The remaining giant garter snake populations identified since the mid-1970s are clustered in 13

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distinct areas that largely coincide with historical riverine flood basins and tributary streams (Hinds 1952, Brode and Hansen 1992). In agricultural areas (predominantly rice), giant garter snakes primarily occur along water delivery and drainage canals. Nine of the remaining 13 regional populations occur discontinuously in typically small, isolated patches of valley floor habitat that support few individuals due to limited extent and quality of suitable habitat (Hansen 1988). These nine populations, encompassing about 75 percent of the species' current geographic range, are vulnerable to extinction at any time from anthropogenic causes, as well as stochastic (random) environmental, demographic, and genetic processes. Despite repeated censusing, giant garter snakes have not been observed throughout the San Joaquin Valley since the mid-1970's. Considering the urbanization threats to the American Basin population portended by the proposed project, 10 of the 13 (77 percent) extant populations are imminently imperiled.

The American Basin supports the largest extant giant garter snake population (Brode and Hansen 1992). Throughout this area, reconnaissance level surveys (USFWS 1991) indicate that about 1,400 acres of giant garter snake habitat exist in the form of man-made irrigation and drainage canals, as well as an undetermined acreage of suitable habitat within nearly 13,000 acres of adjoining rice fields. The giant garter snake also uses an undetermined amount of habitat at higher elevations to escape from winter flooding during the inactive winter phase of the snake's life cycle.

#### Effects of the Proposed Action

##### Direct Effects

The proposed levee improvement work could directly affect giant garter snakes if they occur along the reaches specified for upgrading. The applicant proposes to conduct field surveys to determine if suitable habitat and the species occur in any of the proposed work areas. If giant garter snakes are found, construction will be scheduled to avoid the period between October 1 to May 1, thereby precluding the likelihood of impacting snakes while dormant underground. Levee construction will predominantly occur along levee tops and banks, areas seldom used by this highly aquatic species during its active season. Therefore, death or injury from construction activities during the summer along levee banks and slopes is unlikely because snakes center their activities in aquatic habitats at this time.

Nonetheless, as currently formulated, the proposed levee improvements do not address the possibility of eliminating terrestrial retreat habitat during the summer while garter snakes are restricted largely to aquatic habitats. Under this scenario, terrestrial retreat habitat may become a limiting factor to any garter snakes inhabiting project reaches scheduled for levee improvement. However, it is likely that small mammals and other processes that create soil holes and fissures will relatively quickly reestablish any terrestrial retreat habitat lost due to project construction.

##### Indirect Effects

The proposed flood control project would provide 200-year flood protection for the 55,000-acre lower American Basin. This area currently consists 7,140 of acres of urban land uses and 47,742 acres of agricultural lands. The draft

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and final Environmental Impact Statement (EIS) for the American River Watershed Investigation (U.S. Army Corps of Engineers 1991) and Environmental Impact Report (EIR) for the Revised Natomas Area Flood Control Improvement Project (SAPCA 1993) defined this 55,000-acre basin as the project area. Both documents acknowledged that flood control would result in intensive urbanization of the Basin throughout the foreseeable future. In addition, various City and County plans identify proposed development for the region, to wit: draft EIR for the Sutter Bay Village Specific Plan and Golf Course Residential (Sutter County 1992); draft EIR for the Metropolitan Airport/Vicinity Special Planning Area General Plan Amendment and Rezone No. 89-GP1-ZOR-0781 (Sacramento County 1992); North Natomas Community Plan (City of Sacramento 1993); draft and final EIR's for the South Sutter County General Plan Amendment (Sutter County 1991, 1992). These documents establish a clear link between the proposed flood protection and resulting flood plain development. For example, the North Natomas Community Plan acknowledges that further development is precluded until the proposed flood control project is constructed. The Sutter Bay Village Specific Plan states that "[u]ltimate approval of the proposed project (Sutter Bay) is dependent on the eventual approval of a regional flood control project, which is being proposed by the Sacramento Area Flood Control Agency, the Army Corps of Engineers, and the State Reclamation Board." Moreover, Joe Serna, Mayor of the City of Sacramento, stated at a September 16, 1993, meeting of the Floodplain Management Association, that "the decision already has been made in Natomas, we're going to develop it" (Sacramento Bee, 9/17/93).

Absent measures to address the prospect of future basin-wide losses of existing giant garter snake habitat, this flood control project and consequent urban development could extirpate the giant garter snake from the American Basin [California Department of Fish and Game (CDFG) 1992, Brode and Hansen 1992]. The North Natomas Community Drainage System and associated urban development, proposed by the City of Sacramento, would affect about 26 miles of giant garter snake habitat along existing canals and ditches, and additional rice field habitat (ibid.). Potential effectiveness of a proposed mitigation plan remains undetermined. The proposed Sutter Bay project, at the north end of the American Basin, could eliminate and/or degrade about 42 miles of suitable canals (ibid.) and thousands of acres of associated rice fields and giant garter snake habitat. The proposed South Sutter Industrial Center, located near the Sutter Bay project, could eliminate another 19.0 miles of aquatic habitat and associated rice fields. The Metro Air Park is proposing about 1,890 acres of development on agricultural and vacant lands that potentially could result in major adverse impacts to the species, including the loss of about 9.0 miles of canal habitat and 1,500 acres of rice fields, as well as the disruption of movement corridors (ibid.). Roadway improvement and construction projects, or the planned extension of the Sacramento Regional Transit system in this area, also increases the likelihood of major impacts to the species, including elevated mortality from increased traffic on local roads and highways (ibid.). Numerous species of aquatic snakes are vulnerable to roadway mortality (Bernardino et al. 1992). Giant garter snakes also are killed and injured by vehicular traffic, as evinced by numerous observations (Sacramento County 1992; G. Hansen, pers. comm., 1992; J. Brode, pers. comm., 1992); of the cumulative total of 1,056 giant garter snake records compiled by G. Hansen over his many years of study, 76 (7.2 percent) were road kills (G. Hansen, pers. comm., 1992).

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With nine of the twelve other extant populations on the verge of extinction throughout 75 percent of the current range of the species, including the entire San Joaquin Valley (see Species Account/Environmental Baseline), survival of the species cannot be assured by the additional loss or degradation of the largest remaining population. Because of the severe, declining trends in habitat suitability/availability and population levels throughout 75 percent of the range of the species, the Service concludes that the maintenance of a viable giant garter snake population in the American Basin is vital to the survival of the species.

To address the prospective habitat losses of the proposed project to the American Basin population, the Corps has proposed, by letter dated January 21, 1994, a special permit condition that would establish a multispecies habitat management plan for the 55,000-acre lower American Basin, scheduled for completion prior to the start of construction of the proposed pumping station. An element of this habitat management plan would include an agreement among local governments and the Service that guarantees the conservation needs of the giant garter snake. Based on ongoing habitat conservation planning discussions with representatives of the applicant, Corps, CDFG, and landowners, this agreement, at the Federal level, will take the form of an incidental take permit and implementing agreement issued by the Service under section 10(a)(1)(B) of the Act, and at the State level, a permit issued by the CDFG under section 2081 of the State Fish and Game Code.

This habitat management plan would provide certainty for the maintenance of a viable population in the American Basin if the proposed project is authorized. The Service, therefore, concludes that the proposed project is not expected to reduce appreciably the likelihood of the survival and recovery of the giant garter snake by adversely affecting reproduction, numbers, and distribution of the species.

#### Cumulative Effects

Cumulative effects are those effects of future non-Federal (State and local governments, or private) activities on endangered and threatened species or critical habitat that are reasonably certain to occur during the course of the Federal activity subject to consultation. Future Federal actions are subject to the consultation requirements established in section 7 and, therefore, are not considered cumulative to the proposed action.

Various farming and canal maintenance practices adversely affect most remaining giant garter snake populations (58 FR 54063). For example, sodium sulfate and selenium contamination throughout most of the Grasslands region of the San Joaquin Valley has been documented to adversely affect giant garter snake prey species and overall habitat quality (USFWS file information). In addition, acrolain (Magnicide H) is commonly used as a herbicide in irrigation and drainage canals throughout much of the range of the giant garter snake. This compound, when used at levels needed to control target plant species, is toxic to virtually all aquatic vertebrates (CDFG and USFWS file information). Livestock grazing is known to be contributing to the elimination and degradation of available habitat at four populations (58 FR 54061).

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Cumulative effects together with the impacts of the proposed project are not likely to reduce appreciably the likelihood of the survival and recovery of the giant garter snake.

#### Incidental Take

Sections 4(d) and 9 of the Act, as amended, prohibit any taking (harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect, or attempt to engage in any such conduct) of listed species of fish or wildlife without special exemption. Harm is further defined to include significant habitat modification or degradation that results in death or injury to listed species by significantly impairing behavioral patterns such as breeding, feeding, or sheltering. Harass is defined as actions that create the likelihood of injury to such an extent as to significantly disrupt normal behavioral patterns that include but are not limited to breeding, feeding, or sheltering.

Under the terms of §7(b)(4) and §7(o)(2), taking that is incidental to and not intended as part of the agency action is not considered a prohibited taking provided that such take is in compliance with this incidental take statement. The measures described below are nondiscretionary and must be undertaken by the agency so that they become binding conditions of any permit issued to the applicant for the exemption in §7(o)(2) to apply. The Federal agency has a continuing duty to regulate the activity that is covered by this incidental take statement. If the agency fails to require the applicant to adhere to the terms and conditions of the incidental take statement through enforceable terms that are added to the permit, the protective coverage of §7(o)(2) may lapse.

The Service anticipates that an unquantified amount of potential giant garter snake habitat could be lost during construction of the proposed levee improvements. Surveys have not been conducted to determine the extent, if any, of giant garter snake habitat within the project reaches proposed for improvement. The Corps and applicant propose preconstruction surveys to obtain the information needed to design and schedule the project so that impacts can be avoided and minimized to the extent possible. The Service also anticipates that an unquantifiable amount of giant garter snake habitat would be eliminated by future commercial development over the next ±50 years throughout much of the lower American Basin consequent to the provision of the proposed flood protection.

The Service establishes the following reasonable and prudent measures to minimize the impact of take. The measures below are nondiscretionary and must be undertaken by the Corps:

- 1) Construction related disturbance to the giant garter snake shall be minimized.
- 2) A conservation plan to address indirect effects of the proposed project shall be approved by the Service prior to the start of construction on the pumping station.

To be exempt from the prohibitions of section 9 of the Act, the following terms and conditions, which implement the reasonable and prudent measures described above, must be complied with in their entirety and included as

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special conditions in any Department of the Army permit issued for the proposed project:

- 1) The applicant shall prepare and implement a plan for avoiding and minimizing construction related impacts to the giant garter snake. The plan shall be submitted to the Corps and Service for review and approval prior to the start of project construction.
- 2) The permit applicant shall not begin construction on the pumping station along the East Main Drain or otherwise complete the proposed project by providing 100-year flood protection for the lower American Basin until the Service first issues an incidental take permit and associated implementing agreement pursuant to §10(a)(1)(B) of the Act to the City and County of Sacramento, Sutter County, and any other parties necessary to guarantee the successful implementation of a habitat conservation plan for the giant garter snake population resident within the American Basin. This plan shall be compatible with and a component of the multispecies habitat management plan otherwise required by the Department of the Army as a condition of permit authorization.

Pursuant to 50 CFR §402.14(i)(4), if during the course of the action the amount or extent of incidental taking is exceeded, the causative action must cease and the Corps must reinstitute consultation immediately with the Service to avoid violation of section 9 of the Act.

**Reporting Requirements:** The Service shall be notified immediately of any information about take or suspected take of giant garter snakes associated with project construction and implementation of the habitat conservation plan for the giant garter snake. Upon locating a dead, injured, or sick giant garter snake specimen, the Corps, permittee, and/or contractors must immediately notify the Service within 3 working days of any such information. Notification must include the date, time, and precise location of the incident/specimen, and any other pertinent information. The Service contact for this information is the Field Supervisor at 916/978-4866. Care shall be taken in handling sick or injured specimens to ensure effective treatment and care and in handling dead specimens to preserve biological material in the best possible state for later analysis of cause of death. The finder and handler of any such animals has the responsibility to ensure that evidence intrinsic to the specimen is not unnecessarily disturbed. Injured animals or specimens shall be delivered to the Service's Division of Law Enforcement at 2800 Cottage Way, Sacramento, California 95825-1846 (916/978-4861).

This concludes formal consultation on the project as described above. Reinitiation of formal consultation is required if (1) the amount or extent of incidental take is exceeded, as previously described; or the requirements under the Incidental Take section are not implemented; (2) new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent that was not considered in this opinion; (3) the proposed action is subsequently modified in a manner that causes an effect to the giant garter snake that was not considered in this opinion; and/or (4) a new species is listed or critical habitat is designated that may be affected by the action.

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MAR 2856

# The Sacramento Bee

## Feds to limit capital growth

FEMA says North Natomas development will be curbed because of the flood risk.

By Mary Lynne Vellinga - Bee Staff Writer  
Published 12:00 am PDT Friday, October 12, 2007  
Story appeared in METRO section, Page B3

The federal government has warned the city of Sacramento that it plans to slap growth restrictions on North Natomas because of its flood risk.

In a letter dated Sept. 27 -- but which city officials say they didn't receive until Monday -- the Federal Emergency Management Agency informed Sacramento that it was denying the city's request to continue allowing unrestricted growth in North Natomas while the levees are improved.

Sutter and Sacramento counties received similar letters.

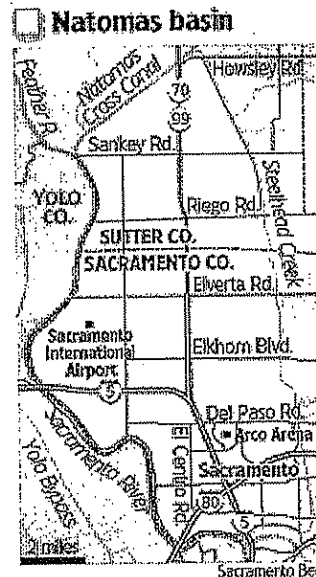
FEMA's determination means no new development will be allowed for now on farmland in Sacramento or Sutter counties. The restriction could remain in place until the levees are recertified to provide 100-year flood protection, which local flood control officials hope to achieve by 2010.

Building in the city's portion of North Natomas could be allowed to continue -- but only if houses are elevated 3 feet and commercial buildings are flood-proofed. Developers say these requirements are prohibitively expensive, and would result in a de facto growth moratorium.

"It would bring development in Natomas to a screeching halt," said lawyer Gregory Thatch, who represents a group of North Natomas builders.

Thatch estimated that 1,000 homes are currently awaiting construction in North Natomas neighborhoods, along with offices and retail space.

Yet Mayor Heather Fargo said the hit from FEMA isn't as bad for the city as it would have been a few years ago, when the housing market was strong.



"It does help us, in a perverse way, that the market is slower," she said. "We're not getting a big push to do a lot of new residential development right now."

At the moment, there are no restrictions on building in North Natomas. Homeowners there don't have to buy flood insurance, and aren't considered part of an official "flood hazard zone."

But that will soon change. The Natomas levees are now considered vulnerable to underseepage and lacking the federal minimum threshold of 100-year flood protection.

FEMA is preparing to map the Natomas basin into a flood hazard zone. The question is what type of zone it will choose. Preliminary maps are slated for release in mid-November. Final ones are scheduled to follow in late 2008.

The new rules for Natomas -- including a requirement that homeowners carry flood insurance -- would not take effect until the maps are finalized.

Legally, FEMA could impose draconian growth restrictions, requiring any new homes to be elevated above projected flood depths -- 20 feet in some places.

The city had sought to avoid any restrictions at all. It had applied for an A99 designation, which would require homeowners to carry flood insurance but would not restrict construction.

FEMA found that the city of Sacramento failed to qualify for an A99 zone because its proposed levee improvements weren't 50 percent complete.

The federal agency's letter advised the city to instead apply for an AR zone, which allows building to continue only in infill areas, and then with the 3-foot elevation rule.

Local environmentalists applauded the FEMA determination, saying Sacramento was asking federal regulators to bend the rules, something it also has done in the past.

Ron Stork, an analyst with Friends of the River, said the city was being "really delusional" when it applied for the A99 zone.

The Sacramento Area Flood Control Agency just this summer began work on its \$414 million plan to upgrade the Natomas levees.

But city officials said they expected FEMA approval and were surprised by the rejection. Sacramento had argued that the flood control improvements were more than 50 percent complete, when considered as part of all the previous efforts to strengthen the levees.

FEMA has supported this view in the past, officials said.

"We had a number of discussions with them before we submitted our request," said Gary Reents, Sacramento's director of utilities. "FEMA knew what we would be submitting, and at no point did FEMA say that is not going to fly."



FEMA has given the city until Oct. 25 to submit its new application for an AR zone, a deadline Reents said would be difficult to meet. "We need more time to pull this information together," he said.

Developers are urging the city to appeal. Once preliminary maps are issued, Reents said, the city will have a chance to challenge them. But he's not sure if the City Council will choose to do so.

"There's quite a long process to go from preliminary to final maps," he said.

Even if the city doesn't appeal, Reents said he will recommend that the City Council ask for a waiver from the 3-foot-elevation requirement. Such a small boost in height will do little good in a deep floodplain, he said.

The new maps will likely be finalized at the end of 2008, said FEMA spokesman Frank Mansell.

There will be six months notice, giving homeowners time to buy insurance at the \$317 annual rate that currently applies to low-risk zones.

"It will be well-publicized," he said.

If an AR zone is imposed, the new annual flood insurance rates for those who purchased their policies before the rating was changed would be about \$769. Those who waited until they were forced to buy flood insurance would pay about \$1,390.

Mansell said the decision to deny the A99 request was made in consultation with high-level FEMA officials in Washington, D.C.

"There were a lot of folks who looked at it," he said.

*About the writer:*

*The Bee's Mary Lynne Vellinga can be reached at (916) 321-1094 or [mlvellinga@sacbee.com](mailto:mlvellinga@sacbee.com).*



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Sacramento Fish and Wildlife Office  
2800 Cottage Way, Room W-2605  
Sacramento, California 95825-1846



In reply refer to:  
1-1-07-CP-1106

SEP 18 2007

Ms. Carol Shearly  
Director of Planning  
City of Sacramento  
Planning Department  
915 I Street  
New City Hall 3<sup>rd</sup> Floor  
Sacramento, California 95814

Subject: Response to the City of Sacramento letter regarding the Greenbriar Project  
in Sacramento County, California

Dear Ms. Shearly:

This letter responds to the City of Sacramento's (City) March 19, 2007, letter regarding the Greenbriar project. In your letter, you describe the City's understanding of the Fish and Wildlife Service's (Service) position regarding local City approvals of the project and compliance with the Natomas Basin Habitat Conservation Plan ("NBHCP"), Implementation Agreement ("IA") and federal and state incidental take permits ("ITPs"). We write to clarify our position regarding that issue.

Specifically, you state "we understand that the Service and Department of Fish & Game ... concur that by completing the Effects Analysis prior to the City's consideration of the pre-zoning application and LAFCO's decision on the annexation, the City complied with the terms of the [NBHCP], IA and incidental take permit with respect to the City's local approvals process for the Greenbriar project." That statement does not accurately reflect our position regarding the Greenbriar development. First, we point out that the Service has not yet concurred in the "Effects Analysis" prepared by the City. The Service has previously advised the City that its formal review of such analysis will occur only as part of its future review of an application for a federal incidental take permit in connection with the Greenbriar development, should such an application be filed. Second, completion of an effects analysis is one of several steps required of the City under the terms of NBHCP, Implementation Agreement and ITPs *prior* to its approval of the Greenbriar project. In addition to completing an effects analysis, *the City may not approve the Greenbriar project until* 1) it obtains the Service's approval of an amendment to the NBHCP and obtains ITPs for the project from both agencies, or 2) the project proponent develops its own

TAKE PRIDE  
IN AMERICA

Ms. Carol Shearly

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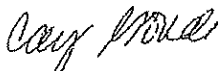
HCP and obtains separate incidental take permits for the project from the Service. NBHCP IA at § 3.1(a).

While the Service has agreed that the City may proceed with certain pre-project approvals, it is our position that to remain in compliance with the NBHCP IA and ITPs, the City may not take action to approve the Greenbriar project through specific project approvals, i.e., approval of a tentative subdivision map, a final subdivision map, or a development agreement for the project until after the project proponent has obtained federal incidental take permits.

As you know, the Service, the project proponent, and the City have participated in discussions regarding the potential impacts of the project on the giant garter snake, the Swainson's Hawk, and other species covered under the NBHCP and on the NBHCP's overall conservation strategy for the Natomas Basin, and we have on several occasions expressed our concerns about the project's potential individual and cumulative impacts on the above species and conservation strategy. Nevertheless, we are committed to working with the City and the project proponent to explore development of an HCP for the Greenbriar project that could meet the requirements of the ESA and complement the conservation strategy of the existing NBHCP.

If you have any questions or we can be of further assistance, please contact Jana Milliken, Acting Sacramento Valley Branch Chief, or Lori Rinek, Deputy Assistant Field Supervisor, at (916) 414-6600.

Sincerely,



Cay Goude  
Assistant Field Supervisor



US Fish & Wildlife Service  
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Department of Fish and Game  
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September 18, 2007

Tom Buford, Senior Planner  
Environmental Planning Services  
2101 Arena Boulevard, Second Floor  
Sacramento, CA 95834

Subject: Comments on the City of Sacramento's August 2007, Final Environmental  
Impact Report for the Proposed Greenbriar Development Project, Sacramento  
County, California

Dear Mr. Buford:

The U.S. Fish and Wildlife Service (Service) and California Department of Fish and Game (DFG) (hereafter collectively referred to as the Wildlife Agencies) have reviewed the City of Sacramento's (City) August 2007, Greenbriar Development Project Final Environmental Impact Report (FEIR). The FEIR has been prepared as part of the City's consideration of the Greenbriar proposal (proposed project), which would include the construction of 3,473 housing units (consisting of low, medium and high density housing), approximately 28 acres of retail and commercial development, a 10-acre elementary school, an approximately 39-acre common water feature, and eight neighborhood parks totaling approximately 49 acres. The proposed project area totals approximately 577 acres and is north of the existing City limits. The project area is located within the Natomas Basin Habitat Conservation Plan (NBHCP; City of Sacramento *et al.* 2003) Area; however, it is outside the City's Incidental Take Permit (ITP) area in northern unincorporated Sacramento County, approximately one mile east of the Sacramento International Airport. The project site is bounded by Interstate 5 to the south, Highway 99/70 to the east, the Metro Air Park (MAP) development to the west, and Elkhorn Boulevard to the north.

The Wildlife Agencies previously submitted to the City four letters stating our concerns with the proposed project, including: a July 2005, joint comment letter to the City in response to the Notice of Preparation (NOP) of a Draft Environmental Impact Report for the Greenbriar Project; a March 2006 second joint comment letter to the City in response to the City's December 2005, Analysis of Effects on the Natomas Basin Habitat Conservation Plan Report, which was prepared as part of the City's consideration of the proposed Greenbriar development project; a September 2006 third joint comment letter to the City in response to the City's July 2006, Greenbriar Development Project Draft Environmental Impact Report; and a December 2006 fourth joint comment letter to the City in response to the City's November 2006, Recirculated Draft

Environmental Impact Report for the proposed Greenbriar Development Project. As you know, the Agencies, the project proponent, and the City have participated in discussions regarding the potential impacts of the project on the giant garter snake (GGS), the Swainson's hawk (SWH), other species covered under the NBHCP, and on the NBHCP's overall conservation strategy for the Natomas Basin, and we have on several occasions expressed our concerns about the project's potential individual and cumulative impacts on the above species and conservation strategy.

The Wildlife Agencies have reviewed, but not yet concurred on, the "Analysis of Effects on the Natomas Basin Habitat Conservation Plan Report" and the Biological section of the DEIR, including the analysis of the effects on GGS, prepared by the City and have previously advised the City that formal review of such analysis will only occur in the course of the Agencies' review of future federal and state applications for incidental take permits in connection with the Greenbriar development, should such applications be filed.

The FEIR states that the proposed project may impact of up to 497 acres of SWH foraging habitat. The FEIR's proposed mitigation strategy for impacts to SWH includes the preservation and management of 27.9 acres of on-site (Lone Tree Canal upland component), and 212.6 acres of off-site foraging habitat. Based on our review of the FEIR, the Wildlife Agencies are concerned that the FEIR does not provide adequate mitigation measures to minimize significant effects to SWH to below a significant level. Particularly, the permanent protection of 240.5 acres over four separate locations (Spangler site, North Natomas Site, Lone Tree Canal, and an unidentified 49 acre parcel) as a means of mitigating for the loss of a contiguous 497 acres of SWH foraging habitat falls short of the standard that Sacramento County and the DFG have developed for determining foraging habitat impacts in unincorporated Sacramento County. This standard should be considered to serve as minimum mitigation under the California Environmental Quality Act (CEQA), and should also consider the proposed project's added potential effects to the NBHCP's Operating Conservation Program.

Although like the FEIR's analysis of impacts to SWH foraging habitat, which determines the level of impact based on the starting impact habitat value and the ending mitigation habitat value, the methodology developed by Sacramento County (County) and DFG is not determined based on seasonal use of certain landcover types in one given year, as depicted in the effects analysis for the Greenbriar project. The FEIR's analysis of impacts under-represents impacted foraging habitat by only considering the habitat value based upon one growing season, and does not depict the higher habitat values expected to occur on site over subsequent growing seasons. In other words, some impacted lands which were valued in the FEIR as low quality field crop or moderate quality idle cover types were not considered for their higher quality values in years when crop types may be rotated, or when idle cover types are brought back into agricultural production. Conversely, some proposed mitigation lands were valued as high quality alfalfa and were not considered for their lower quality cover types when this crop type may be rotated or set aside as idle.

Because of the difficulty of accurately assessing habitat values based upon the long-term versus a singular growing season, the County and DFG developed a methodology which recognizes that

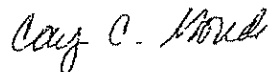
SWH foraging habitat value is greater in large expansive open spaces and agricultural areas than in areas which have been fragmented by agricultural-residential or urban development. The concept is that impacts to foraging habitat occurs as properties develop to increasingly more intensive uses on smaller minimum parcel sizes. Therefore, foraging habitat impacts are assessed when agricultural and agricultural-residential parcels are rezoned to smaller minimum parcel sizes. As a baseline, the County assumes that properties zoned AG-40 and larger have 100% habitat value, AG-20 properties have 75% value, and AR-10 properties have 25% habitat value. Properties zoned AR-5 and smaller, such as AR-2, AR-1, the urban Residential Densities (RD-1 thru 40), commercial and industrial zonings, retain no habitat value. According to this methodology, the proposed project would qualify as containing 100% habitat value. The Wildlife Agencies recommend that replacement lands be provided with equal or greater habitat value on a per acre basis, as a minimum, to minimize and mitigate the significant effects on SWH foraging habitat to below a significant level.

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 the DFG Sacramento Valley/Central Sierra Region, 1701 Nimbus Road, Suite A, Rancho Cordova, California 95670. The Service also requests written notification regarding any actions on the proposed project. Notification can be submitted to the Service at the letterhead address.

Thank you for the opportunity to review this project. As the Wildlife Agencies have stated, we are concerned about the effects of the proposed project on the efficacy of the NBHCP and the City's existing ITPs. The FEIR does not adequately address the effects of the proposed project on the GGS or SWH. We remain committed to working with the City to ensure that any future development in the basin adequately protects the GGS and SWH, and other NBHCP Covered Species.

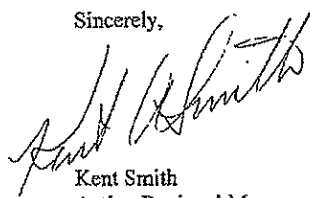
Thank you for the opportunity to review this project. If we can be of further assistance, at DFG please contact Mr. Todd Gardner, Staff Environmental Scientist, at (209) 745-1968, and at the Service please contact Jana Milliken, Acting Sacramento Valley Branch Chief, at (916) 414-6561 or Lori Rinek, Deputy Assistant Field Supervisor, at (916) 414-6600.

Sincerely,



Cay Goude  
Assistant Field Supervisor  
U.S. Fish and Wildlife Service

Sincerely,



Kent Smith  
Acting Regional Manager  
California Department of Fish and Game

Mr. Tom Buford

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cc:

Larry Combs, Administrator, County of Sutter, Yuba City, CA  
Donald Lockhart, Assistant Executive Officer, Sacramento Local Agency Formation  
Commission, Sacramento, CA  
John Roberts, The Natomas Basin Conservancy, Sacramento, CA  
Kent Smith, California Department of Fish and Game, Rancho Cordova, CA  
Todd Gardner, California Department of Fish and Game, Rancho Cordova, CA

Mr. Tom Buford

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**Literature Cited**

City of Sacramento, Sutter County, Natomas Basin Conservancy, Reclamation District No. 1000, and Natomas Mutual Water Company (NBHCP). 2003. Final Natomas Basin Habitat Conservation Plan. Sacramento, California: Prepared for the U. S. Fish and Wildlife Service and CDFG. April.



Mr. Tom Buford

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cc:

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Mr. Donald Lockhart..  
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October 6, 2007

Joseph Yee, Chair, and Commissioners  
Planning Commission  
New City Hall  
915 I Street, Third Floor  
Sacramento, CA 95814

RE Greenbriar project, Planning Commission Hearing, October 11, 2007

Dear Chairman Yee and Commissioners,

I represent Sierra Club, Friends of Swainson's Hawk, and Environmental Council of Sacramento regarding the proposed Greenbriar project, and have previously commented on that project and its EIR. These organizations oppose the project. There are a number of reasons why the City should not approve the annexation or the project, nor certify the EIR or repeal Council Resolution No. 2001-518.

**1. The Public Infrastructure Finance Plan in the FEIR verges on financial infeasibility.**

The Planning Commission is urged to carefully review the serious public finance issues of the project. Please see Greenbriar Public Infrastructure Finance Plan, 8/14/07, on a CD in back cover of Greenbriar FEIR, particularly pp 31 – 35, "Feasibility of Finance Plan".

The Finance Plan shows that the project and its public infrastructure finance plan verge on financial infeasibility, and that there are major uncertainties and likely additional costs that could easily push public facilities financing into the "infeasible" range (unless City subsidizes the project). There should be no consideration of annexation, rezoning, or other approvals until all financial questions are resolved and revised Finance Plan and fiscal analysis prepared.

The Greenbriar Public Facilities Finance Plan, page 32, states that development having a public infrastructure burden between 15 -20% of market sale price may be feasible, but that development having an infrastructure burden above 20% is infeasible, "based on EPS experience ... for over two decades." EPS' analysis in Table 9 on page 33, "Infrastructure Burden" shows Greenbriar's cost burden as 19.5% of the sale price of a medium-density home, which is the majority of homes, 16.4% of the sale price of low-density homes, and 14.7% of the sale price of high density residences. (ATTACHED).

Infrastructure costs of the North Natomas Community Plan escalated far above initial projections. City now admits a \$70 M shortfall. The Grand Jury has asked for a financial audit of North Natomas financing, and requested the City respond by October, 2007. A relatively small cost increase above the estimates of the Greenbriar Finance Plan would push Greenbriar's infrastructure burden well beyond 20% of estimated residential sale prices, which EPS concludes would make the project infeasible. In the likely event of cost increases, there would be three possible scenarios (1) project does not go forward, or; (2) City subsidizes the infrastructure costs, or; (3) City agrees to eliminate, and/or indefinitely defer, "nonessential" public infrastructure (as happened in North Natomas Community Plan), and subsidizes "essential" infrastructure.

Table 9 cost projections are highly speculative. For example, the Finance Plan does not explain how it computed the Table 9 projected habitat mitigation cost. The Federal and State wildlife agencies been clear that Greenbriar's proposed endangered species habitat mitigation, approximately 0.5 acre preserved for every acre developed, is grossly inadequate. The habitat mitigation costs will remain unknown until the City completes an Effects Analysis and new HCP, if approved by the USFWS and CDFG, and those agencies issue Incidental Take Permits which state the extent and type of habitat mitigation required. Habitat mitigation required by USFWS and CDFG will likely be much greater than presently proposed by City and assumed by the Finance Plan.

The Finance Plan, p. 23, states that the developer "may be required to advance fund and construct additional off-site roadway improvements" but does not include those costs in the Finance Plan. The California Department of Transportation insists that the project should financially contribute to off-site highway improvements. A sizeable contribution by the project will likely be required.

The Financing Plan, Table 9, includes no funding to implement the Joint Vision requirement that development provide 1 acre of open space mitigation in the Sacramento County area of the Basin for every acre developed. The FEIR's assertion that detention basins, urban parks, bicycle paths, and freeway buffers within the project are "open space" under Joint Vision are contrary to the Joint Vision MOU and Government Code §§56060 and 65560, and has not been authorized by City Council or Sacramento County as fulfilling the Joint Vision open space mitigation requirement. (See discussion below).

Table 9 says that the Supplemental Levee Fee is only a preliminary estimate. In fact, SAFCA staff has privately indicated that the likely fee would be at least \$2 per square foot for each home, which is substantially more than the Table 9 estimate for medium and low-density homes.

The Finance Plan, p. 25 states that a total of taxes and assessments of less than 2 percent indicates financial feasibility. Finance Plan, p. 34, Table 10, shows estimated total taxes and assessments as ranging from 1.24 to 1.67 percent of assumed sale prices. However, the Finance Plan, p. 35, footnote 2, states that "actual tax rates adopted for Greenbriar could be significantly higher than those shown."

The percentage calculations used in Tables 9 and 10 to determine feasibility are based on home prices equal to 2005 Natomas price levels (p. 34). However, 2005 home prices were the peak of the market and were driven, in part, by unrealistic home loans which are no longer available. Greenbriar home prices cannot be reliably estimated at this time. If Greenbriar home prices prove less than those assumed by the Financing Plan, then the ratio of costs and total taxes to

home prices will be higher than shown in Tables 9 and 10, and most likely within the "infeasible" range beyond 20%.

2. **There is no fiscal analysis. The Finance Plan fails to consider the fiscal effect of revenue sharing required by the Joint Vision MOU.**

There is no fiscal analysis available to the public. The Joint Vision MOU says that the 1 percent ad valorem property tax from parcels annexed within the Joint Vision area shall be distributed equally between County and City, that other revenues would be shared, and that City and County would adopt a master Tax Sharing and Land Use Agreement for Annexations. (See Joint Vision, pp. 4, 5). There is no Joint Vision revenue sharing agreement. The Greenbriar financial analysis does not account for the effect of Joint Vision revenue sharing. County insists on revenue sharing. Joint Vision revenue-sharing is very relevant to question of whether providing services to Greenbriar will cost the City more than it will receive in revenue from Greenbriar, and whether CEQA mitigation measures which rely upon revenue generated by Greenbriar are financially feasible.

This project should not be considered for any approvals until there is a Joint Vision revenue-sharing agreement, much more certainty as to actual fees and public facilities costs discussed above, and revised financial and fiscal analysis. CEQA mitigation measures which rely on revenue subject to Joint Vision revenue-sharing must be deemed speculative and infeasible due to the fiscal effect of Joint Vision revenue sharing, unless demonstrated otherwise by a revised financial analysis after there is a Joint Vision revenue-sharing agreement. The FEIR should not be certified with speculative or infeasible mitigation measures.

3. **Assertions that Greenbriar will provide net revenue to subsidize infill and contribute to completing NNCP infrastructure are unsupported.**

There is no evidence that Greenbriar development will generate revenue to subsidize infill and contribute to completion of community facilities within existing Natomas development. Revenues cannot even be estimated until there is a Joint Vision revenue sharing agreement, and much more certainty of Greenbriar fees and infrastructure costs. In light of (1) uncertainty about public infrastructure costs and fees which, even as tentatively estimated by the Finance Plan Table 9, cause the project to verge on infeasibility, *supra*, and (2) the reduction of City's tax revenue from Greenbriar due to Joint Vision revenue sharing, there is no basis for assuming that the project can generate revenue and fees in excess of that needed for on-site development. To the contrary, it is much more likely that

4. **Assertions that Greenbriar will increase jobs-housing balance are unsupported.**

It is asserted that Metro Air Park will provide jobs for Greenbriar residents. In fact, the 2000-acre Metro Air Park site is completely vacant, despite having been fully permitted in 2002 and despite the construction of detention basins and a road, and placement of fill. There is no evidence that there will be substantial (or any) development at Metro Air Park in the foreseeable future. It must compete against existing industrial and office parks which are served by existing infrastructure and public facilities, including large vacant parcels designated for commercial and employment centers in the City's existing North Natomas Community Plan area.

If the justification for Greenbriar is to provide housing next to a major employment center, then consideration of Greenbriar should be deferred until substantial employment-generating

development actually exists at Metro Air Park. Job-housing balance can be more feasibly accomplished now by infill development within the existing urban area.

5. The assertion that the Greenbriar project will cause the Federal government to provide Federal funding to build light rail to the Airport is fiction.

Regional Transit now states that projected completion date is 2026 and estimated cost is \$800 M. The Federal government has not stated that it is interested in funding light rail to the Airport, and no evidence, other than hopeful assertions by local government, that development of Greenbriar will induce Federal funding. RT was recently required to suspend its planning of light rail extensions due to shortfall of locally-generated operating revenues, and has reduced or eliminated service on some bus routes. Bus service to existing North Natomas development is minimal, even though the North Natomas Community Plan was promoted as "transit-oriented." RT's plan for the DNA line includes 12 station stops between downtown and the Airport, which would be a slow ride unattractive for persons needing rapid transit to the Airport. Well-publicized express bus from a downtown RT station, perhaps with a small indoor waiting area, would provide much more cost-effective, rapid, and feasible mode of transport from downtown to the Airport, and could be implemented now.

There are at least 10,000 mostly-developed acres in South and North Natomas, plus Airport and Metro Air Park that would be served by light rail to the Airport. If that potential ridership can't attract Federal funding for light rail, another 500 acres at Greenbriar will make no difference.

Interestingly, the recent County Airport Master Plan provides no funding for public transit to the Airport.

6. Greenbriar's proposed open space mitigation under Joint Vision is inconsistent with statutory definitions of open space and Joint Vision.

City contends that the project complies with the Joint Vision MOU by mitigating for loss of open space at 1 to 1 ratio, with mitigation land being within the County's jurisdiction of the Basin.

Habitat mitigation in Sacramento County legitimately counts as open space mitigation. However, the project intends to credit developed parks, bicycle paths, artificial detention basins (lined with concrete), and freeway buffers within the project as the balance of the Joint Vision open space mitigation, and incorrectly claims, without substantiation, that City Council and the County Board of Supervisors have agreed to this. (FEIR p. 5-75, top paragraph) This is inconsistent with Government Code §56060 and §65560, which define open space as certain uses of essentially unimproved land.

7. Conversion of 518 acres of prime and important farmland are not mitigated, findings that mitigation is not feasible are unsupported, thereby violating CEQA,

CEQA requires that the significant impacts of conversion of farmland be mitigated to the extent feasible. The EIR and Findings (MM 6.11-1) assert that loss of farmlands will be mitigated by implementation of MM 6.6-2, provision of 1 acre of open space in Natomas Basin, Sacramento County, for every acre developed, per the Joint Vision MOU.

However, MM 6.6-2, "open space mitigation," does not mitigate for loss of agricultural land because it authorizes uses of preserved "open space" for purposes other than agricultural, and is

therefore unlikely to preserve productive agriculture. MM 6.6-2 provides that open space mitigation shall consist of one-half acre preserved for habitat per MM 6.12 (biological resources) and one half acre preserved for open space. However, mitigation lands would be subject to conditions imposed by FWS and DFG in a Greenbriar HCP and must be managed exclusively for highest wildlife habitat value. A Greenbriar HCP, if approved by USFWS and DFG, may require non-agricultural management of some or all wildlife mitigation lands (such as managed marsh for Giant Garter Snake or grassland for Swainson's Hawk). Moreover, City states that artificial detention basins, urban parks, bicycle paths, and other non-agricultural "open space" within the project will be improperly credited as open space mitigation of MM 6.6-2.

The Finding that further farmland mitigation is infeasible is not supported. There are very large areas of prime and important agricultural land in Natomas, Sacramento County, outside the NBHCP Permit Area and the Urban Service Boundary that could be preserved as agricultural mitigation for Greenbriar. AKT owns a substantial amount which it could dedicate. The Natomas Basin HCP precludes new development in the Swainson's Hawk Zone, a one-mile strip paralleling the Garden Highway. Farms west of the Airport are undevelopable due Airport proximity. Substantial areas lie outside the County USB. All is high quality farmland.

8. The U.S. Fish and Wildlife Service and California Department of Fish and Game determined that the EIR's analysis of impacts on endangered species is deficient, and impacts are not mitigated to less than significant, thereby violating CEQA

Please review the letters of USFWS and CDFG dated September 5, 2005, January 17, 2007 (FEIR 4-2, 5-2), and two letters dated September 18, 2007. Also see letter of Swainson's Hawk Technical Advisory Committee, September 2, 2006 (FEIR 4-509).

9. The Sacramento Air Quality Management District and California Office of Environmental Health Assessment have determined that the EIR's analysis of impacts on air quality is deficient, and impacts of air toxins on human health is not mitigated to less than significant, thereby violating CEQA

Please review the letters of the Sacramento Air Quality Management District, dated August 31, 2006, December 29, 2006 (FEIR 4-268, 5-23) and September 19, 2007, and of the California Office of Environmental Health Hazard Assessment, September 26, 2007, which are very clear about the health hazards arising from placing residences within 500 feet of a freeway.

10. Greenbriar traffic will worsen congestion on Hwy 99 and I-5, thereby potentially impeding access to the Airport during peak traffic conditions; traffic analysis in EIR is inadequate and thus does not comply with CEQA

The California Department of Transportation states that the peak hour level of service on I-5 and Hwy 99 is presently unacceptable, and that Greenbriar will worsen the situation, and fails to mitigate for its impacts even though additional mitigation is feasible. (FEIR p. 6-5). The EIR proposes only an undetermined minimal financial contribution towards needed highway improvements, and there is no assurance that additional capacity on I-5 and Hwy 99 will ever be built. The serious inadequacies of the traffic analysis relied upon by the EIR are extensively documented by the report letters of Neal Liddicoat, P.E., MRO Engineers, dated September 2, 2006, May 27, 2007, (FEIR pp. 4-541, 6-14) and September 12, 2007, submitted by William Kopper, Attorney.

11. Approval of Greenbriar and similar projects will impede infill development and upgrade within the existing community by diverting private and municipal investment and effort from the existing community to the urban edge.

Experience in other communities has demonstrated that large-scale development on farmlands at the urban edge causes private capital and municipal planning efforts to gravitate to the urban edge while existing urban areas deteriorate due to lack of investment and effort.

Consideration of development of Greenbriar is premature. According to a 2005 General Plan technical report (per City staff report), there was 14,000 acres of vacant land within the City and the City's SOI in 2005, including large areas of South Sacramento and Rosemont in the SOI suitable for residential development. Staff has not provided a current total, but it is safe to assume development of 3000 to 4,000 acres since 2005, leaving approximately 10,000 undeveloped acres within the current City limit and SOI (excluding Greenbriar). The principals governing the General Plan update focus on the desirability of utilizing all infill opportunities before considering further development on farmland.

There is no need to consider annexation and development of prime farmland which is isolated by two freeways, would require very costly infrastructure, is endangered species habitat, and is in a deep flood basin lacking 100-year flood protection. Natomas residents rightly complain about lack of promised City facilities and services. Smart Growth planning would focus resources on (1) completing development within the NNCP, Railyard, Delta Shores, Curtis Park Railyard, Panhandle, and other vacant areas within the City and the South Sacramento and Rosemont SOI areas (which would need to be annexed), and (2) completing the infrastructure promised to North Natomas but never delivered.

Unlike Greenbriar, these areas are not isolated by wide highways, urban infrastructure and road networks are in place or nearby, and, except for Natomas, the residents would not be exposed to the threat of deep flooding. Light rail is present at or near most of these locations, or planned near-term (Cosumnes College extension).

Staff relies on an estimate that Sacramento's population will grow by 200,000 by 2030, which is no more than an educated guess. Even if true, there is so much land presently available within the City's existing SOI that development of Greenbriar need not be considered until all opportunities within the City and its SOI are built out.

12. City should reject staff's proposal to rescind Council Resolution No. 2001-518.

Council Resolution No. 2001-518 provides that the City will not approve first-stage entitlements (prezoning, zoning, general or community plan amendments, or development agreements) for unincorporated land in Natomas Basin outside of the NNCP, other than Panhandle, until completion of the City's Sphere of Influence study in Natomas, now underway as Joint Vision but not yet completed. The Resolution was intended to assure an orderly planning and consideration of future development and open space while avoiding piecemeal politically-driven development such as that which you are now being asked to recommend approval. The Commission should vote "no."

Respectfully submitted,

James P Pachl



**Swainson's Hawk**

**Technical Advisory Committee**

City of Sacramento  
North Permit Center  
Department of New Development  
2101 Arena Blvd, 2nd Floor  
Sacramento, CA 95834

September 2, 2006

Subject: Comments on the Greenbrier Development Project DEIR

Dear City Staff:

The Swainson's Hawk Technical Advisory Committee (TAC) respectfully submits the following comments on the proposed Greenbrier Development Project Draft Environmental Impact Report (DEIR) (EDAW 2006). The TAC is an ad hoc group of research biologists formed in 1989 to facilitate research on the state-threatened Swainson's Hawk and to provide technical assistance to the California Department of Fish and Game and other state, federal, and local agencies regarding land use issues affecting this species. The following comments are specific to issues related to the Swainson's Hawk.

**Page 6.12-10, last paragraph, last sentence.**

While it is true that the Natomas Basin Habitat Conservation Plan (NBHCP) does not include specific provisions related to land use on the Greenbrier project site, the NBHCP assumes continued agricultural uses in all areas of the basin not included in the 17,500 acres authorized for development. This was the primary rationale used to support a conclusion that along with the enhancement of the NBHCP reserves, remaining undeveloped areas of the basin would be sufficient to sustain covered species populations.

The reserve system alone is insufficient to – and was never intended to fully offset impacts from development. The NBHCP includes a habitat compensation ratio of only 0.5:1 (i.e., for every acre of land removed, one-half acre is acquired and included in the reserve system) and specifies that upland habitat (i.e., habitat suitable for Swainson's Hawk) on reserves will comprise only 25% of the reserve land base. Thus, because nearly all of the land that has been developed to date within the City of Sacramento's permit area was high quality upland habitat, the ultimate compensation ratio for Swainson's Hawk habitat has been approximately 0.125:1 (i.e., for every acre of land



removed, one-eighth acre is managed as upland habitat on Natomas Basin Conservancy [NBC] reserves). To account for this deficiency and still attempt to meet the goals of the plan, the NBHCP assumes that remaining areas of the basin not authorized for development are considered essential to sustain Swainson's Hawk (and other Covered Species) populations in the basin.

**Page 6.12-19, Swainson's Hawk, second paragraph.**

The second sentence notes that Central Valley Swainson's Hawks migrate only as far south as Mexico. While the bulk of the population appears, based on radio-telemetry studies, to winter in Mexico, some segment of the population also winters in Central America and South America.

**Page 6.12-20, first complete paragraph.**

The Natomas Basin Conservancy's most recent survey report is for year 2005. Available since April 2006, the DEIR should be updated accordingly. Only 45 sites were active in 2005 (compared with 59 active in 2004), which is similar to unpublished results for 2006. In addition, while it is accurate that the majority of nests in the basin occur along the western side of the basin, it seems relevant to note that development within the City of Sacramento's permit area has resulted in removal of several nest sites and inactivity of others. Thus, the data are beginning to demonstrate the effects of development permitted under the NBHCP.

**Page 6.12-20, third complete paragraph.**

Idle agricultural lands can provide high quality foraging habitat for Swainson's Hawks. Estep (1989) ranks fallow fields as a high value cover type. It depends on the vegetation structure and prey availability. The value of fields planted to wheat, while usually ranked lower than several other common agricultural crop types, should be assessed relative to other surrounding crop types. Wheat and other grains may still provide valuable foraging habitat in the context of a foraging habitat matrix, and because they are harvested relatively early in the season (June), may provide an important source of mid-season prey availability. However, the application of these distinctions may provide little current value in the Natomas Basin (see below).

**Page 6.12-31, first paragraph.**

This description of Impact 6.12-2 relies on the approach that evaluates the suitability of individual crop types rather than the importance of landscapes to foraging Swainson's Hawks (i.e., value versus area). While perhaps appropriate at a broader landscape level, this is a less effective method of evaluating impacts and assigning compensation in the Natomas Basin where the overall suitable landscape is diminishing rapidly. The concept relies on the rationale that foraging habitat can be increased through application of higher value cover types that support more robust and more accessible prey populations. However, with continued urbanization of the Natomas Basin, this concept for purposes of

habitat compensation realizes increasingly diminished return as the overall land base is reduced. While it may be possible to maximize the value of individual fields, Swainson's Hawks require large unbroken landscapes and are much less likely to use fragmented landscapes or isolated parcels regardless of their individual 'value'.

With the extent of upland habitat already lost in the southern portion of the basin due to urbanization and the likelihood of population declines that are expected to occur as a result of this loss, all upland habitats in remaining portions of the basin are considered essential to continued Swainson's Hawk occurrence and use of the basin. Describing impacts on the basis of somewhat subtle distinctions between 'moderate' and 'low' value foraging habitat, while important with respect to maximizing habitat value on reserves, is today less applicable in the Natomas Basin with regard to assessing development-related impacts and assigning appropriate levels of compensation.

In fact, if further development is allowed at all (which would be inconsistent with the intent of the NBHCP), the continuing reduction of Swainson's Hawk habitat and the inability of the NBHCP to fully compensate for this loss would argue for a significantly higher level of compensation for 'new' projects than currently required under the NBHCP.

**Page 6.12-31. Second paragraph, second sentence.**

Focused surveys would not necessarily reveal the importance of the project area to nearby nesting pairs. Intensive multi-year observation studies could determine the extent of use of the project area relative to the surrounding landscape; however, it would not address the effects of fragmentation or overall landscape changes as a result of urbanization. Data collected since 1999 in the Natomas Basin has indicated the effects of habitat fragmentation and urbanization on local Swainson's Hawk nesting. Many traditional nesting territories in the southern portion of the basin have either abandoned or are expected to abandon in the near future, not necessarily as a result of lack of foraging habitat near the nest, but rather as a result of an overall transformation from agricultural uses to urbanization.

As noted above, evaluating specific crop types is no longer an appropriate method for addressing impacts to Swainson's Hawk in the Natomas Basin. The project site lies on the northern edge of the 'upland' portion of the basin. Along with an approximately 1-mile edge along the Sacramento River, this is also the portion of the basin that has provided most of the available foraging habitat for Swainson's Hawks and is the area that continues to be urbanized. The loss of suitable upland foraging habitat in the basin has been dramatic since the late-1990s because development has focused in upland areas. Continuing loss of upland habitat within the southern portion of the basin, including the project area, contributes to this overall decline. So, characterizing the loss of habitat as a 'cumulative' loss is appropriate; however, the site-specific assessment of crop types has little relevance.

**Page 6.12-31, Mitigation Measure 6.12-2.**

The preceding impact section notes that the project will remove 546 acres of upland habitat suitable for Swainson's Hawk foraging. Mitigation Measure 6.12-2 would require implementation of Mitigation Measure 6.12-1, which would provide the following:

- 27.9 acres along Lone Tree Canal
- 100.6 acres at Spangler mitigation site
- 18.5 acres at North Natomas 130 site
- 49 acres to be acquired

The 27.9 acre buffer along the Lone Tree Canal will provide virtually no value to foraging Swainson's Hawks. Both sides of the canal will be urbanized, which will preclude use of a narrow isolated strip along the canal. If isolated within an otherwise unsuitable landscape, the 18.5 acres at the North Natomas 130 site would also provide little if any value to Swainson's Hawks. However, the 18.5 acres is assumed to be contiguous with a larger reserve, and if so may provide additional value to an existing reserve.

Of the 196 acres proposed as mitigation, 168.1 acres may have value to foraging Swainson's Hawks if managed to maximize foraging value and sufficient land is retained in the Natomas Basin to sustain the Swainson's Hawk population. Thus, the proposed mitigation would provide 168.1 acres of suitable habitat to offset the loss of 546 acres of suitable habitat.

The mitigation measure suggests that enhancing the foraging value of individual fields on 168.1 acres of mitigation land split into at least 4 separate fragmented parcels can offset the loss of 546 contiguous acres of foraging habitat area.

As noted above, the primary management issue for Swainson's Hawk in the Natomas Basin is available upland area, not specific crop type value, so to calculate mitigation responsibility on the basis of an evaluation of the foraging value of specific crop types on mitigation lands vs. impacted lands leads to deficient mitigation. Based on the above, the proposed mitigation is 0.3:1, or for every acre lost only 0.3 acres will be preserved. While mitigation lands can be, and should be, managed to maximize foraging habitat value, this does not offset the loss of suitable foraging landscape. As noted above, given the recent and ongoing loss of upland habitat in the basin and the current and anticipated loss of nesting Swainson's Hawks – in order to even conceptually meet the goals of the NBHCP – compensation for future projects (those not included in the City's permit area) should be expected to compensate at a rate significantly higher than the 0.5:1 ratio in the NBHCP.

**Page 6.12-32. Significance after Mitigation**

This section states the proposed mitigation would reduce this impact to a less-than-significant level. As noted above, a 0.3:1 ratio even with enhanced value on mitigation

lands does not fully mitigate the loss of upland habitat in the Natomas Basin for Swainson's Hawk. It assumes that Swainson's Hawk populations can be sustainable on smaller landscapes by increasing site-specific foraging value. There is no evidence to suggest that this is the case. The Swainson's Hawk is a wide-ranging, open plains species that requires large unbroken landscapes for successful foraging, reproduction, and population sustainability. The proposed mitigation is based solely on the foraging value of specific crop types and assumes less area is required if prey availability can be maximized on smaller areas, and does not acknowledge or address the full ecological needs of the species. The end result is that the foraging land base in the Natomas Basin will be further reduced and overall landscape value will decline, likely resulting in further declines of the Natomas Basin Swainson's Hawk population.

**Page 6.12-42. Effect on the Conservation Strategy of the NBHCP, first paragraph.**

This suggests that the conservation strategy for Swainson's Hawk in the NBHCP is an 'effective' strategy. While the NBC has masterfully maintained compliance with all aspects of the NBHCP, effectiveness of this strategy has not been demonstrated. The TAC commented similarly during preparation of the NBHCP noting in particular that the 0.5:1 compensation ratio was insufficient to sustain the current Swainson's Hawk population. Given this, using the NBHCP strategy as the baseline for 'effectiveness' is problematic and if effectiveness cannot be demonstrated relative to the goals of the plan, the proposed project would, in fact, further reduce the effectiveness of the NBHCP.

**Page 6.12-42. Effect on the Conservation Strategy of the NBHCP, second paragraph.**

This paragraph correctly states that the basis for the 0.5:1 mitigation ratio used in the NBHCP included:

- Much of the land to be developed was considered marginal habitat quality,
- NBC reserves would provide higher habitat quality, and
- The lands outside the permit area but within the basin would not be developed.

Irrespective of the deficiencies of the NBHCP strategy (i.e., most of the land that has been developed has been high value Swainson's Hawk foraging habitat; NBC reserves can provide only 25% upland habitat replacement – not the full 0.5:1 – and thus NBC reserve management alone cannot successfully mitigate impacts on Swainson's Hawk from urbanization in the basin), the third bullet above was a key assumption regarding the long-term sustainability of Swainson's Hawk in the basin. The concept was not based on specific crop-type habitat value, but rather the maintenance of the landscape as agricultural.

The second paragraph suggests that because mitigation lands would be enhanced to increase their foraging value, this would not be inconsistent with the third bullet above and thus would not affect the basis of the NBHCP 0.5:1 ratio. It argues that maximizing site-specific foraging habitat value on a smaller number of acres is sufficient to offset the

loss of larger landscapes, and thus while less land is available, these small islands of 'enhanced foraging habitat' will sustain the Swainson's Hawk population in the basin consistent with the goals of the NBHCP.

As noted above, this assumption has no ecological basis with regard to Swainson's Hawk and thus is an inappropriate method of addressing impacts and mitigation for this species in the Natomas Basin. The proposed mitigation (0.3:1 compensation ratio) is inconsistent with both the existing compensation requirements under the NBHCP (0.5:1 compensation ratio) and the intent and goals of the NBHCP relative to long-term Swainson's population sustainability in the Natomas Basin.

**Page 6.12-43, Second paragraph**

This paragraph continues the same argument regarding enhanced foraging value as an appropriate means of offsetting the reduction of available landscape. There is no evidence to support this argument. While Swainson's Hawk foraging ranges differ based on cropping patterns and individual fields can be enhanced on the basis of crop types, long-term sustainability requires maximizing landscapes, not individual fields. As less and less foraging landscape is available in the Natomas Basin, compensation on the basis of the value of individual fields is less relevant (i.e., as the landscape becomes less suitable, Swainson's Hawk use of isolated fields or suitable habitats that occur within a highly fragmented environment will decline regardless of the value of individual fields). Again, maximizing foraging value on reserves using the proposed approach is essential as long as Swainson's Hawks continue to use the Natomas Basin, but compensation for development-related impacts using this approach will result in an unmitigated loss of suitable open foraging landscape that will contribute to further loss of habitat in the Natomas Basin, and in turn may contribute to local population declines.

This concludes comments by the Swainson's Hawk TAC on the proposed Greenbrier Development Project DEIR. We hope our comments are useful and provide some value in terms addressing the long-term sustainability of Swainson's Hawks in the Natomas Basin. The TAC appreciates the opportunity to comment on this project and welcomes the opportunity to provide further comment or technical support.

Sincerely,

James A. Estep  
Chair

- 14-1 The DEIR addresses effects on the Natomas Basin Habitat Conservation Plan (NBHCP) under Impact 3.7-i. SAFCA is not a land use decision-making agency with the power to approve or disapprove urban development in the Natomas Basin; that authority rests with the City of Sacramento, Sacramento County, and Sutter County. The NLIP Landside Improvements Project would not in any way remove or alter the responsibility of the signatories to the NBHCP to maintain the integrity of the NBHCP as defined in that plan. It would not affect these agencies' legal obligations under the NBHCP with respect to any urban development they might propose beyond the development authorized in the NBHCP.

Growth-inducing effects of the proposed project are discussed in Section 5.1, "Growth-Inducing Effects," of the DEIR. The growth-inducing effects of the proposed project as a component of SAFCA's overall program of flood control improvements were addressed in the Local Funding EIR. As explained in the DEIR and Local Funding EIR, the proposed project is intended to provide flood damage reduction for existing property and to accommodate growth currently planned under existing local land use plans for undeveloped lands in the Natomas Basin, and therefore would not be considered growth-inducing.

FEMA is in the process of mapping the Natomas Basin back into the federally regulated 100-year floodplain. However, SAFCA has determined that in the absence of the proposed NLIP improvements, developments would likely provide their own 100-year flood protection through measures such as the construction of ring levees around developments (see Exhibit 6-3 in the DEIR). The commenter's statement that the Greenbriar project would have difficulty financing its own flood protection is not evidence that private efforts would not eventually be successful, allowing development in the basin without SAFCA's program.

- 14-2 The DEIR addresses impacts on agricultural land under Impact 3.2-b. The DEIR addresses effects on the NBHCP under Impact 3.7-i. See response to Comment 14-1. The threshold of significance does not define the impact in terms of the geographic location of the farmland that would be converted to non-agricultural uses, but rather in terms of the type and quality of the affected land. Because the proposed project would have a significant impact on Important Farmland, the appropriate target for agricultural easements required under Mitigation Measure 3.2-b(f) would be acquired over agricultural land of similar type and quality to the land that would be converted (e.g., Prime Farmland, Unique Farmland, and Farmland of Statewide Importance), as defined by the California Department of Conservation. The agricultural land to be protected need not be confined to the Natomas Basin.
- 14-3 The DEIR acknowledges on page 3.7-25 that the "value of grassland may be less than that of the high-quality agricultural crops, such as alfalfa, at their peak of foraging quality...". This is reflected in the acreages of grassland habitat that would be provided to compensate for the loss of agricultural fields, which results in replacement of the agricultural crops with approximately twice as much grassland habitat.

This comment expresses concern that a portion of the grassland would be provided as a long narrow strip and asserts that landscapes should not be mitigated by fragmented parcels and narrow linear features. In the case of the berms, however, they would generally be adjacent to farmland and would therefore not be isolated from other foraging habitat. The exception would be a few areas where woodland habitat is planted between the berms and adjacent agricultural lands to compensate for the woodland losses.

The DEIR does not specifically discuss the value of irrigated pasture, although it acknowledges the high value of irrigated crops, such as alfalfa. Pasture land is not discussed, because it is not a component of the existing land use in the area that would be affected by the project and is generally very limited in the Natomas Basin as a whole. SAFCA is committed to creating and managing the grassland in a manner that

provides the highest foraging value possible, given the circumstances in which the habitat will be created. Additional information regarding preparation of a management plan is provided in Master Response 2.

As mentioned above and as more specifically explained in Master Response 2, the mitigation ratio for Swainson's foraging habitat would be greater than 1:1 (as described in Table 3.7-4 of the DEIR), and all of the Swainson's hawk mitigation lands proposed for the project would be within the Natomas Basin. In addition, the project is not inconsistent with the agricultural zoning within the Swainson's hawk zone.

SAFCA acknowledges that much of the project construction and alteration of land use would occur within the Swainson's hawk zone. The habitat creation and management components of the project are designed and intended to mitigate temporal and permanent effects to Swainson's hawk habitat; most of the grassland creation would occur within the Swainson's hawk zone and all of it would be within approximately 1.5 miles of the Sacramento River. The proposed grassland creation is adequate to mitigate the temporal and permanent effects to foraging habitat, and additional acquisition and management of agricultural crops is not necessary.

The habitat creation components of the proposed project were carefully developed to balance the often conflicting requirements of the various species that utilize the Natomas Basin. Although the western edge of the basin has not traditionally been heavily used by giant garter snake, the corridor would provide a link between populations in heavily used areas to the north and south. The need for a continued connection has been identified as a critical need for the species. Although creation of this corridor requires conversion of existing Swainson's hawk foraging habitat, the grassland creation within and adjacent to the Swainson's hawk zone and assurances that such habitat would be protected in perpetuity is designed to result in an overall benefit to Swainson's hawk.

SAFCA acknowledges that Swainson's hawks are only present in the basin between March and September. There would be no conversion to marsh habitat of current Swainson's hawk habitat on TNBC reserves. A response to the request that the DEIR provide more information on how the project would provide a net benefit to Swainson's hawk is provided in Master Response 2.

- 14-4 This comment is largely directed at the Bank Protection EIR and is therefore only briefly addressed in this response. SAFCA acknowledges there is evidence of a trend toward decreased Swainson's hawk nesting activity in the Natomas Basin because of a variety of factors. Because loss of potential Swainson's hawk nesting habitat from the Landside Improvements Project would be restricted to habitat adjacent to the landside toe of the levee, creation of a woodland corridor in this same area is appropriate to mitigate the impact.
- 14-5 As indicated on pages 3.7-28 through 3.7-30 of the DEIR, SAFCA has determined that implementation of the proposed project, including mitigation, would not result in significant impact on reserve lands, nor would it alter the effectiveness of the NBHCP conservation strategy. Potential effects to TNBC reserves are very limited, and, based on discussions with TNBC, it is reasonable to expect that mitigation of such impacts is feasible.

The DEIR identifies a range of enforceable, feasible measures, based on SAFCA's discussions with TNBC. SAFCA would implement mitigation necessary to substantially lessen or avoid impacts and ensure there is no overall loss in TNBC reserve land specifically provided for the purpose of supporting wildlife that has been negatively impacted by development. This, however, does not necessarily require mitigation at a 2:1 ratio. The specific mitigation requirements will be determined in coordination with TNBC, DFG, and USFWS to ensure that the effectiveness of the NBHCP is not reduced as a result of the proposed project.

SAFCA is coordinating closely with the Airport to ensure SAFCA actions do not conflict with the Airport's mitigation for impacts resulting from implementation of its master plan.

SAFCA acknowledges the project would result in a temporal loss of Swainson's hawk habitat and potential effects to reproductive success and potential for take of listed species. The loss of habitat would be for as short a time as possible, however, because project construction will proceed quickly in light of the urgent need to improve flood protection for the Natomas Basin. The mitigation would be correlated with the annual impacts and designed to establish the mitigation lands within the same year that the impact occurs to the maximum extent feasible.

- 14-6 Portions of this comment that relate to payment of fees for oak mitigation are directed at the Bank Protection EIR and are therefore not addressed in this response.

The request for a summary of exact impacts attributable to 2008 and how they will be mitigated is addressed in Master Response 2. Comments regarding deferred mitigation and impacts on TNBC reserves and the NBHCP are also addressed in Master Response 2 and in response to Comment 14-5.

SAFCA acknowledges that borrow materials may be extracted from a number of sites and the final determination of which sites will be used cannot be made at this time. Although the DEIR does not specifically address impacts on nesting territories from borrow material extraction, it does acknowledge that project construction, including borrow extraction, could adversely affect nesting pairs. In addition, a map of potential borrow sites is provided, so the potential areas of effect are disclosed. A portion of the potential borrow area is at least 0.25 mile from the nearest documented Swainson's hawk nest locations, while most is located within 0.5 mile.

Use of borrow sites could result in direct disturbance of nesting pairs, as well as foraging habitat used by those pairs. SAFCA would implement the project, including borrow material extraction, in a manner that minimizes such adverse effects to the greatest extent feasible. In the specific case of the Brookfield site, borrow material extraction would have minimal effect on Swainson's hawk foraging habitat because the site is currently cultivated in rice which provides limited foraging value for this species. Therefore, the nesting pair in question is more likely to rely on other nearby agricultural fields with higher foraging value.

The NBHCP 15:1 tree replacement ratio referred to in the comment relates specifically to mitigation for loss of Swainson's hawk nest trees. Because the NLIP Landside Improvements Project would not result in loss of any nest trees active within the past 5 years, this ratio is not applicable. The recommendation for a 5-year monitoring program to ensure survival is addressed in Master Response 2.

- 14-7 SAFCA would implement measures to reduce take of Swainson's hawk within 0.5 mile of active nests, as described on page 3.7-25 of the DEIR.
- 14-8 The DEIR disclosed programmatically in Section 2.2.2, "Borrow Sites," that the Fisherman's Lake area is a potential borrow site for 2009–2010 construction. Temporary effects on water quality associated with project construction are addressed under Impact 3.5-a.



----- Original Message -----

**From:** Hilary Abramson

**To:** 'Barbara Gualco'

**Sent:** Wednesday, October 24, 2007 7:19 PM

**Subject:** hilary back at you

Thank you, Barbara. I appreciated your time. The notes weren't really necessary and I'm glad the notes are only for me (no apostrophe in "its" referring to having covered start of Natomas development ... I am a stickler!).

One important point you failed to note is my belief that the proposed raising of the levee across from my property puts me in harm's way in a way that I have never been in 30 years, and certainly not during the past two catastrophic floods, 1986 and 1997 (or '98?...sorry--I'm particularly stressed and tired tonight over this tonight and can't recall which year it was). I need to know how the county would mitigate raising the levee two or three feet as proposed because I believe that after it is completed, the next catastrophic flood in Sacramento will enter and/or destroy my home and I will be powerless to have protected myself or my structure. This was the main point I meant to verbally stress to you.

15-1

The ostentatiousness of a home is probably in the eyes of the beholder and certainly beside the point re the EIR. My point is simple: This is my home and I played by the rules in constructing it to the highest recommended level IN 1978. For 30 years, through numerous floods -- and two catastrophic recent floods -- nature has spared my home. Not a drop of water has entered it. But I believe that if local government votes to raise the levee across from my property at 7115 Garden Highway, it will be sacrificing my home to the next catastrophic flood, changing the course of nature in my and the house's experience thus far. And for this, I must have prior promise of mitigation.

15-2

As I noted, I plan to submit written comments to John Basset re the EIR and my particular concerns by the deadline of Oct. 29, 5 p.m. I will copy you and riverfront property owners with whom I've been in contact.

Appreciate being in the loop.

Hilary

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**From:** Barbara Gualco [mailto:bgualco@gualco.com]  
**Sent:** Wednesday, October 24, 2007 1:05 PM  
**To:** Hilary Abramson  
**Subject:** comments

Hilary... is was lovely to get reacquainted. I recall working with you years ago when you were regarded as one of our area's most respected reporters. I will remember you to Gene Gualco when next we meet. Thank you for taking the time to speak with me and I look forward to being acquainted through this project.

Notes taken by Barbara Gualco via telephone from:

Hilary Abramson  
7115 Garden Highway  
Sacramento, CA (916) 920-0509  
Sacramento County APN 201-0250-0009

I am a former BEE and Union reporter, very familiar with the development of Natomas, having covered it's inception years ago.

I have two reactions: one detached and then one as a homeowner

We all have interests and priorities and I am not interested in years of litigation. This is my dream home.

I built this house knowing where I was which is 30 feet from the Sacramento River.

For two to three year I worked to satisfy the COE and the Reclamation Board and their concerns. I then learned that the City should not have been built where it is...I covered the beginnings of old Sacramento..ironically I learned my property was higher for what was then 100 year level protection. I believe I was being safety minded. I built a small, ready for global warming home, at 1065 sq. ft it is not ostentatious but a home irecognized by Sunset Maganize, Fine Hme Bulding, and as a David Wright Small House design award winner.

The foundation was engineered for earthquake and flood...I escaped flood in the past two big flood events with the water being two feet under the floor of the home.

Major concern

Raising the levee, under a changing scenario of flood protection levels.  
Utility movement is inappropriate.  
Road for trucks could be established on the landside of the project.  
Can the government pay to raise her house or buy me out?  
What kind of mitigation is available?

|15-3  
|15-4  
|15-5  
|15-6  
|15-7

**Hilary Abramson**

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- 15-1 The DEIR addresses the hydraulic effects of the proposed project under Impact 3.4-a, which determined that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1 under “Impacts on Garden Highway Residents.”
- 15-2 See response to Comment 15-1.
- 15-3 See response to Comment 15-1.
- 15-4 SAFCA would not move utility poles to the water side of the Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 15-5 Temporary roads would be established on the land side of the adjacent levee and berms to allow construction vehicles, including haul trucks, to move parallel to the levee. See Master Response 3 under Section 2.4.2, “Temporary Construction Impacts on Traffic Safety.”
- 15-6 See response to Comment 15-1.
- 15-7 See response to Comment 15-1. Because the NLIP Landside Improvement Project would not significantly affect Sacramento River surface water levels, no mitigation is required.

**From:** Hilary Abramson [mailto:hilarya@inaword.org]  
**Sent:** Saturday, October 27, 2007 10:52 AM  
**To:** Bassett, John (MSA)  
**Cc:** tshower@mhallow.com; David@tennantingram.com; kweg@earthlink.net; ptully@mindseetsoft.com; thayerpa@aol.com; johnson.britt@sbcglobal.net; mskarlton@msn.com; bgualco@gualco.com; Dickinson, Roger; rthretheway@cityofsacramento.org  
**Subject:** Abramson/ comments re draft EIR/Garden Hwy

In two months, I will celebrate 30 years in my Garden Highway home, affectionately known to many as "The Wisteria House."

It was created by the late Brent Smith—Sacramento's well-known designer of small, energy-efficient houses. The pole structure is 1,065 square feet and is probably Sacramento's first small, passive solar house.

Before he was killed five years ago by a Regional Transit bus, Brent told me that the house should be categorized as "an art house." Indeed, because of Brent's artistry, during its early years, the house was published nationally more than I could ever have dreamed for my work as a reporter at both *The Sacramento Union* and *The Sacramento Bee*. [Several of the most notable magazines and book include: *Sunset Magazine*, April, 1982, "Central Valley sun, breezes, river...this house has them all in mind"; *Fine Homebuilding*, October/November 1983, "Above the Flood"; **Passive Solar Architecture, Logic & Beauty: 35 outstanding houses in the United States**, David Wright, A.I.A., and Dennis A. Andrejko, A.I.A.]

Initially, I wanted the floor to be above the level of the current levee instead of about a foot under it (the 100-year flood level). But after meeting with flood officials, Brent said they were confident that the 100-year flood level was

protection enough -- and any higher would make the small structure look like "a bird house."

In both historic floods of 1986 and 1997, the waters stopped at about 1.5 feet under the floor. I felt that our hard work to have the foundation engineered separately for flood and earthquake served us well. Brent and I took the natural site, blended in architecturally, and worked hard to satisfy the U.S. Army Corps, Reclamation District and Sacramento County, which in those days failed to agree initially on setbacks.

Nature has rewarded the house with survival. Now comes local government proposing to raise the levee landside. If the proposal in the draft EIR becomes reality and the levee is raised two feet across the Garden Highway, government will accomplish in a catastrophic flood what nature has failed to do -- demolish my home.

16-1

Please consider this:

**Is destroying Garden Highway homes under the height of the proposed new levee the *only* way to protect Natomas?**

16-2

In the case of "The Wisteria House," if you pay to raise the structure, you destroy its architectural integrity. How do you place a value on "The Wisteria House?" Most of all, it is home.

16-3

Hilary E. Abramson  
7115 Garden Highway  
Sacramento, CA 95837

**Hilary Abramson**

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- 16-1 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which determined that the levee improvements would not significantly change the existing Sacramento River surface water levels. See Master Response 1 under “Impacts on Garden Highway Residents.”
- 16-2 See response to Comment 16-1.
- 16-3 See response to Comment 16-1.

October 29<sup>th</sup> 2007

John Bassett  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> st, 7<sup>th</sup> floor, Sacramento CA 95814

Subject: Natomas Levee Improvement Program: Landside Improvements Project and Bank Protection Project.

Dear SAFCA,

My name is Christopher Barabino. I have lived at 5871 Garden Hwy with my wife and two children for the last 4 years. In addition to living at 5871 Garden Hwy we also have a restaurant named Swabbies at the same address. Swabbies is open year round; however we are seasonal, summer being the busiest time. My wife and I have everything at stake with the family business that we have painstakingly been building for 5 years. If our business was disrupted for even a few weeks during our peak season the results would be catastrophic. In addition, Swabbies Restaurant relies on pre-booked functions such as weddings and live music. These events are booked months and sometimes a year in advance. Due to our unique location we are considered a "destination location" any closures can detour people from returning for months. During our summer months, Swabbies employs about 15 people, many of which return year after year. After reviewing what I could in the 1000plus pages of documents it seems there is a real possibility of a conflict. I don't think it would be fair for one company to win a 400 million dollar contract while my business has a chance of going broke. I have spoken to John Bassett by phone. The initial indications from him were that there will be construction on/around North Bayou for about 3 weeks in 2009. Please note that any long term construction during any year on the Garden Hwy could adversely effect my business. My concerns are many; I have listed some of the top ones for your review.

- |   |      |
|---|------|
| 1- If Swabbies Restaurant is negatively impacted by construction, how do we agree on compensation?  | 17-1 |
| 2- Since our home is just feet away from the Garden Hwy will there be any compensation for the additional noise and vibrations and the possibility of having to move my family? | 17-2 |
| 3- If power poles are moved can they be put under ground? If not we may have to move as well since it might not be safe to have live directly under high voltage power lines.   | 17-3 |
| 4- How can we set up lines of communication so our business can make the best advance decisions with regard to this difficult situation?  | 17-4 |
| 5- If the levee is two feet higher my business will be less attractive for a possible sale due to increased damage from floods, is there compensation for this?                 | 17-5 |

I understand that home owners get contacted about this project; I am not sure why my business is not on the list. Please keep my family and business informed about new and

pertinent information with regard to this project. Our restaurants future success depends on it.

Sincerely

Christopher Barabino  
Owner Swabbies Restaurant  
Garden Hwy Resident  
5871 Garden Hwy  
Sacramento CA 95837  
Swabbies\_ontheriver@msn.com Phone 916-320-4126



**Christopher Barabino**

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- 17-1 See Master Response 1 under “Impacts on Garden Highway Residences” and Master Response 3 under “Temporary Construction Impacts on Traffic Safety, Noise, and Other Nuisances.”
- 17-2 Short-term noise disturbances are discussed under Impact 3.12-a in the DEIR. Construction in the vicinity of Swabbies Restaurant (5871 Garden Highway), which is located in Reach 9B of the Sacramento River east levee, would involve raising the adjacent setback levee. Because much of the work would take place below the Garden Highway on the land side, it is anticipated that the existing levee would act as a sound barrier for residences and other sensitive land uses on the water side. See Master Response 3.
- 17-3 SAFCA does not propose to move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area . See Master Response 4.
- 17-4 Mitigation Measure 3.12-a requires that prior to construction activity within 500 feet of residences, affected residents shall be notified of the nature of the construction and shall be provided information identifying how residents could register complaints if noise levels are overly intrusive.
- 17-5 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which determined that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1 under “Impacts on Garden Highway Residents.”

From: John Bayless [mailto:jbayless@SIGPROP.com]  
 Sent: Monday, October 29, 2007 7:45 PM  
 To: Bassett, John (MSA)  
 Cc: hfargo@cityofsacramento.org; scohn@cityofsacramento.org; Dickinson.Roger; Yee, Jimmie; Susan Peters; mcaglashanr@saccounty.net; Nottoli,Don  
 Subject: Draft EIR Natomas Levee Improvement Program, Landside Improvements Project, and Bank Protection Project

John,

Thank you for sending the CD of the above referenced EIRs I did have an opportunity to skim over some of the sections, but the almost 900 pages was too much to review and comment on intelligently in three weeks.

I did notice at the back of the Landside EIR comments to the Notice of Preparation (NOP) by various state agencies and environmental organizations, some of which had presentations made to them. To assume that a voluntary River Owners Association is the appropriate forum to obtain input from property owners was a mistake. The majority of the homeowners along the Garden Hwy moved there to specifically avoid Homeowner's Associations. Additionally, I don't recall seeing any copy of the NOP sent to my residence. If the NOP was not distributed to the landowners whose property will be taken for these improvements, I think that was a significant oversight. I attended the last half of the rather short public meeting on the EIR where only limited comments were given. I do believe this is directly related to the strategy taken to limit the public information prior to the hearing and thereby limit the input on the documents and projects.

18-1

At the hearing, there was mention by staff that there was no increased risk of flooding for the Sacramento County residents on the water side of the levee, since the levee on the Yolo County side was lower than the proposed SAFCA improvements. I have been living through bank restoration on the Yolo side for the past year and a half, 6am to 6pm, seven days a week, barge and dredge. My home was built 16 years ago with a floor elevation certified to be four feet above the 100 year flood plain. To leave this issue unanswered, and to pass the responsibility to Yolo County and any future raising they propose, is irresponsible and a disservice to the residents you serve under this Joint Powers Authority.

18-2

I can appreciate the speed and the necessity of producing the Draft EIR and the project plans. Along with our industry, I have supported and voted all properties in favor of the assessments necessary to assist with the funding of these flood control projects. I am in favor of a prompt and permanent fix to ensure flood protection for the areas served by SAFCA. Community outreach and clear information to the property owners impacted by the physical improvements would have been appropriate. I believe that oversight was clear based on the comments at the hearing.

Pursuant to the offer at the hearing on October 18th, I would appreciate a meeting to further understand the proposed projects, and specifically the impacts and planned alterations to my property. Please contact me with availability. Thank you for your efforts to ensure flood protection for the residents of the Natomas Basin. I ask that you consider the concerns of the residents on land and water sides of the levee as well. I'm sure you understand that these proposed improvements have a negative impact on the property owners that will bear the condemnation and use of their property for the benefit of the residents of the Natomas Basin.

Best regards,

John D. Bayless  
 Signature Properties, Inc.

**John Bayless**

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- 18-1 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies.
- 18-2 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which determined that the levee improvements would not significantly change the existing Sacramento River water surface levels. See Master Response 1 under “Impacts on Garden Highway Residents.”

October 28, 2007

To Whom It May Concern:

SAFCA 07 OCT 29 PM 4:48

My family has owned property in the Natomas Basin since 1940. I have been farming in the area on my own since 1962. I have farmed a lot of the fields affected by your project over the years. As a farmer I hate to see what your project is going to do to a lot of nice ranches.

After looking over your EIR report I have a lot of concerns over how it will affect my property on reach 7. As of October 28<sup>th</sup>, I have not been contacted personally about my property. No surveys or test holes have been taken on my land. All I know is from rumors or from your EIR report that was available after the October 18<sup>th</sup> meeting at the city hall. I have talked to your lawyers and engineers in non-official meetings. Why are reach 7, 9A, 9B, and 11A not included in a seepage berm or woodland planning, all of this land seeps as much as any other land on the river and in some cases more.

19-1

19-2

First we were adversely included in the one mile buffer zone along the river by the Joint Vision, County and City. At that time they wanted to preserve some Ag land or habitat. When an offer was made for habitat, the HCP said that land west of the airport was unsuitable. Now SAFCA has come a long and needs our land to upgrade the levees to 100 or 200 year protection. After the 1986 and 1997 floods we were supposed to have 100 year protection, but it disappeared for some reason. At all of the meetings for the bond issues to strengthen the levees to 100 or 200 year protection, all that was discussed was to stop the under seepage. Now all I see and was told is that you are going to pile dirt against the levee. There is no doubt that this will strengthen the levee, but it will not stop the seepage. I think that this process has been misrepresented by SAFCA.

19-3

After looking at your proposal for canal work north and south of the Elkhorn Pumping Station, the canal is over kill and a land grab. The bottom of the canal does not need to be twenty feet wide, the size of the existing canal is sufficient to meet the needs of the land being served. After your levee and set back canal improvements are completed, there will be less land that will need irrigation.

19-4

According to the EIR map, my ranch located on Reach 7, will be cut into five small fields by your water canals and drainage ditches. This will make it impossible to operate efficiently. With all the set back levees and back fill berms and access easements, this looks like another land grab by the environmentalist without compensation for the land owners. The property that will be protected is valued at \$600,000 to \$800,000 per acre. Our compensation should be somewhere in this area, not the habitat value.

19-5

The environmental community has not been heard from as far as I know. The is probably because of all the area they are going to gain at the expense of local land owners from canal, levee work and borrow areas, property that is going to be converted after the displacement of dirt for levee repair.

Looking at the drainage canal that runs through the golf course that drains the reservoir at the Elkhorn Pumps and the ditch west of the airport, south to the west main

19-6

drain. A pump would need to be installed to lift the water out of the reservoir and the ditch would need to be twelve to fifteen feet deep at the bottom, not just the little ditch shown on your EIR.

19-6  
(Cont.)

All other contractors who work on construction projects work within the working easements and do not need an additional fifty or sixty feet for their project just because it is farm land. Why make it harder on the farmer that has to work the land after the contractor leaves, this is just another form of land grab.

19-7

I can not believe that a machine can not be built or modified to reach the desired depth of the slurry wall without scraping off several feet of the existing levees. This sounds like a sweet heart deal for the contractor to move a lot of extra dirt. Your maintenance access can be in conjunction with the ditch bank easement. The seepage berm and proposed woodland is not going to be compatible with local farming because it will attract rabbits, squirrels and a lot of birds that cause problems for some crops.

19-8

Another concern is the habitat that is created by the barrow areas north and south of the airport runways. All the years that I have been farming bird strikes have been a real concern. I am not positive, but what I have seen so far, that what the NCP does does not attract fewer birds than farming. It looks like you are creating a Vic Fazio wild life type of refuge, especially right under the north runways. Bad Idea.

19-9

If you have any questions about my expertise on these problems please contact the other endangered species the North Natomas Farmer.



Ed Bianchi  
7050 Garden Hwy  
Sacramento, CA 95837  
(916)925-2038

19-1 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies.

19-2 The DEIR discussed project features to be constructed in 2009–2010 (including reaches 7, 9A, 9B, and 11A) at a general, program level of detail because SAFCA is still refining the design of these flood control improvements. Types of seepage remediation and factors that influence their selection are discussed in Section 2.3.2.1 of the DEIR. SAFCA is continuing to evaluate the need to install seepage remediation along Reaches 7, 9A, 9B, 11A, and other reaches as part of the 2009 and 2010 construction elements. Future studies may indicate that conditions warrant installing seepage remediation improvements along these reaches. Such improvements would be assessed in project-specific environmental documents prior to implementation.

The presence of seepage does not necessarily mean that there is an underseepage issue. Underseepage becomes a problem if the seepage exit gradients are above a specified criteria. Many of the reaches identified in the comment, although presently not requiring work for 100-year level of protection, will require underseepage remediation for “200-year” urban protection.

19-3 As noted in subsection entitled, “Underseepage Remediation with Seepage Berms,” of Section 2.3.2.1, “General Methods,” of the DEIR, the purpose of seepage berms is not to eliminate underseepage but rather to manage it in such a way that it does not undermine the foundation of the levee.

19-4 The commenter has not indicated a link between the design of the canal and a physical impact on the environment that was not addressed by the DEIR.

19-5 The DEIR discusses potential relocation of residents and compensation for land acquisition and replacement housing in Section 1.4, “Scope of the Analysis.” The land acquisition process provides the appropriate forum to address economic concerns, including the potential economic impact of the proposed project on Garden Highway property owners. In addition to the explanation given in the DEIR, SAFCA notes that because this project is part of a larger multi-agency program of improvements to the Natomas Basin levee system, SAFCA must comply with the applicable state land acquisition procedures.

The affected property owners would be compensated as required by law during the land acquisition process. SAFCA would provide the affected property owners with a summary of the appraisal of the fair market value of the property being acquired and make an offer for the full amount of the appraisal prior to initiating condemnation proceedings to acquire property. If SAFCA and the affected property owners are unable to reach agreement on compensation, then SAFCA may initiate an eminent domain action to acquire the property, in which issues of fair market value and any claimed severance damages would be decided by a judge or jury in court. If SAFCA files an eminent domain action, SAFCA may nonetheless acquire the property by voluntary settlement, outside of court, or if the matter cannot be settled before trial, SAFCA would be required to pay the amount found to be fair market value by a judge or jury after a trial.

The environmental impacts of the proposed project have been thoroughly analyzed in this EIR. In addition to adopting the mitigation measures identified in the DEIR and FEIR, SAFCA is interested in working with the affected property owners to determine the best options for minimizing environmental impacts.

- 19-6 The dimensions and alignment of the relocated Elkhorn Canal in the area south of the Elkhorn Reservoir (Reach 6B) is part of the proposed 2009–2010 construction element.
- 19-7 DEIR subsection, “Land Acquisition,” in 2.3.2.1, “General Methods,” describes a maintenance access corridor (up to 50 feet wide) that would be established at the landside toes of the levees or at the ends of seepage berms in the reaches where they are constructed. This corridor would contain a maintenance road and would be used by RD 1000 after construction is completed. Also, see Master Response 3.
- 19-8 The DEIR discusses cutoff wall construction techniques in subsection “Underseepage Remediation with Cutoff Walls,” within subsection 2.3.2.1, “General Methods.” Seepage berms and clusters of woodlands already exist along the Sacramento River east levee in proximity to agricultural operations, as shown in Exhibits 2-10a through 2-10d. In addition, the Natomas Basin Conservancy manages several habitat preserves adjacent to or near farms along the east levee, including Bolen South, Huffman West, Atkinson, Souza, Natomas Farms, Cummings, and Alleghany. Rabbits, squirrels, and birds currently already inhabit these areas. These conditions would continue with or without the proposed project.
- 19-9 Borrow areas on the north and south Airport buffer lands utilized for borrow would be primarily converted to managed-grassland. The strike hazard of grassland would not be greater than that of dry-farmed field and row crops currently located south of the Airport. Conversion of rice fields located north of the Airport to grassland would reduce the potential strike hazard, because rice attracts large flocks of species that typically present the greatest risk of aircraft strike. Only 130 acres of the 630 acres north of the Airport would be converted to marsh habitat similar to that created on the TNBC lands. This parcel is in the northwest part of the north buffer lands and farthest away from the Airport runways.

October 29, 2007

John Bassett/ NLIP Landside DEIR Comments  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Re: Natomas Levee Improvement Project

Dear John,

I am writing this letter to go on record regarding the Natomas Levee Improvement Project. As a resident of the Garden Hwy, I feel that insufficient notice has been given to us regarding this project and the public comment period. My concerns include, but are not limited to the following:

20-1

- Impact of increased truck traffic on the Garden Hwy

- Safety
- Traffic delays
- Noise
- Dust and pollution

20-2

- Proposed moving of power lines to the west side of Garden Hwy

- Will we be forced to cut down trees (Protected Oaks)
- Safety
- Potential devalue our properties

20-3

- Slurry Wall

- Impact on our well and ground water

20-4

- Flood Protection

- Will raising the levee on the East side of the Garden Hwy make us more vulnerable to flood and increased flows?

20-5

I urge you to extend the public comment period in order to address these issues.

Sincerely,

Jeff Chenu  
7701 Garden Hwy  
Sacramento, CA 95837  
(916) 921-8223  
[jeffchenu@paula.com](mailto:jeffchenu@paula.com)



**Jeff Chenu**

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- 20-1 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies.
- 20-2 Haul truck traffic would use roads established along the land side toe of the adjacent levee and berms, rather than the Garden Highway itself, as shown in Exhibit 1-3 of the FEIR. The temporary roads would allow construction vehicles, including haul trucks, to move parallel to the levee. See Master Response 3. The DEIR addresses the potential for traffic delays as a result of increased construction activities under Impact 3.10-a, and traffic related hazards are addressed under Impact 3.10-b. Potential exposure of residents to excessive noise levels from trucks hauling materials is addressed under Impact 3.12-c. The DEIR addresses dust and air pollution in Section 3.11, “Air Quality.”
- 20-3 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area.. See Master Response 4.
- 20-4 Cutoff walls are included in the overall program as a potential seepage remediation measure and would be implemented in 2009 or 2010. No cutoff walls are included in the 2008 Sacramento River east levee improvements. Project-level analysis of the effects of cutoff walls will be conducted when more technical details of 2009–2010 construction become available.
- 20-5 SAFCA has determined that the proposed project would not significantly change the existing water levels with respect to the Sacramento River. See Master Response 1 under “Impacts on Garden Highway Residents”

October 29, 2007

John Bassett/NLIP Landside DEIR Comments  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Subject: Comments on Natomas Levee Improvement Program Draft  
Environmental Impact Reports, Commentor's Address – 10411  
Garden Highway, Sacramento, California 95837

Dear Mr. Bassett,

My name is Roland L. Candee and I live on the Garden Highway in Sutter County. These comments are generated in response to a notice I received dated October 23, 2007, that was labeled "REMINDER". While I appreciate the notice, I had expected as one of the local residents that attended a meeting over a year ago at Verona Joe's and left my contact information with your representatives at that time, that more engagement would have taken place in the meantime with the group of landowners consisting of myself and my neighbors that appeared at that meeting. The response period I get faced with upon receipt of this reminder is extremely short for someone such as myself who, as a member of the California National Guard, has been mobilized since October 23 on Emergency State Active Duty in response to the San Diego fires. My comments are not meant to indicate concurrence or non-concurrence in any portion of the report not commented on. Your offer to have my comments submitted via email and considered in the DEIR is appreciated.

21-1

There appear to be some deficiencies in the DEIR as particularly pointed out in the comments from FEMA, Page 2-1/Comments. Under the cited authorities any development must not increase base flood elevation levels and both hydrologic and hydraulic analysis must be performed prior to the start of development, and must document that the development would not cause any rise in base flood elevation levels. The CEQA Hydraulic Analysis included in the DEIR does show, albeit small, an increase in the peak water surface elevation resulting from the project. The authorities cited don't appear to allow for even a slight increase. Your DEIR contains, to my way of thinking, the information to cope with this and bring the project back within the legal requirements. As talked about under Easement Acquisition

21-2

(pg. 71 of 418, Volume 1) and as shown in the Hydraulic Analysis charts, one of the key locations is the Fremont Weir. Lowering the Fremont Weir by even a small amount would very likely bring the numbers in the model down so that the development would not cause any rise in base flood elevation levels. The chosen DEIR response to FEMA's comments, that this project "would not involve any ... development as defined in the comments letter which would cause a rise in base flood elevation levels" appears inaccurate in several respects. This project clearly meets the definition of development and this project would cause a rise, albeit small, in base flood elevation levels in the immediate area of where I and others actually live.

21-2  
(Cont.)

I am concerned over the accuracy of the modeling that was done. The conclusion that (pg. 395 of 418, Volume 1) none of the levees analyzed in this report would be overtopped by the design flows, therefore the design capacity of the system as defined by the USACA is not impacted by the SAFCA area projects analyzed in the DEIR, rests on a presumption that the 1957 USACE study (not attached but cited) is still accurate. Fifty years of neglect in clearing out the Yolo Bypass or in maintaining the channel in the Sacramento River certainly calls out for some consideration as to whether that data is still accurate today.

21-3

I also could not find any analysis in the DEIR that addressed the point of what the likely response to a significant levee heightening on the east side of the Sacramento would be. Is it true that the height of the levee on the west side is currently the same height in the areas where the project is proposed as the height of the current east side levee and will the west side levee height be left lower than the proposed east side height? If the east side height is raised, won't those on the west side seek the same raised levee protections touching off a "levee raising war"? While I admit I'm not an engineer, it appears to me that the levee directly across from my home (the west side levee) is currently slightly lower than the east side levee height. If what I actually observe is accurate, the west side, unless raised, would logically overtop before the level shown in the statistics as the high water level is reached. If true, this would logically indicate that the additional proposed levee height would not add anything but cost. On the other hand, if what is contemplated is that the levees on both sides of the river will ultimately be raised to the proposed three foot higher level as inferred from the enclosed map at 3-21 showing a Sutter Bypass flowing into a Yolo Bypass with improved levees all around, then the logical conclusion would

21-4

be that the west side levee will be ultimately raised to match the increased height proposed for the east side. Which is it and isn't such an analysis called for? It just doesn't appear to be such a stretch of the imagination that if all of the levee heights are ultimately raised, those controlling releases out of Shasta and Oroville will be sorely tempted to let more water out at critical times because of the increased capacity of a system with three foot higher levees, and that such releases should increase base flood elevation levels.

21-4  
(Cont.)

Modeling invites plugging various scenarios into the model and seeing what happens. I commented on a previous DEIR that addressed the proposed levee setback project that lowering the Fremont Weir a foot, or even six inches, would appear to me to have the potential of making a significant improvement in the water flow in high water periods and the data with this DEIR only strengthens my suggestion that such a lower cost option (combined with clearing out the Yolo Bypass and the river channel) be considered before spending the money to significantly raise the levee. If the model showed significant improvement, the area could well get to the desired "200-year" level of protection at a greatly reduced cost by putting in the proposed secondary levee on the east side of the Garden Highway but not raising the levee three feet. Your DEIR, at 7.3, does already note that increased Yolo Bypass Conveyance Capacity measures could substitute for or reduce the amount of raising of the east levee of the Sacramento River.

I am saddened that the latest DEIR appears to be trying to resurrect a setback levee as part of this project, i.e., Comment Response/F-1 and 4-4.10. There was a very specific DEIR prepared over this setback levee proposal, if my memory serves me, and the conclusion at the time was not to proceed with the proposed setback levee. That conclusion led to the original current DEIR language noting that "this setback could alter the hydraulic performance of the Fremont Weir, causing more water to enter the Sacramento River channel, and thereby increase the risk of flooding along the channel. A setback levee would also potentially result in the eventual abandonment of the Garden Highway, eliminating access to several residences... This alternative was therefore withdrawn from further consideration." To have this language deleted from the final DEIR and resurrect the setback levee idea is a real bait and switch approach that should not be adopted by SAFCA. As noted, analysis of any setback levee would depend on the length and location and project design (Section 5-9). But what is the now apparently resurrected proposed setback levee length, location and design? To say, as is proposed in 4.2-7, that such a setback

21-5

“would be designed such that the creation of any water feature that could potentially attract water fowl would not introduce new hazards into these areas” and that “(a)ny setback or secondary levee in Natomas would also be designed not to increase waterfowl attraction”, appears to be stating conclusions without any factual support that I can find anywhere in the DEIR.

21-5  
(Cont.)

I, as someone living in the area that would be affected by the project, certainly take exception to language that (page 374 of 418, Vol. 1) “since there would be no significant effects on traffic and circulation, no mitigation would be required” and (page 375 of 418, Vol. 1) “since there would be no significant effects on noise, no mitigation would be required”. Construction of this magnitude directly in the vicinity of where people live along the river obviously is significant and there are a multitude of potential mitigation measures that can be taken. The DEIR is lacking in specifics of exactly what is to be done for those, such as myself, living directly in the vicinity of where the proposed project would be constructed.

21-6

Yours,

Roland L. Candee

**Roland L. Candee**

- 21-1 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies.
  
- 21-2 See response to Comment 13-2 regarding the 0.1-foot increase under SAFCA’s threshold. See Master Response 1 under “Consideration of Use of Yolo and Sacramento Bypass Systems to Convey Flood Waters.”
  
- 21-3 The modeling studies performed in connection with the SAFCA projects were based on current conditions, which in general indicate that channel capacities are equal to or greater than conditions prevailing in 1957. See Master Response 1 under Section 2.2.5, “Effect of the NLIP on SRFCP Function and Operation.”
  
- 21-4 Regarding levee raising on the west side of the Sacramento River, see Master Response 1 “The Approach Used in the NLIP Has Been Adopted by the State Legislature.”
  
- 21-5 The references cited by the commenter do not appear in the DEIR but refer to the Final Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area (SAFCA 2007). The project includes what is referred to as an “adjacent setback levee,” which is a new levee that would adjoin the existing east levee of the Sacramento River. This concept is shown in Exhibits 2-7 and 2-12 in the DEIR. The proposed project (Alternative 1) does not include a traditional setback levee; that is, a levee that is set back a significant distance from a river or channel to increase channel capacity and/or flood water storage, or to reduce erosion. However, traditional setback levees in the upper 1.4 miles of the Sacramento River east levee were analyzed as part of Alternatives 2 and 3 in the DEIR alternatives analysis (see Chapter 6, “Alternatives,” of the DEIR).
  
- 21-6 The commenter appears to cite Table B-1, “Summary of Impacts and Mitigation Measures Incorporated by Reference,” in Appendix B, “Mitigation Incorporated into Proposed Improvements Covered in Previous Environmental Documents,” in the *DEIR on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area* (November 2006). The referenced mitigation measures (or lack thereof) are excerpted from the *Final EA/IS American River Common Features Pocket Area Geotechnical Reaches 2 and 9* (USACE and The Reclamation Board 2006).

Mitigation measures related to traffic and noise that would help reduce the impacts of the proposed project are described in Section 3.10, “Transportation and Circulation,” and Section 3.12, “Noise,” of the DEIR.

## CORCORAN

■ 7651 Garden Hwy  
 ■ Sacramento, CA  
 95837  
 ■ corcoran@cwo.com

November 6, 2007

**John Bassett**  
 Sacramento Area Flood Control Agency  
 1007 7th Street, 7th Floor  
 Sacramento, CA 95814  
 BassettJ@SacCounty.net

Regarding: Natomas Levee Improvement Program: Landside Improvements Project and Bank Protection Project

Dear Mr. Bassett,

As 19-year residents of the Garden Highway, we are commenting on the Draft Environmental Impact Report (DEIR) for the Natomas Levee Improvement Program Bank Protection Project. We are particularly concerned about the report's deficient analysis of several impacts and needs for mitigation.

### Project Increases Flood Risk to Garden Highway Residents

First, the DEIR does not recognize or analyze the adverse flood impact the project will have on Garden Highway residents living on the river side of the road. The DEIR states that the current levee system provides protection for Natomas for storms that occur on average more frequently than every 100 years. One of the goals of the project is to improve the protection so that 100-year storms will not cause floods and to set the stage for eventual 200 year protection. The project will meet this goal by raising the Sacramento East Bank levee by up to three feet.

22-1

The DEIR fails to state how high the water levels will be when failure now would occur or how the high water levels would be post project, either in a manner consistent with design or as a practical matter (flood flows have been allowed to exceed design capacity in the past.) These levels are undoubtedly known because they form the basis for designing the project.

22-2

We do know that the levees will be raised and strengthened. By accommodating higher flows in the river, the project will cause Garden Highway homes to flood more frequently, and to a greater extent, than absent the project. By not publishing the design

22-3

flow levels, the DEIR is inconsistent with one of the fundamental purposes of the California Environmental Quality Act, to: "inform governmental decision makers and public about the potential, significant environmental effects of the proposed activities." (Section 15002 of the CEQA Guidelines.) In evaluating the significance of the environmental effect of a project, the Lead Agency shall "consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project" (Section 15064 of the CEQA Guidelines).

22-3  
(Cont.)

This impact must be considered as a significant impact because, as mandated by Section 15065 of the CEQA Guidelines, a lead agency shall consider an impact significant if "the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." That the project will cause flooding of Garden Highway residences clearly meets this criteria.

22-4

Indeed, flooding at a much lower level, such as occurred in the 1997 flood, did cause damage totaling at least \$1 million, and estimated closer to \$5 million, to Garden Highway residences. Even though the lead agency hasn't conducted the research to determine the amount of damage that will be caused by the project, the attached survey constitutes substantial evidence that flooding at lower levels causes damage and that there would be incremental, and probably more substantial, damage at higher flood levels.

22-5

This impact will occur, not only to the residences adjacent to levee raising but to those downstream as well. If the levee at Verona must be raised by three feet to accommodate the 100-year storm, then the river will stay within the levees at a level three feet higher than is now the case. This impact will occur as well to all houses downstream, even where the levee doesn't need to be raised. This is because, while the downstream levees can now accommodate the higher levels for which the upstream improvements are designed, these levels cannot now occur because of the substandard condition of the upstream levees.

22-6

This impact should be analyzed, discussed and mitigation measures developed in the final EIR. The most obvious mitigation measure would be to raise the elevation of all of the houses along the river side of the Garden Highway by the maximum amount that the levee is raised, because this is the additional elevation of flood water that may occur from Verona south.

The response that there will be after the fact payment for flood damage (which has not been proposed, but has been mentioned verbally by the lead agency) is insufficient under CEQA. It also ignores the significant impact of flooding a home on the homeowner in many respects, including but not limited to financial damage. Time away from work, risk to possessions valued emotionally, pets, – the list is long. Flooding that threatens homes is the exact reason this project is being proposed. It is to protect new residents of Natomas. It is unacceptable to allow it to increase the risk and damage to pre-existing residents.

22-7



Adequate flood impact mitigation should also propose raising Garden Highway homes in proportion to expected new water levels and moving water out of the Sacramento River channel into bypasses by lowering permanent floodgates and opening weirs.

22-8

#### Truck Traffic

The DEIR does not evaluate the true impact to Garden Highway residences from project generated truck traffic. According to the DEIR, up to 6,000 truck trips per day will occur on a road that probably currently averages less than 1000 trips of all types of vehicles past in single point on the highway. This impact, which is without substantiation deemed less than significant in the DEIR, should be deemed significant for its safety and noise effects. These impacts are especially significant because of the narrowness of the Garden Hwy, the steep levee sides (with resultant risk), the proximity of many houses to the road, driveways with limited visibility, and the increased effect of vibration on the houses that are built on pilings.

22-9

These impacts could be mitigated in some areas, although not eliminated, by moving the Garden Hwy to the newly constructed adjacent setback levee. While the truck traffic will still have its impacts, the relocation of the highway would reduce future noise and vibration to residences.

The following measures should be implemented at minimum:

- Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted within 1000 feet of any residence. Restrict all project work to Monday to Friday from 7:00 AM or 30 minutes after sunrise whichever occurs later, to 6:00 PM or 30 minutes before sunset whichever occurs first, with no operations occurring on County holidays.

22-10

- Establish hauling routes that minimize traffic on Garden Highway so that access roadways such as Riego, Eleverta, Powerline, etc. and maintenance roads are used to the greatest extent possible.

22-11

- Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.

22-12

- Develop a traffic safety plan so that trucks that must be on Garden Highway travel at slower speeds, drivers are trained to watch for residents pulling out of driveways, and trucks are far enough apart to allow residents to safely pull out of driveways onto the roadway and to allow emergency equipment to pass.

22-13

- Specify how the project will provide permanent access between resident driveways and the elevated roadway.

22-14

- Establish a communications plan that provides at least 72 hours of advance notice of events impacting Garden Highway residents such as road closures and power interruptions.

22-15

- Establish an advocate office for resolution of complaints during the project which is staffed the same hours as work is underway.

#### Habitat Destruction

The DEIR recognizes that the project will result in significant destruction of wildlife habitat, including the destruction of the sensitive habitat of several endangered, protected, and at-risk species. The proposed mitigation will involve the future offsetting creation of habitat in another location. The establishment of protected habitat must precede the destruction of current habitat if at-risk species are to survive the project.

22-16

In addition, we ask that the project include greater protection to established habitat areas such as the area around Fisherman's Lake and the reservoirs south of Elverta Road and north of the Teal Bend Golf Course. Once this habitat is destroyed, there is no guarantee that its rare plant and animal species will recover elsewhere.

#### Utility Pole Realignment

The project proposes to move utility poles from the landside to the riverside of the highway. This is inconsistent with the landscaping requirements of RD 1000, which call for a park like setting. It will also cause adverse visual impacts to houses on the Garden Highway, which are now generally on the opposite side of the road from the poles. Many of the residents have paid to have the utility lines to their houses undergrounded. Transferring the poles to the waterside will frustrate these efforts to beautify property by eliminating overhead lines. Finally, the existing Garden Highway is narrow and winding with no shoulders. The existing utility poles are generally located down the land side of the levee, removed from the road and reducing the chance of collisions with vehicles. Placing the poles alongside the road on the waterside will pose a safety risk because it increases the chances of pole/vehicle collisions.

22-17

Levee construction offers an opportunity to underground utilities as an alternative to relocation onto the property of private residences. In the event that this is not feasible, relocation of the Garden Highway to the top of the new levee would open up the possibility of placing the poles in the current highway location. This wouldn't be as close to the residences as is currently planned and could be somewhat removed from the new highway location.

Conclusion

The DEIR is severely deficient with respect to impact on the Garden Highway residents. It fails to provide adequate information about impacts. It fails to recognize and disclose impacts. It fails to identify alternatives. It fails to provide mitigation for the impacts.

We strongly urge that these recommended changes be made to the DEIR to better protect the environment and residents of the Garden Highway and to bring the DEIR into compliance with CEQA.

Sincerely,

John Corcoran  
Carol Corcoran

[REDACTED]

**John and Carol Corcoran**

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- 22-1 The DEIR addressed hydraulic effects under Impact 3.4-a. SAFCA has determined that the proposed project would not significantly change the existing water levels with respect to the Sacramento River. See Master Response 1 under “Impacts on Garden Highway Residents.”
- 22-2 See response to Comment 22-1.
- 22-3 See response to Comment 22-1.
- 22-4 SAFCA disagrees with the conclusion reached by the commenter. See response to Comment 22-1.
- 22-5 The relevant question with regard to the proposed project, and thus the focus of the DEIR and Master Response 1, is whether the proposed project would affect peak water surface elevations in the Sacramento River. See response to Comment 22-1.
- 22-6 See response to Comment 22-1. See Master Response 1 under Section 2.2.5, “The Approach Used in the NLIP Has Been Adopted by the State Legislature,” for the assumptions behind the hydraulic model analysis.
- 22-7 SAFCA has determined that the proposed project would not elevate the flood risk for residents living on the water side of the levee. See Master Response 1.
- 22-8 See response to Comment 22-7.
- 22-9 See response to comment 20-2.
- 22-10 The DEIR addresses potential exposure of residents to excessive noise levels from trucks hauling materials under Impact 3.12-c. See response to Comment 22-9.
- 22-11 See response to Comment 22-9.
- 22-12 Control of temporary respirable particulate matter (PM<sub>10</sub>) (i.e., dust) emissions from construction is described in Mitigation Measure 3.11-a. See Master Response 3.
- 22-13 The DEIR addresses potential traffic related hazards under Impact 3.10-b. See Master Response 3.
- 22-14 The Garden Highway would not be elevated in areas with waterside residences.
- The adjacent setback levee is designed to increase the height of the levee to achieve freeboard without raising the existing Garden Highway levee. At intersecting roads, the east side of the highway may be slightly raised to accommodate the transition from where these intersecting roads are elevated to pass over the adjacent setback levee, which would be up to 3 feet higher than the Garden Highway. Driveway access would not be blocked either during reconstruction of intersections or upon project completion. Impact 3.10-b discusses temporary rerouting of traffic during construction.
- 22-15 Mitigation Measure 3.12-a requires that prior to construction activity within 500 feet of residences, affected residents shall be notified of the nature of the construction and provided materials identifying a mechanism for residents to register complaints if noise levels are overly intrusive.

- 22-16 As explained more fully in the DEIR and in Master Response 3, habitat creation and enhancement to fulfill mitigation requirements would occur as part of project implementation. Overall, mitigation would be implemented in advance of or within the same year in which impacts occur. A large proportion of mitigation implemented in 2008 would apply to 2009 impacts; a relatively small amount of mitigation for 2008 impacts to Swainson's hawk foraging habitat would not occur until 2009. Fisherman's Lake would not be affected by the proposed project. Effects on habitat on potential borrow sites adjacent to Fisherman's Lake would be beneficial, as these areas would be converted to managed marsh habitat following borrow extraction. The limited portion of the small reservoir north of Teal Bend Golf Course to be filled would be replaced with a new reservoir of similar habitat quality; effects on the larger Pond Drain to the east would be temporary. These effects are unlikely to result in permanent extirpation of any rare plant or animal species.
- 22-17 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.

SAFCA 10/23/07 2:25 PM:49

Roy Dahlberg  
10451 Garden Hwy.  
(Sutter County)  
Sacramento, CA 95837

Oct. 23, 2007

John A. Bassett  
Director of Engineering  
NLIP landside and bank protection DEIR comments  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> St., 7<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Mr. Bassett,

I have preliminarily reviewed your draft EIRs for the Natomas Levee Improvement Program landside and bank protection projects, and I have a number of concerns. The following represent my comments on the two draft EIRs. Please incorporate them into the formal record and respond to them in the final EIRs.

My concerns fall into two broad areas. First, the long-term impact of potential increased flooding for homes on the water side of Garden Highway is so inadequately characterized that it is impossible to know what mitigations will be required. Second, the mitigations you outline for noise and traffic impacts are insufficient for a massive construction project that, in our stretch of the river, between Riego and Sankey roads, is now scheduled to begin before May 2008 and continue until November at the earliest.

23-1

23-2

On the subject of flooding, the most important issue that must be addressed is how the more robust Natomas levees, up to three feet higher and far stouter than they are now, would affect homes and farms outside the Natomas Basin. It is disturbing that over the past three months, SAFCA has offered three different

23-3

reasons for suggesting no one should parse too closely the hydrological impacts of its plan to build levees higher than those of its neighbors – the same behavior that triggered decades of levee wars in California. On Aug. 17, Stein Buer suggested to the state Reclamation Board that because SAFCA would attempt to raise levees in an emergency anyway, the board should not waste time analyzing the impact of raising Natomas levees permanently. A reclamation board engineer described that and other arguments advanced by Mr. Buer as “red herrings,” according to a transcript of that meeting. At the Oct. 18 SAFCA public meeting on these draft EIRs, Mr. Buer offered an alternate scenario. Garden Highway residents on the wet side of SAFCA levees, he suggested, should not fear additional flooding because water restrained by the Natomas levees will flow out of the river channel entirely since Yolo County levees are lower. This scenario, too, is questionable. If SAFCA truly intends to use Yolo County farms as a de facto floodway, why are there no models showing the increased water depths on those farms? Where are the flood easement agreements? Where are the agreements that Yolo County will never raise its levees? Absent such agreements, SAFCA’s levee work clearly could become the first step in a two-step process – raise levees first on the Sacramento side of the river and next on the Yolo side, with the end result of trapping more water in the river channel and flooding more Garden Highway homes. The draft EIR issued in September offers yet a third excuse for refusing to analyze hydraulic impacts in any meaningful way. As described in appendix B, SAFCA relies on a flood model that assumes multiple upstream levee breaks. In fact, the model used by SAFCA consultants MBK Engineers assumes that because of those levee breaks that Natomas would never be inundated by water in a 100- or 200-year flood even with its existing levees. That scenario suggests a reality counter to everything SAFCA is attempting to do. Why would SAFCA tax Natomas residents and use precious state flood control funds to protect against a threat that this model says would never occur? The most plausible answer is that even SAFCA knows this model is implausible. It doesn’t want to rely on other people’s levees failing in order to keep Natomas dry. SAFCA, as a policy matter, wants its own defenses to be robust enough to withstand the 200-year event that may one day come down the Sacramento River. But the prudence that is appropriate for Natomas residents is apparently too good for SAFCA’s neighbors. We, SAFCA suggests, should rely on the

23-3  
(Cont.)

reassuring fantasy that somebody else's levees will give way first. (In a telephone conversation I had with Mr. Buer and Ms. Gualco on Oct. 22 they suggested that the reason the plan to raise the levee was formulated was that in a meeting with Sutter County Garden Highway residents held at Verona Joe's restaurant in 2004, the dozen or so participants expressed displeasure with the suggested distant setback levee. Although none of the participants was ever contacted, the real reason for the new plan was to accommodate their concerns. I will not comment further on this rationale.)

To sum up, since mid-August SAFCA has variously said the hydrological impact of higher levees isn't important because: 1. It would raise them anyway in an emergency; 2. The higher water would spill into Yolo County; 3. The high water would result in upriver levee breaks relieving pressure on SAFCA levees. A pattern is emerging of SAFCA attempting to dodge its fundamental responsibility – model where the floodwaters will go. This is not an argument against SAFCA's effort to protect the tens of thousands of homes and hundreds of businesses that currently do, and no doubt in the future will, populate the Natomas Basin. It is a demand for SAFCA to be honest about who gets hurt when Natomas residents get helped. If a three-foot higher levee keeps floodwater out of the Natomas basin, who gets wet? Yolo County? Then model that and mitigate for it. Garden Highway residents? Then model that and mitigate for it.

23-3  
(Cont.)

For Garden Highway residents, there is also another, subtler concern about flooding that your hydraulic analysis fails to address. That is, how will these much wider, higher levees affect dam operations at Shasta, Oroville and other reservoirs whose water releases can alter Sacramento River levels? In past flood events, dam operators have sometimes pushed their systems to the limit in their efforts to find the best strategy to protect the most people. Yet with much stronger levees protecting a densely populated Natomas region, that evaluation of what the "limits" are might change. Even short of a major flood, if these upgraded levees lead to increased winter and spring flows into the Sacramento, then the 150-plus households on the west side of Garden Highway would be put at risk of being flooded to greater depths, more frequently or for longer durations. Yet your hydraulic modeling does not spell out what assumptions it



makes about reservoir operations during flood events. It also does not detail what conversations, if any, your engineers have had with reservoir operators to learn how these more robust levees would affect their decision making during future flood emergencies.

The hydrology section of the final EIR on the landside project is inadequate. It must be expanded to include the following:

1. Replace the current, deficient hydrological model with one that assumes other levees will not fail upstream in 100- and 200-year floods.
2. If your new model assumes that water levels in the Sacramento River will be reduced by levee overtopping or failure on the Yolo County side, include written assurances from affected Yolo County landowners and their reclamation district(s) that they will never seek to raise their levees.
3. Absent such assurances from the Yolo County side, model flood levels for Garden Highway homes using the assumption that Yolo levees will be raised to heights that equal Sacramento levees.
4. Mitigate all impacts revealed by these models.
5. Explain exactly what assumptions your new model makes about the volume and duration of water releases from Oroville during 100-year and 200-year flood events and during all other winter/spring operations.
6. Explain exactly what assumptions are being made about the volume and duration of water releases from Shasta during 100-year and 200-year flood events and during all other winter/spring operations.
7. Include written correspondence from the operators of both dams, detailing how these releases either would or conceivably could change as a result of Natomas levees being reinforced and raised.
8. Model those changes to quantify the potential flooding impact on the more than 150 households that are on the western, wet side of the Garden Highway. These models should specifically address whether the duration or frequency of high water events could increase, as well as how much river levels could rise.
9. Mitigate all additional flood impacts from the potential interaction between better Natomas levees and upstream dam operation decisions.

23-3  
(Cont.)

The noise and traffic sections of your draft landside EIR are also inadequate. They characterize the problem fairly well, but leave gaps about traffic routing

23-4

and night work hours that need to be addressed. Both sections also need to include much more effective mitigation measures. You note that you anticipate generating noise that exceeds state and local standards. You acknowledge that you may do so during "early morning and nighttime hours," resulting in potential "sleep disturbance." Yet by and large, your suggested mitigations (quieter equipment, limited alarms and bells, etc.) do not reduce these impacts in a meaningful way. Imagine living next to a construction site for seven months. Imagine the work going on overnight, so that during the hottest summer months, you cannot even open the windows to capture the Delta breeze without getting a blast of noise and dirt along with it.

23-4  
(Cont.)

The noise section of the final EIR on the landside project is inadequate. It must be expanded to include the following:

1. Quantify the duration and frequency of anticipated night and early morning operations. The current language is vague, using phrases like "may be necessary." That is inadequate to assess the potential impact. A single night of construction work is very different from days, weeks or months of overnight noise in extreme violation of community standards. This element should characterize the work much more specifically, in terms of anticipated number of nights involved – more than two? more than 10? between 20 and 50?
2. Increase the effectiveness of your proposed mitigations. Your draft EIR notes that in Sutter County, where the first homes will be affected, there is no exemption allowing construction work to violate noise standards. Yet you intend to violate them. It is unhelpful to suggest that severe impacts will be inflicted on residents but that they cannot be mitigated. They can. Some suggestions: Either cut back drastically on construction hours, or offer the most-affected residents respite through temporary relocation. Depending on how quickly you would like construction to proceed, you could simply commit, in writing, to limiting construction days and hours. I suggest, as a realistic limitation, that construction be restricted to Monday through Friday, beginning at 9 a.m. and concluding at 5 p.m. If you wish to complete the levees more quickly than that, I suggest you compensate affected residents sufficiently so that those who choose to do so can move to alternative housing during the times when your project violates noise standards. (At the Oct. 18 public

23-5

meeting Mr. Buer suggested that work would be done on a "6/12" schedule. This is not adequate nor is it included in the draft EIR.)

23-5  
(Cont.)

The transportation section of the final EIR on the landside project is inadequate. It must be expanded to include the following:

1. Detail the truck route that will be used to carry levee construction material to the land side of the Sacramento River east levee from Cross Canal to the Prichard's Lake pumping station. Specifically, you should commit in writing to creating a temporary access road on the land side, so that trucks hauling massive amounts of dirt are able to stay below Garden Highway, potentially muffling their noise and seriously reducing the traffic hazard they pose. (In my Oct. 22 telephone conversation with Mr. Buer and Ms. Gualco, Ms. Gualco stated that although the matter was not addressed at the Oct. 18 meeting, you, Mr. Bassett, had developed a plan that will keep all construction traffic, save for some worker commuting, off the Garden Highway. We certainly consider the inclusion of a written guarantee of that, including an enforcement apparatus, a good start.)

2. Improve mitigations with regard to construction worker commute traffic. This neighborhood learned to our dismay during the 2007 Cross Canal improvements that construction workers routinely exceeded local speed limits. The residential stretch of Garden Highway in Sutter County has a 35 mph speed limit. Many young children live and play here. Yet construction workers were often seen driving at speeds that exceeded 50 mph. This is a somewhat remote area and workers may fail to fully appreciate its residential character. Mitigation for construction crew traffic should specify that contractors will: notify workers of the speed limit in writing; keep a log of worker vehicles' license plates; provide a hot line for residents to report the license plates of speeding vehicles; and take whatever disciplinary steps are necessary to ensure employees do not speed to or from work.

3. Improve mitigations with regard to construction-related truck trips. All soil-hauling and empty truck return traffic should be routed off Garden Highway entirely and onto construction access routes. Any heavy trucks that have to briefly traverse Garden Highway should not exceed 20 mph in Sutter County to reduce noise and traffic hazards.

23-6

4. Specific planning for residential/public access to Garden Highway on Riego and Sankey roads should be laid out in the EIR.

23-6  
(Cont.)

The final EIR on the bank protection project is also inadequate on several points. It must be expanded to include the following:

1. The timeline for construction is unnecessarily vague. We understand your preference for a certain amount of operational flexibility, but to decline to reveal even the year involved seems extreme. Specify, at least for river mile 77.3, in what year work will take place and its duration.
2. Increase the effectiveness of noise mitigations as described above.
3. If for any aspect of this project land-based construction cannot be avoided, increase the effectiveness of transportation mitigations as described above.

23-7

The draft EIR on the landside project states that you have met with "stakeholders and landowners to discuss and resolve any potential areas of controversy associated with the project. Based on these discussions, there are no known areas of controversy associated with the proposed project." I have spoken to many of the residents on the water side of the Garden Highway levee in Sutter County, and not one of them was consulted prior to the preparation of your draft EIR. We appreciate your present attempt to comply with the law and look forward to our concerns being meaningfully addressed in the next iteration of the EIRs.

(In response to comments at the Oct. 18 public meeting, SAFCA board members strongly suggested that more adequate notice be given. It was also suggested that the period for comments be extended beyond the current Oct. 29 cutoff. On Oct. 22 Ms. Gualco contacted me to seek my input into the issue of notice. In a telephone conversation that day Ms. Gualco, Mr. Buer and I talked about the possibility of SAFCA personally contacting the approximately 20 water side households and setting up one or more meetings. I explained that I am unavailable until Monday, Oct. 29, the last day for comment. I suggested that should such a meeting or meetings be held, the period for comment should be extended long enough to give affected residents time to comment. I noted that after the last meeting between SAFCA and the Sutter County residents, years went by during which SAFCA had no contact with us and did not pursue any of

23-8

the plans then discussed. I was concerned that the Sutter County residents therefore might not fully appreciate the seriousness of SAFCA's current intention to go forward. Mr. Buer stated that he did not feel legally obligated to extend the comment period and that comments received after Oct. 29 would not need to be addressed in the final EIR. This haste seems inappropriate given the inadequate notice that people here actually received and the potential enormity of the impacts on our neighborhood and our safety. In the course of this conversation Ms. Gualco indicated that SAFCA would attempt to individually and personally contact each of the Sutter County households and set up one or more meetings to discuss the project and its impacts. On Oct. 23 letters were placed in the mailboxes of many of those households reiterating that the comment period would be closed on Oct. 29. No meeting prior to that date was suggested.)

23-8  
(Cont.)

Sincerely,



Roy Dahlberg  
Attorney at Law

Copies to:  
Sutter County supervisor Dan Silva  
Yolo County  
California Reclamation Board

**Roy Dahlberg**

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- 23-1 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which determined and concluded that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1 under “Impacts on Garden Highway Residents.”
- 23-2 For purposes of analyzing Impact 3.12-a, construction noise was modeled in terms of worst-case noise levels based on types of equipment and types of construction activities that would be required for the project. See response to Comment 20-2 regarding truck haul routes. The mitigation measures described on pages 3.12-11 through 3.12-15 are adequate to reduce the potential significant impacts to less-than-significant levels.
- 23-3 Given the agricultural status of the west side of the Sacramento River in Yolo County, its limited access to urban infrastructure, and the cost associated with major levee improvements, it is not reasonably foreseeable that the west levee would be raised to meet an urban level of protection. See Master Response 1 under “The Approach Used in the NLIP Has Been Adopted by the State Legislature.” SAFCA conducted hydraulic modeling under two scenarios: (1) levee failure occurs when the water surface elevation reaches the top of a levee and (2) levees overtop without failing. For further modeling assumptions, see Master Response 1 under Section 2.2.5, “Effect of the NLIP on SRFCP Function and Operations.” Under both scenarios, the model showed that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project.
- 23-4 SAFCA would mitigate potential noise and traffic impacts to the extent feasible. See Master Response 3.
- 23-5 See response to Comment 23-2.
- 23-6 See Master Response 3 regarding traffic safety and truck hauling activities and routes.
- 23-7 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with all CEQA requirements regarding notice to the public and public agencies.
- 23-8 See response to Comment 23-7.

-----Original Message-----

From: Elmon [\[mailto:elmon@hughes.net\]](mailto:elmon@hughes.net)

Sent: Monday, October 29, 2007 9:03 AM

To: Bassett, John (MSA)

Cc: Dickinson, Roger; [keatdavis@aol.com](mailto:keatdavis@aol.com); [hargo@cityofsacramento.org](mailto:hargo@cityofsacramento.org);

Yee, Jimmie; [scohen@cityofsacramento.org](mailto:scohen@cityofsacramento.org); [brian@hrmco.org](mailto:brian@hrmco.org); [vgmoose@aol.com](mailto:vgmoose@aol.com);

Nottoli, Don; [dchristo@ch2m.com](mailto:dchristo@ch2m.com); [supervisors@co.sutter.ca.us](mailto:supervisors@co.sutter.ca.us); [jshiels@winfirst.com](mailto:jshiels@winfirst.com)

Subject: FW: GH Neighbor - Submit Comments by 5 PM Monday!

TO: John Bassett

Sacramento Area Flood Control Agency

1007 7th Street, 7th Floor, Sacramento, CA 95814

[BassettJ@SacCounty.net](mailto:BassettJ@SacCounty.net)

RE: Natomas Levee Improvement Program: Landside  
Improvements Project and Bank Protection Project

From: Patricia and Aaron Elmon

3963 Garden Highway

Sacramento, CA 95834

Pursuant to Section 15126(d) of the State CEQA Guidelines, an EIR must describe and evaluate a reasonable range of alternatives that would feasibly attain most of the basic project objectives and would avoid or substantially lessen any other significant impacts of the project as proposed. The draft EIRs fail to meet this minimum standard. There is not adequate information in the draft EIRs for Garden Highway residents to even understand where their property is in relation to proposed work. The lack of information means residents living adjacent to proposed work and decision-makers cannot reasonably understand the impacts of the proposed work, opportunities to avoid impacts, or possible mitigations. In addition, information is not presented on mitigations that would lessen impacts on Garden Highway residents.

24-1

24-2

I am requesting that the comment period be extended a minimum of 30 days during which time at least 3 meetings would be held for Garden Highway residents in a location convenient for Garden Highway residents, at least 2 of the meetings would be held in the evening and at least one meeting would be held on a weekend day. Residents should receive at least 7 days notice before the meetings are held. The goal of the meetings would be for staff to provide additional information that would allow Garden Highway residents to understand where their address or parcel is in relation to planned work (bank protection work, levee work, tree removal, etc.), to provide specific information to Garden Highway residents about the work proposed on the levee and on the waterside of their homes, to address mitigations, and to gather input from and respond to residents about their concerns. Any commitments made by staff at the meetings would be followed-up in writing and made available to residents before the end of the comment period.

24-3

At a minimum, the EIRs should include the following mitigations to lessen the impacts on Garden Highway residents:

- Mitigate new flood impacts on Garden Highway homes, such as raising all Garden Highway homes in areas where the levee is being raised. Develop a plan, agreed to by Garden Highway residents, to mitigate new flood risks to Garden Highway homes resulting from increasing the height of the levee in relation to the height of homes.	24-4
- Move the Garden Highway roadway as far as possible toward the landside of the new levee to avoid safety problems caused by a levee higher than the roadway, to improve traffic safety for residents pulling out of their driveway, and to allow for safer recreational uses on the existing Garden Highway.	24-5
- Include in levee protection plans moving water out of the Sacramento River channel into bypasses at lower elevations than is done currently, such as lowering permanent floodgates and opening weirs sooner.	24-6
- Underground all utilities, rather than moving power poles.	24-7
- Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted within 1000 feet of any residence. Restrict all project work to Monday to Friday from 7:00 AM or 30 minutes after sunrise whichever occurs later, to 6:00 PM or 30 minutes before sunset whichever occurs first, with no operations occurring on County holidays.	24-8
- Establish hauling routes that minimize traffic on Garden Highway so that access roadways such as Riego, Elverta, Powerline, etc. and maintenance roads are used to the greatest extent possible.	24-9
- Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.	24-10
- Develop a traffic safety plan so that trucks that must be on Garden Highway travel at slower speeds, drivers are trained to watch for residents pulling out of driveways, and trucks are far enough apart to allow residents to safely pull out of driveways onto the roadway and to allow emergency equipment to pass.	24-11
- Specify how the project will provide permanent access between resident driveways and the elevated roadway.	24-12
- Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why.	24-13
- Provide greater protection to established habitat areas such as the area around Fisherman's Lake and the reservoirs south of Elverta Road and north of the Teal Bend Golf Course and provide adequate protections for protected species and species of special concern, including river otters.	24-14
- Establish a communications plan that provides at least 72 hours of advance notice of events impacting Garden Highway residents such as road closures and power interruptions.	24-15
- Establish an advocate office for resolution of complaints during the project which is staffed the same hours as work is underway.	



I believe flood protection can be provided for Sacramento and impacts on Garden Highway residents can be minimized. It is not the intent of Garden Highway residents to unnecessarily delay improved safety, but the lack of information in the draft EIRs, the lack of mitigations in the draft EIRs, and the lack of communication with Garden Highway residents necessitates a delay long enough to provide information and communicate with those impacted by the project.

Contact Information for Garden Highway Residents:

SAFCA: Sacramento Area Flood Control Agency Draft Environmental Impact Reports on (available on SAFCA website):

Natomas Levee Improvement Program- Landside Improvements Project;  
Natomas Levee Improvement Program- Bank Protection Project;

SAFCA Website: [www.SAFCA.org](http://www.SAFCA.org) - look for the link to the draft environmental reports  
Office: SAFCA: Sacramento Area Flood Control Agency  
1007 7th Street, 7th Floor, Sacramento, CA 95814  
Fax: (916) 874-8289

Written comments are due by 5:00 PM on Monday, October 29, 2007 to:

John Bassett/NLIP Landside DEIR Comments  
Sacramento Area Flood Control Agency  
1007 7th Street, 7th Floor, Sacramento, CA 95814  
Fax: (916) 874-8289  
[BassettJ@SacCounty.net](mailto:BassettJ@SacCounty.net)

If comments are provided via e-mail, include the project title in the subject line (Natomas Levee Improvement Program), attach comments in MS Word format, and include the commenter's U.S. Postal Service mailing address.

County Supervisor representing Garden Highway: Roger Dickinson  
700 H Street, Suite 2450, Sacramento CA 95814  
[dickinsonr@saccounty.net](mailto:dickinsonr@saccounty.net)  
(916) 874-5485; (916) 874-7593 FAX  
Roger Dickinson is also on the SAFCA Board

President of the Garden Highway Homeowners Association (SRPOA-Sacramento River Property Owners Association):  
Ken Wagner  
[Kwegner@amgen.com](mailto:Kwegner@amgen.com)  
Garden Highway website: [www.SRPOA.org](http://www.SRPOA.org)  
User ID: marina; Password: riprap

SMUD

Regarding requests for undergrounding utilities rather than moving power poles into our yards and planned communication during the project regarding utility outages, also contact:

SMUD Board Member Representing our area: Peter Keat  
732-6155; phone mail: 732-5350  
[keatdavis@aol.com](mailto:keatdavis@aol.com).

Suggested requests to SMUD: underground all utility lines on Garden Highway, communicate planned power outages and service disruptions at least 72 hours in advance, and provide at no cost surge protection to all service address in the project area for the duration of the project to prevent surge-related damage from project-related power interruptions,

SAFCA Board of Directors (13 Members)  
See suggested comments in letter above

Heather Fargo - Chair  
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Susan Peters - Vice Chair  
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Roberta MacGlashan, [macglashanr@saccounty.net](mailto:macglashanr@saccounty.net)  
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Don Nottoli, [nottolid@saccounty.net](mailto:nottolid@saccounty.net)  
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David Christophel, [dchristo@ch2m.com](mailto:dchristo@ch2m.com)  
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1633 Garden Highway, Sacramento, CA 95833  
(916) 922-9173 (Fax 922-2129)

Warning: This is long document, if you don't care about your future on the Garden Hwy please at least read the next few bullet statements. If you plan on living here for the next few years, please read everything.

There was a very important meeting on 18 Oct 2007 concerning the levee 'improvement' projects that most Garden Hwy residents missed. A notice was sent to all residences, but I do not think everyone understands the ramifications we all will face. Based on what I know so far, the most important impacts are:

- . 40,000 lbs trucks on the Garden Hwy going by every 30 seconds
- . Moving of current telephone / power poles to your property
- . Removal of all trees / bushes / fences that interfere with new power poles
- . Public comment period on this project ends 29 Oct 2007

One heavy truck (transfer loader: 40,000 lbs), every 30 seconds, 6 days a week, traversing Garden Hwy will be going by our homes starting next year (2008). According to the Environmental Impact Report (EIR), this is a minor disturbance. We need to let SAFCA (Sacramento Area Flood Control Agency) know this is not the case. According to the report, most truck travel will be during daylight hours, but the use of night time trucking is not restricted. We need to implement a strict 'quiet hours' operations restriction.

The report does not address mitigating the use of Garden Hwy, we need to insist on the maximum use of alternate roads of transportation. We have to insist that they use alternate means of access to the Garden Hwy levee to the maximum extent possible. This would include all parallel roads and using the land side of the levee to build temporary access ways for the enormous amounts of dirt that will be required.

The most recent plans for the 'levee improvement project' plan require the movement of all power / telephone poles from the land side of the levee to the river side. This would mean moving the poles onto our property, within our right of way and interfering with our driveways, parking, and trees. The Environmental Impact Report (EIR) states this would be minimally invasive, as tree trimming would be the only concern. If you drive down Garden Hwy you can quickly determine this is not the case. There are hundreds (if not thousands) of trees that would need to be cut down, numerous fences and gates that would need to be moved, and a substantial reduction on the precious little parking that is available on the Garden Hwy. It is still to be determined if this is even legal. As far as we know there are no easements on our property for the utility poles to be moved onto. If they try to get easements, we have several avenues to pursue, including reduction in property value, reduction in property ascetic value, and potential health hazards from close proximity to power lines. Unfortunately for us, several billions of dollars of development was allowed to be done illegally on the Natomas side of the levee, so we are at a disadvantage when it comes to the 'greatest concern' of flooding.

We, as the owners of property along the Garden Hwy levee, forced to subjugate ourselves to this construction over the next 3+ years (projected to last 3 years, how many government projects have completed on time.) have to demand a return on our sacrifices. We need to insist on improving basic services along Garden Hwy (Cable TV / fiber optics / natural gas / internet) in the new expanded levee. After all, any new development in California is guaranteed these services based on current code requirements. The city and county should be thankful that we are not requiring water and sewer that we would be entitled to.

Last, but not least. A major part of the 'levee improvement project' is a service road on the new levee project so they can inspect the levee for water seepage during flooding. This 'road' is already budgeted into the project. We need to insist that as mitigation for our sacrifices the road be a joint use bicycle / jogging path, paved and designated. It is currently planned as a rock / gravel road, only accessible during levee assessment. To pave this access road would cost pennies on the hundreds of millions of (tax) dollars this project is estimated to cost. Currently this levee improvement project is projected to cost more than \$400,000,000 tax dollars. This estimate is before cost overruns.

In retrospect, If you affirm, as a resident of Garden Hwy, that we need to protect our rights and insist on responsible government action, please let our representatives know how you feel. Feel free to copy this message and /or add anything you feel appropriate.

Remember: If you don't like what happens in the future, you can only blame yourself if you don't try to fix it while you have the chance.

Patricia and Aaron Elmon  
3963 Garden Highway  
Sacramento, CA 95834  
[elmon@hughes.net](mailto:elmon@hughes.net)  
916.649.8154

**Patricia and Aaron Elmon**

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- 24-1 Project alternatives are discussed and their impacts are evaluated in Chapter 6, “Alternatives,” of the DEIR.
- 24-2 Project features to be constructed in 2008 are described at a project level of detail in Section 2.3.2.3. Project features to be constructed in 2009–2010 are described at a program level of detail in Section 2.3.2.4. Exhibits 2-23a through 2-23d and 2-26a through 2-26f show the proposed project features in relation to the Garden Highway. Construction of the adjacent setback levee, seepage berms, access roads, and woodland plantings would take place to the land side of the Garden Highway. Reconfiguration of the intersections where roads connect to the Garden Highway would be adjacent to and on short sections of the Garden Highway. SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 24-3 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies
- 24-4 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which determined that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1 under “Impacts on Garden Highway Residents.”
- 24-5 Relocation of the Garden Highway is not part of the proposed project and is not needed to meet the project objectives or to mitigate impacts of the project. The DEIR addresses traffic related hazards under Impact 3.10-b. See Master Response 3.
- 24-6 See response to Comment 24-4.
- 24-7 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 24-8 The DEIR addresses noise impacts from short-term construction and hauling activity under Impact 3.12-a and 3.12-d. See Master Response 3 under Section 2.4.2, “Temporary Construction Noise Impact.”
- 24-9 See response to Comment 20-2.
- 24-10 Control of temporary dust (PM<sub>10</sub>) emissions from construction is described in Mitigation Measure 3.11-a and further discussed in Master Response 3 under Section 2.4.3, “Temporary Construction Dust Emission Impact.”
- 24-11 See Master Response 3 under Section 2.4.1, “Temporary Construction Impacts on Traffic Safety.”
- 24-12 See response to Comment 22-14.
- 24-13 Trees that require removal to accommodate levee improvements can generally be determined based on examination of Exhibits 2-19, 2-23, and 2-26 in the DEIR. Trees within the project footprint or maintenance access areas depicted in these exhibits are anticipated to be removed. In order to adequately disclose potential impacts on trees, SAFCA calculated the acreage of woodland habitat that would be affected. The required size of the mitigation tree planting area was estimated based on this impact

acreage. Measurement of specific trees to be removed would be made prior to project implementation and used as the basis for determining the number of trees to be planted in the mitigation areas.

24-14 See Master Response 2.

24-15 This is not a comment on the DEIR. SAFCA is committed to maintaining the best possible communication with affected residents.

24-16 The commenter has not identified specific areas where the DEIR lacks information. See response to Comment 24-15.

PATRICIA & AARON ELMORE  
3963 GARDEN HWY.  
SACRAMENTO CA 95834

We as Garden Hwy residents know that flood protection for Natomas is very important, but we want to make sure that our interests are accounted for. Our homes have been flood approved and built long before the 'questionable' building in the Natomas flood basin. The fact that building in the flood basin was restricted until the flood zone change in 1998 (reference the attached FEMA document) is now a major problem since FEMA has finally evaluated the levees and determined they are not up to the 100 year protection requirement.

Here are my 'public comments' on the EIR concerning the Natomas "Landside Improvement Project":

One heavy truck (transfer loader: 40,000 lbs), every 30 seconds, 6 days a week, traversing Garden Hwy will be going by our homes starting next year (2008). According to the Environmental Impact Report (EIR), this is a minor disturbance. We need to let SAFCA (Sacramento Area Flood Control Agency) know this is not the case. According to the report, most truck travel will be during daylight hours, but the use of night time trucking is not restricted. We need to implement a strict 'quiet hours' operations restriction.

25-1

The report does not address mitigating the use of Garden Hwy, we need to insist on the maximum use of alternate roads of transportation. We have to insist that they use alternate means of access to the Garden Hwy levee to the maximum extent possible. This would include all parallel roads and using the land side of the levee to build temporary access ways for the enormous amounts of dirt that will be required.

25-2

The most recent plans for the 'levee improvement project' plan require the movement of all power / telephone poles from the land side of the levee to the river side. This would mean moving the poles onto our property, within our right of way and interfering with our driveways, parking, and trees. The Environmental Impact Report (EIR) states this would be minimally invasive, as tree trimming would be the only concern. If you drive down Garden Hwy you can quickly determine this is not the case. There are hundreds (if not thousands) of trees that would need to be cut down, numerous fences and gates that would need to be moved, and a substantial reduction on the precious little parking that is available on the Garden Hwy. It is still to be determined if this is even legal. As far as we know there are no easements on our property for the utility poles to be moved onto. If they try to get easements, we have several avenues to pursue, including reduction in property value, reduction in property ascetic value, and potential health hazards from close proximity to power lines.

25-3

We, as the owners of property along the Garden Hwy levee, forced to subjugate ourselves to this construction over the next 3+ years (projected to last 3 years, how many government projects have completed on time...) have to demand a return on our sacrifices. We need to insist on improving basic services along Garden Hwy (Cable TV / fiber optics / natural gas / Internet) in the new expanded levee. After all, any new development in California is guaranteed these services based on current code requirements. The city and county should be thankful that we are not requiring water and sewer that we would be entitled to.

25-4

Last, but not least. A major part of the 'levee improvement project' is a service road on the new levee project so they can inspect the levee for water seepage during flooding. This 'road' is already budgeted into the project. We need to insist that as mitigation for our sacrifices the road be a joint use bicycle / jogging path, paved and designated. It is currently planned as a rock / gravel road, only accessible during levee assessment. To pave this access road would cost pennies on the hundreds of millions of (tax) dollars this project is estimated to cost. Currently this levee improvement project is projected to cost more than \$400,000,000 tax dollars. This estimate is before cost overruns.

25-5

Sincerely -

Patricia Elmore *Patricia Elmore*



**Patricia and Aaron Elmone**

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- 25-1 See response to Comment 20-2.
- 25-2 See response to Comment 20-2.
- 25-3 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 25-4 Mitigation is required under CEQA to lessen or avoid the significant effects on the environment of a proposed project. The proposed project will not have a significant adverse effect on television, fiber optics, natural gas, or internet services to owners of property along the Garden Highway. CEQA does not require mitigation for existing conditions.
- 25-5 See response to Comment 25-4. A bike path is beyond the scope of the project evaluated in the DEIR, but could be addressed at a later date by the agencies responsible for recreational infrastructure planning and development in the Natomas Basin.

SACR 07 OCT 24 PM 2:09

Brian Fahey D.D.S.  
 Lauren Kondo D.D.S.  
 10461 Garden Hwy  
 Sacramento, Ca. 95837

Safca  
 John Bassett  
 1007 7th Street, 7th Floor  
 Sacramento, Ca. 95814

Dear John Bassett and Safca,

I am writing this letter to you in response to your letter dated September 14, 2007. This letter detailed the work proposed on Garden Hwy in Sutter County. In this letter you propose to raise the height of the existing levee by approximately three feet, and plan to bevel the levee going out two hundred and seventy five feet.

From what I have been able to discern from newspaper articles, your report, and neighbors, this task will start May of 2008 and continue for approximately four months. The work is supposedly going to happen six days a week twelve hour a day. Since I am gone from my house ten hours a day four days a week this work will have limited impact upon me. I do hope though there is some thought as to minimizing the noise and dust by perhaps using an access road at the base of the levee.

26-1

My main concern is currently my house is approximately two feet over the existing levee. I looked for a very long time for a house that would not flood before I bought my house. With the raising of the levee by three feet I will now be at risk to flood. My house is currently on a four feet cripple wall. I plan to raise my house up so that I am over the new levee, so as to insure that I will not flood. I am sure that with the raising of this levee there will be change in the standards to which new home owners will have to build to. Will the existing homeowners get any help in making their homes comply with these new requirements?

26-2

I would be very interested in understanding what these requirements will be so that I can start planning to elevate my house. Your response is greatly appreciated.

Thank You

*Brian Fahey D.D.S.*  
Brian Fahey D.D.S.  
*Lauren Kondo D.D.S.*  
Lauren Kondo D.D.S.

**Brian Fahey and Lauren Kondo**

---

26-1 See response to Comment 20-2.

26-2 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which concludes that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1 under “Impacts on Garden Highway Residents.”

October 29, 2007

Mr. John Bassett  
Sacramento Area Flood Control Agency  
1007 Seventh Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Dear Mr. Bassett:

**NATOMAS LEVEE IMPROVEMENT PROGRAM: LANDSIDE IMPROVEMENTS  
PROJECT AND BANK PROTECTION PROJECT**

Section 15126(d), California CEQA Guidelines, requires that an EIR must describe and evaluate a reasonable range of alternatives that would feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project as proposed. The draft EIRs do not meet this minimum standard.

27-1

The draft EIRs do not contain sufficient information for Garden Highway residents to identify where their property is in relation to the proposed work. Because of this lack of information, residents affected by the proposed work and decision makers cannot reasonably understand the impacts of the proposed work, opportunities to avoid impacts or possible mitigations. Also, information is not available on mitigations that would lessen impact on Garden Highway residents.

27-2

To lessen the impacts on Garden Highway residents, the IERS should include the following minimum mitigations:

- Mitigate new flood impacts on Garden Highway homes, such as raising all Garden Highway homes in areas where the levee is being raised.
- Move the Garden Highway roadway as far as possible toward the landside of the new levee to avoid safety problems caused by the levee being higher than the roadway.
- Underground all utilities rather than moving power poles.
- Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted.
- Establish hauling routes that minimize traffic on Garden Highway.
- Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.
- Develop a traffic safety plan so that trucks on Garden Highway travel safely and with no negative impact on residences.
- Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why.

27-3

27-4

27-5

27-6

27-7

27-8

27-9

27-10

We request that the comment period be extended a minimum of 30 days to allow for at least three meetings with Garden Highway residents. Residents should receive at least seven days notice prior to the meetings. These meetings would allow staff to provide additional, necessary information required by Garden Highway residents.

27-11

Flood protection can be provided for Sacramento while minimizing impacts on Garden Highway residents. It is not our intent to unnecessarily delay improved protection; but the inadequate information in the draft EIRs, the lack of mitigations in the draft EIRs and the lack of communication with Garden Highway residents require a delay sufficient to provide information and communication with those impacted by the project.

Sincerely,

Mary Lynn and Darrell Ferreira  
6901 Garden Highway  
Sacramento, CA 95837

**Mary Lynn and Darrell Ferreira**

- 27-1 Project alternatives are discussed and their impacts evaluated in Chapter 6, “Alternatives,” of the DEIR. This comment fails to identify any reasons that the DEIR alternatives analysis does not meet the requirements of CEQA.
- 27-2 Project features to be constructed in 2008 are described at a project level of detail in Section 2.3.2.3. Project features to be constructed in 2009–2010 are described at a program level of detail in Section 2.3.2.4. Exhibits 2-23a through 2-23d and 2-26a through 2-26f show the proposed project features in relation to the Garden Highway. Construction of the adjacent setback levee, seepage berms, access roads, and woodland plantings would take place to the landside of the Garden Highway. Reconfiguration of the intersections where roads connect to the Garden Highway would be adjacent to and on short sections of the Garden Highway. The DEIR analyzes a variety of potential impacts that could affect Garden Highway residents, including transportation and circulation (Section 3.10), air quality (Section 3.11), noise (Section 3.12), visual resources (Section 3.14), utilities (Section 3.15), and hazards/hazardous materials (Section 3.16). See Master Responses 3 and 4.
- 27-3 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which concludes that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1.
- 27-4 Relocation of the Garden Highway is not part of the proposed project and is not needed to meet the project objectives or to mitigate impacts of the project. The DEIR addresses traffic-related hazards under Impact 3.10-b. See Master Response 3.
- 27-5 See Master Response 4.
- 27-6 The DEIR addresses changes in light and glare under Impact 3.14-a. Noise impacts from short-term construction and hauling activity are addressed under Impact 3.12-a and 3.12-d.
- 27-7 See response to Comment 20-2.
- 27-8 Control of temporary dust (PM<sub>10</sub>) emissions from construction is described in Mitigation Measure 3.11-a. See Master Response 3 under Section 2.4.3, “Temporary Construction Dust Emission Impact.”
- 27-9 See Master Response 3 under Section 2.4.1, “Temporary Construction Impacts on Traffic Safety.”
- 27-10 See response to Comment 24-13.
- 27-11 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies. The commenter has not identified specific areas where the DEIR lacks information.

SAFCA 07 SEP 28 PM 3:13

JAB

September 26, 2007

Sacramento Area Flood Control Agency  
1007 7th St.  
Sacramento CA 95814  
Attention: John Bassett

Subject: Comments regarding wildlife on the Natomas Levee Improvement Program  
Bank Protection Project - DEIR

This DEIR is well done, and mitigation for anticipated losses has been well considered. There is one error in the description regarding the Cooper's Hawk on page 7.48. Cooper's Hawks are primarily bird-eating hawks and they hunt primarily in riparian and other wooded areas that contain the birds that they prey upon. Bird books that list their feeding habits verify this. This feeding activity can be readily observed along the American River Parkway riparian habitats. A simple wording change will correct the entry. I recommend changing the statement, "...no suitable foraging habitat exists at the project sites" to "...suitable foraging habitat exists at the project sites." I also recommend deleting the following wording regarding foraging habitat in agricultural areas.

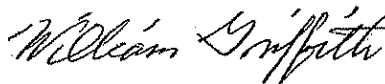
28-1

Subject: Comments regarding wildlife on the Natomas Levee Improvement Program  
Landside Project - DEIR

This DEIR is well done, and mitigation is appropriate in volume. However, I have concerns regarding the location of managed habitats in the vicinity of the Sacramento International Airport. Pages 3.2-12 to 3.2-13 do include statements identifying the need to coordinate the habitat improvement with the Sacramento County Airport System to minimize the hazards to planes and passengers due to the wildlife that are attracted to these airport areas. The California Department of Fish and Game must be an active participant in these coordinating planning sessions to protect planes, passengers and wildlife. Wildlife habitat improvement as mitigation should be located away from the airport, and away from its approach and takeoff areas.

28-2

Thanks for the two good DEIRs,



William Griffith, Wildlife Biologist (Ret.)

cc: Ryan Broddrick, CA Department of Fish and Game  
Gregg Ellis, Jones & Stokes  
Roberta Childers, EDAW



**William Griffith**

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28-1 This is a comment on the Bank Protection EIR.

28-2 See response to Comment 19-8.

**From:** Dave Gross [mailto:DGross@adamspoolsac.com]  
**Sent:** Monday, October 29, 2007 11:45 AM  
**To:** Bassett, John (MSA)  
**Cc:** Dave Gross  
**Subject:** Comments: Natomas Improvement South of Power Line Road

I attended the October 18, 2007 meeting and was surprised that there was such a small turnout of home owners. I, like most residents of the Garden Highway, do not receive mail at my home due to Mail theft. Most of us have PO boxes due to this circumstance.

29-1

The only reason I knew about the October 18'th meeting was because I read the paper every day, I never received anything in the mail regarding the meeting.

My biggest concern is the movement of the power lines onto the River side of the levee. What is the purpose of this placement? Hundreds of trees would have to be moved in addition to the disruption of the existing homeowner.

29-2

Why not instead, move the power lines back on the new levee or do improvements and put the utilities underground.

I loose phone service every winter due to poor utility lines, animal damage etc.

How high is the River expected to run during a wet winter after the levee improvements are completed. My current home elevations were designed to prevent flooding at current and past levels, is the River going to run higher after these improvements therefore placing my property in further danger?

29-3

Why has there been NO discussion on the Weir dams which are outdated and would add much needed improvement for the levee system.

29-4

Please respond to my concerns.

David Gross  
Mailing Address:  
PO Box 348114  
Sacramento, CA 95834

(Residence: 4229 Garden Highway)

**David Gross**

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- 29-1 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies.
- 29-2 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 29-3 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which concludes that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1 under “Impacts on Garden Highway Residents.”
- 29-4 See Master Response 1 under “Consideration of Use of Yolo and Sacramento Bypass Systems to Convey Flood Waters.”

**From:** Holmquist, Wendy [mailto:Wendy.Holmquist@qwest.com]  
**Sent:** Sunday, October 28, 2007 10:58 AM  
**To:** Bassett, John (MSA)  
**Subject:** Natomas Levee Improvement Program

**TO:** John Bassett  
 SAFCA  
 1007 7th Street 7th floor  
 Sacramento CA 95814

**FROM:** Wendy Holmquist  
 7701 Garden Hwy  
 Sacramento, CA 95837  
 H: 916-921-8223  
 C: 925-949-6857

Dear Mr. Bassett,

I am writing to you to express my concerns regarding Natomas Levee Improvement Program and its impact on the residents of the Garden Highway. I am very concerned that we only heard about this program a few weeks ago through word of mouth, and that it will have significant impacts on our daily home life, our commute, as well as our property value.

30-1

I have two small children who play outside during the day, and the dust, debris, and noise that this project will create is frightening. I am also concerned about our only water source be contaminated from the proposed slurry that is going to be less than 30 feet from our well and water table. I would like to see some assurances from the Flood Control Agency that the slurry mixture and the excavating involved with this project will not contaminate our water source during construction or in the future as it expands and contracts.

30-2

We currently have a steep and difficult driveway for access on the Garden Highway. From what I have heard, the proposal will raise the roadway, making entry and exit even more difficult and dangerous for our family. How are you planning on increasing the roadway and having it transition into each respective residents driveway and gate systems to appear flawless and not impact property values? All of us have well maintained, expensive, and meticulously planned entrances to our residences, and I can't see how the project is not going to impact our home improvements in a detrimental manner. I would expect compensation equal to the improvements needed to make our entrance and driveway transition as seamless and aesthetic as it was before the project.

30-3

On that note, the moving of the power lines seems crazy. It will be very costly for the project to relocate the power lines, as well as cause impacts to the natural vegetation and trees. The entire roadway on the riverside of the Garden Highway is lined with tall trees and vegetation. How are you going to get the power lines in and have clearance for them to run the span of the road without tree removal? And how will residents be compensated for the removal of the only barriers we have to block road and airport noise from our residences?

30-4

The Flood Control Agency is dealing with a very unique group of people on the Garden Highway, many with unlimited resources that will do what ever it takes to either stop the project and/or make it very difficult for all groups involved. Here are some actions that I think must be taken in order to work through our concerns and avoid litigation:

- Keep us in the loop! Send each of us hard copies of the DEIR and all reports associated with it so that we can address concerns together.
- We are talking about a small amount of residences that will be impacted by the project. Why not have a representative meet with us in small groups to go through the EXACT plans for the levee in front of each of our houses, and maybe we will determine that our fears are worries are unwarranted. Maybe the impact is not as what we thought it would be? We won't know until we work together to see the plans and come up with a plan to minimize the impacts.
- Create an email distribution for two-way communication on the project so that you can set expectations with residents to ensure that you are not in a damage control mode during the project when surprises occur due to lack of communication. It is the fear of the unknown that is stirring up all of the concerns and emotions!

30-5

I appreciate your careful consideration of the items listed above, and hope my concerns are taken seriously and responded to. It would be nice to start receiving some communication on the project so that we can gain some comfort level with what will occur and work together to address the concerns.

Sincerely,

Wendy Holmquist  
7701 Garden Hwy  
Sacramento, CA 95837

**Wendy Holmquist**

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- 30-1 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies.
- 30-2 The DEIR discusses dust impacts in Section 3.11, “Air Quality,” and noise impacts in Section 3.12, “Noise.” Cutoff walls are included in the overall program as a potential seepage remediation measure and would be implemented in 2009 or 2010. No cutoff walls are included in the 2008 Sacramento River east levee improvement construction phase. Project-level analysis of the effects of cutoff walls will be conducted when technical details of the proposed construction in 2009–2010 become available.
- 30-3 See response to Comment 22-14.
- 30-4 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 30-5 This is not a comment on the DEIR. SAFCA is committed to maintaining the best possible communication with affected residents.

October 29, 2007

Evelyn J. Horangic  
Craig P. Horangic  
2251 University Ave.  
Sacramento, CA

Sacramento Area Flood Control Agency  
1007 7th Street, 7th Floor  
Sacramento, CA 95814

Re: Letter of Concern:  
Parcel numbers. 201-0250-041-0000 (lot 143; 201-0150-020-0000 (lot 144)

As owners of agricultural and rental property along the Garden Highway we are submitting this letter to express our concerns regarding the impact the proposed flood control project will have on our interests. Although we appreciate the urgency of addressing flood risk for the Natomas basin, as well as pressing timing considerations to access available funding, hasty and inadequate planning has risks of its own and may fail to accomplish the desired goal of protection.

The following list represents two categories of our environmental and quality of life related concerns:

Impact on our specific property:

- |   |      |
|---|------|
| <ul style="list-style-type: none"> <li>• Negative egress impact for our contract farmer is a significant issue—general disruption of agricultural operations. Contending with frequent heavy truck traffic for an extended period may result in our farmer deciding that his operation is no longer financially viable, resulting in the loss of productive farm land near an urban area and a financial impact to both the contract farmer and us as the land owner. No satisfactory provision other than the project overseers will monitor contractor performance has been offered.</li> </ul> | 31-1 |
| <ul style="list-style-type: none"> <li>• Negative egress impact for our rental ranch house tenants. Contending with frequent heavy truck traffic for an extended period may result in our tenants deciding that the quality of life has so deteriorated they will be forced to relocate. No satisfactory provision other than the project overseers will monitor contractor performance has been offered.</li> </ul>  | 31-2 |
| <ul style="list-style-type: none"> <li>• I have attempted to obtain more precise information regarding the potential loss of productive agricultural land, but as of yet have not been provided specific information by SAFCA. Any loss of productive land could well result in pushing a marginal agricultural operation to a point where it is no longer financially feasible to operate.</li> </ul>  | 31-3 |
| <ul style="list-style-type: none"> <li>• Access to these parcels during and after construction has not been clarified or guaranteed. Access to Reservoir Road and the easement off the levee at the County Pear Orchard/Yuki Farm will be dramatically impaired by the project, degrading the owner's access to the property.</li> </ul>  | 31-4 |

- No mitigation strategy has been offered for the associated noise pollution. 31-5
- Inadequate time provided to consider known and unanticipated impacts. No mechanism for redress established. 31-6
- No mechanism in place or proposed to address any direct financial impacts on the property owners (loss of rent income, loss of farm income, property damage such as broken windshields, etc). 31-7

**Regional Concerns:**

- Context: City and county government, under pressure from developers, have allowed and enabled the flow of billions of real estate development dollars into a known flood plain. The recent realization that flood risk is high, while no surprise to decision-makers, has slowed development due to regulatory constraints and the associated re-imposition of flood insurance requirements. To resolve the self-imposed dilemma, the proposed solution seriously degrades the environment, quality of life and financial interests for a subset of Natomas Basin property owners in favor of those who have been allowed (to their benefit) to disregard the true risk of development in this area. 31-8
- The proposed solution is a massive undertaking that is being implemented in isolation. Although flood control is a system-wide regional issue involving multiple communities, governments and water control agencies, the proposed solution builds an ostensibly water tight wall around the Natomas basin without regard for the consequences to other areas—even those nearby areas with lower levees. 31-9
- Insufficient time has been allowed for properly vetting more innovative, less costly and less invasive approaches. These innovative solutions have the potential to provide the above described benefits and also be more effective. (e.g. slurry wall, upstream flooding, volume control, etc.) 31-10
- The large scale disruption to the ecological systems has not been fully considered in the haste to press forward with the project. 31-11
- Burning millions of gallons of diesel fuel in a massive multi-year construction project and disrupting a pastoral farming and rural residential community with the goal of achieving flood protection that accepts a high risk for a major flooding event in the next 100 years seems to be extremely costly for a limited benefit. For example, there is a 26% chance that a levee or channel designed to contain the 100-year flood will be at that design capacity at least once over a 30 year period (1 in 4 chance over 30 years). Given the State of California's commitment to curbing CO<sub>2</sub> emissions one would have anticipated more diligent consideration. 31-12
- Because of haste and an inability to coordinate between agencies even the simplest considerations, for instances ensuring visual beauty and recreational value to the levee enhancements, have been overlooked. 31-13
- No consideration for the associated noise pollution. 31-14
- No consideration for the social and community impact. 31-15

In summary: first, the truncated review process has undermined both our personal and community ability to properly evaluate the impact of this massive project from an



environmental, quality of life and financial perspective; secondly, insufficient attention to system- wide implications has been provided; and thirdly, no satisfactory mechanisms for redress have been implemented.

Thank you in advance for carefully considering our concerns.

Respectfully,

Craig P. Horangic

A handwritten signature in black ink, appearing to read "Craig P. Horangic", followed by a horizontal line.

**Evelyn J. and Craig P. Horangic**

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- 31-1 Existing rural road access to and from the Garden Highway would be maintained as part of the design of the project.
- 31-2 See response to Comment 31-1.
- 31-3 See response to Comment 19-5.
- 31-4 See response to Comment 31-1.
- 31-5 The DEIR identifies mitigation for noise impacts in Section 3.12.
- 31-6 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies
- 31-7 The DEIR discusses potential relocation of residents and compensation for land acquisition and replacement housing in Section 1.4, “Scope of the Analysis.” Also, see response to Comment 19-5.
- 31-8 Comment noted.
- 31-9 See Master Response 1 under Section 2.2.5, “The DEIR’s Two-Threshold Approach is Consistent with the Framework Historically Used to Manage the SRFCP.”
- 31-10 SAFCA and USACE have intensively examined flood control measures for the Sacramento area. Chapter 2 of SAFCA’s Local Funding EIR discusses the federal, state, and local response to flood risk since the creation of SAFCA in 1989. Chapter 3 of the Local Funding EIR describes the overall approach to achieving flood control objectives for Sacramento’s major floodplains. Section 2.1.3 of the DEIR describes SAFCA’s process for formulating the plan to achieve the specific objectives of the NLIP Landside Improvements project. See Master Response 1 under “Consideration of Use Of Yolo and Sacramento Bypass Systems to Convey Flood Waters.”
- 31-11 The commenter has not identified specific ecological impacts that the DEIR has not addressed. The DEIR covers fisheries and aquatic resources in Section 3.6 and terrestrial biological resources in Section 3.7.
- 31-12 The Natomas Levee Improvement Program is intended to restore the 100-year certification as quickly as possible while laying the groundwork for achieving at least urban standard (“200-year”) flood protection over time. The DEIR addresses air quality impacts in Section 3.12. The project’s contribution to greenhouse gas emissions is discussed in Section 4.2.5.6.
- 31-13 The DEIR addresses recreation in Section 3.13 and visual resources in Section 3.14.
- 31-14 The DEIR addresses noise in Section 3.12.
- 31-15 The DEIR has addressed social and community impacts to the extent they involve significant physical impacts on the environment, such as noise, air quality, and traffic impacts.

Diane J. Hovey  
6075 Garden Highway, Sacramento, CA 95837  
Phone: 916-925-5951

October 29, 2007

TO: John Bassett  
Sacramento Area Flood Control Agency  
1007 7th Street, 7th Floor, Sacramento, CA 95814  
[BassettJ@SacCounty.net](mailto:BassettJ@SacCounty.net)

RE: Natomas Levee Improvement Program: Landside  
Improvements Project and Bank Protection Project

From: Diane Hovey, 6075 Garden Highway, Sac., Ca 95837

Pursuant to Section 15126(d) of the State CEQA Guidelines, an EIR must describe and evaluate a reasonable range of alternatives that would feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project as proposed. The draft EIRs fail to meet this minimum standard. There is not adequate information in the draft EIRs for Garden Highway residents to even understand where their property is in relation to proposed work. The lack of information means residents living adjacent to proposed work and decision-makers cannot reasonably understand the impacts of the proposed work, opportunities to avoid impacts, or possible mitigations. In addition, information is not presented on mitigations that would lessen impacts on Garden Highway residents.

32-1

32-2

I am requesting that the comment period be extended a minimum of 30 days during which time at least 3 meetings would be held for Garden Highway residents in a location convenient for Garden Highway residents, at least 2 of the meetings would be held in the evening and at least one meeting would be held on a weekend day. Residents should receive at least 7 days notice before the meetings are held. The goal of the meetings would be for staff to provide additional information that would allow Garden Highway residents to understand where their address or parcel is in relation to planned work (bank protection work, levee work, tree removal, etc.), to provide specific information to Garden Highway residents about the work proposed on the levee and on the waterside of their homes, to address mitigations, and to gather input from and respond to residents about their concerns. Any commitments made by staff at the meetings would be followed-up in writing and made available to residents before the end of the comment period.

32-3

At a minimum, the EIRs should include the following mitigations to lessen the impacts on Garden Highway residents:

- Mitigate new flood impacts on Garden Highway homes, such as raising all Garden Highway homes in areas where the levee is being raised. Develop a plan, agreed to by Garden Highway residents, to mitigate new flood risks to Garden Highway homes resulting from increasing the height of the levee in relation to the height of homes.	32-4
- Move the Garden Highway roadway as far as possible toward the landside of the new levee to avoid safety problems caused by a levee higher than the roadway, to improve traffic safety for residents pulling out of their driveway, and to allow for safer recreational uses on the existing Garden Highway.	32-5
- Include in levee protection plans moving water out of the Sacramento River channel into bypasses at lower elevations than is done currently, such as lowering permanent floodgates and opening weirs sooner.	32-6
- Underground all utilities, rather than moving power poles.	32-7
- Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted within 1000 feet of any residence. Restrict all project work to Monday to Friday from 7:00 AM or 30 minutes after sunrise whichever occurs later, to 6:00 PM or 30 minutes before sunset whichever occurs first, with no operations occurring on County holidays.	32-8
- Establish hauling routes that minimize traffic on Garden Highway so that access roadways such as Riego, Elverta, Powerline, etc. and maintenance roads are used to the greatest extent possible.	32-9
- Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.	32-10
- Develop a traffic safety plan so that trucks that must be on Garden Highway travel at slower speeds, drivers are trained to watch for residents pulling out of driveways, and trucks are far enough apart to allow residents to safely pull out of driveways onto the roadway and to allow emergency equipment to pass.	32-11
- Specify how the project will provide permanent access between resident driveways and the elevated roadway.	32-12
- Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why.	32-13
- Provide greater protection to established habitat areas such as the area around Fisherman's Lake and the reservoirs south of Elverta Road and north of the Teal Bend Golf Course and provide adequate protections for protected species and species of special concern, including river otters.	32-14

- Establish a communications plan that provides at least 72 hours of advance notice of events impacting Garden Highway residents such as road closures and power interruptions.

32-15

- Establish an advocate office for resolution of complaints during the project which is staffed the same hours as work is underway. I believe flood protection can be provided for Sacramento and impacts on Garden Highway residents can be minimized. It is not the intent of Garden Highway residents to unnecessarily delay improved safety, but the lack of information in the draft EIRs, the lack of mitigations in the draft EIRs, and the lack of communication with Garden Highway residents necessitates a delay long enough to provide information and communicate with those impacted by the project.

32-16

Diane Hovey  
CC

County Supervisor representing Garden Highway: Roger  
Dickinson  
[dickinsonr@saccounty.net](mailto:dickinsonr@saccounty.net)  
(916) 874-5485; (916) 874-7593 FAX

President of the Garden Highway Homeowners Association  
Ken Wagner  
[Kwagner@amgen.com](mailto:Kwagner@amgen.com)

SMUD  
Peter Keat  
[keatdavis@aol.com](mailto:keatdavis@aol.com)

Heather Fargo - Chair  
[hfargo@cityofsacramento.org](mailto:hfargo@cityofsacramento.org)

Ray Tretheway, [rtretheway@cityofsacramento.org](mailto:rtretheway@cityofsacramento.org)

Roger Dickinson, [rogerd@saccounty.net](mailto:rogerd@saccounty.net)

Jimmie Yee, [yeeji@saccounty.net](mailto:yeeji@saccounty.net)

Steve Cohn, [scohn@cityofsacramento.org](mailto:scohn@cityofsacramento.org)

Susan Peters - Vice Chair  
[susanpeters@saccounty.net](mailto:susanpeters@saccounty.net)

Brian Holloway, [brian@hrmco.org](mailto:brian@hrmco.org)  
American River Flood Control District

Roberta MacGlashan, [macglashanr@saccounty.net](mailto:macglashanr@saccounty.net)  
Sacramento County Board of Supervisors, District 4

Virginia Moose, [vgmoose@aol.com](mailto:vgmoose@aol.com)  
American River Flood Control District

Don Nottoli, [nottolid@saccounty.net](mailto:nottolid@saccounty.net)  
Sacramento County Board of Supervisors, District 5

David Christophel, [dchristo@ch2m.com](mailto:dchristo@ch2m.com)  
Reclamation District 1000

Dan Silva, [supervisors@co.sutter.ca.us](mailto:supervisors@co.sutter.ca.us)  
Sutter County Board of Supervisors

John Shiels, [jshiels@winfirst.com](mailto:jshiels@winfirst.com)  
Reclamation District 1000

**Diane J. Hovey**

---

- 32-1 See response to Comment 24-1.
- 32-2 See response to Comment 24-2.
- 32-3 See response to Comment 24-3.
- 32-4 See response to Comment 24-4.
- 32-5 See response to Comment 24-5.
- 32-6 See response to Comment 24-6.
- 32-7 See response to Comment 24-7.
- 32-8 See response to Comment 24-8.
- 32-9 See response to Comment 24-9.
- 32-10 See response to Comment 24-10.
- 32-11 See response to Comment 24-11.
- 32-12 See response to Comment 24-12.
- 32-13 See response to Comment 24-13.
- 32-14 See response to Comment 24-14.
- 32-15 See response to Comment 24-15.
- 32-16 See response to Comment 24-16.

-----Original Message-----

From: Gibson Howell [mailto:gibhowell@yahoo.com]

Sent: Thursday, October 25, 2007 10:57 PM

To: Bassett, John (MSA)

Cc: cdalldorf@cityofsacramento.org; hfargo@cityofsacramento.org;  
kblackwell@cityofsacramento.org; mmelendez@cityofsacramento.org;  
sobrien@cityofsacramento.org; vjones@cityofsacramento.org;  
iterhaar@sacbee.com; achance@sacbee.com; kcweg@earthlink.net;  
elmone@hughes.net; nelsonjfwz@msn.com; corcoran@cwo.com  
Subject: SAFCA EIR for Natomas "Landside Improvement Project"

John,

I have left 2 phone messages and tried to talk to you on 18 Oct, 2007 during the public meeting. I completely understand you were very busy during the meeting, I just hoped you would be available afterward. Thank you for answering the questions I did pose during my time at the microphone.

We as Garden Hwy residents know that flood protection for Natomas is very important, but we want to make sure that our interests are accounted for. Our homes have been flood approved and built long before the 'questionable' building in the Natomas flood basin. The fact that building in the flood basin was restricted until the flood zone change in 1998 (reference the attached FEMA document) is now a major problem since FEMA has finally evaluated the levees and determined they are not up to the 100 year protection requirement.

Here are my 'public comments' on the EIR concerning the Natomas "Landside Improvement Project":

One heavy truck (transfer loader: 40,000 lbs), every 30 seconds, 6 days a week, traversing Garden Hwy will be going by our homes starting next year (2008). According to the Environmental Impact Report (EIR), this is a minor disturbance. We need to let SAFCA (Sacramento Area Flood Control Agency) know this is not the case. According to the report, most truck travel will be during daylight hours, but the use of night time trucking is not restricted. We need to implement a strict 'quiet hours' operations restriction.

33-1

The report does not address mitigating the use of Garden Hwy, we need to insist on the maximum use of alternate roads of transportation. We have to insist that they use alternate means of access to the Garden Hwy levee to the maximum extent possible. This would include all parallel roads and using the land side of the levee to build temporary access ways for the enormous amounts of dirt that will be required.

33-2



The most recent plans for the 'levee improvement project' plan require the movement of all power / telephone poles from the land side of the levee to the river side. This would mean moving the poles onto our property, within our right of way and interfering with our driveways, parking, and trees. The Environmental Impact Report (EIR) states this would be minimally invasive, as tree trimming would be the only concern. If you drive down Garden Hwy you can quickly determine this is not the case. There are hundreds (if not thousands) of trees that would need to be cut down, numerous fences and gates that would need to be moved, and a substantial reduction on the precious little parking that is available on the Garden Hwy. It is still to be determined if this is even legal. As far as we know there are no easements on our property for the utility poles to be moved onto. If they try to get easements, we have several avenues to pursue, including reduction in property value, reduction in property asetic value, and potential health hazards from close proximity to power lines.

33-3

We, as the owners of property along the Garden Hwy levee, forced to subjugate ourselves to this construction over the next 3+ years (projected to last 3 years, how many government projects have completed on time...) have to demand a return on our sacrifices. We need to insist on improving basic services along Garden Hwy (Cable TV / fiber optics / natural gas / Internet) in the new expanded levee. After all, any new development in California is guaranteed these services based on current code requirements. The city and county should be thankful that we are not requiring water and sewer that we would be entitled to.

33-4

Last, but not least. A major part of the 'levee improvement project' is a service road on the new levee project so they can inspect the levee for water seepage during flooding. This 'road' is already budgeted into the project. We need to insist that as mitigation for our sacrifices the road be a joint use bicycle / jogging path, paved and designated. It is currently planned as a rock / gravel road, only accessible during levee assessment. To pave this access road would cost pennies on the hundreds of millions of (tax) dollars this project is estimated to cost. Currently this levee improvement project is projected to cost more than \$400,000,000 tax dollars. This estimate is before cost overruns.

33-5

Arthur Gibson Howell, III  
3551 Garden Hwy  
Sacramento, CA 95834  
916/730-0141  
[gib@mail.com](mailto:gib@mail.com)



## Federal Emergency Management Agency

Washington, D.C. 20472

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
Case No.: 99-09-249P

The Honorable Muriel Johnson  
Chairperson, Sacramento County  
Board of Supervisors  
700 H Street, Room 2450  
Sacramento, CA 95814

Community: Sacramento County, California  
Community No.: 060262  
Panels Affected: 0045 E, 0065 F, and 0160 F  
Effective Date of **APR 01 1999**  
This Revision:

102-D

Dear Ms. Johnson:

This responds to a request that the Federal Emergency Management Agency (FEMA) revise the effective Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) report for your community in accordance with Part 65 of the National Flood Insurance Program (NFIP) regulations. In a letter dated December 15, 1998, Mr. Gary Reents, Engineering Division Manager, Department of Utilities, City of Sacramento, requested that FEMA revise the FIRM and FIS report to show the effects of completion of Phase I of the Natomas Comprehensive Drainage Plan. Phase I consists of construction of new levees or raising existing levees along Natomas Main Drainage Canal (NMDC) from West El Camino Avenue to Interstate 80 (I-80), along Natomas East Drainage Canal (NEDC) from I-80 to Elkhorn Boulevard, along the north side of Elkhorn Boulevard from approximately 2,385 feet west of NEDC to approximately 3,853 feet east of NEDC, and along Natomas West Drainage Canal (NWDC) from I-80 to approximately 4,000 feet upstream of Del Paso Road; improvements to the existing pump station at Plant No. 6; and construction of two new pump stations on the NWDC. This request follows up on a Conditional Letter of Map Revision issued on December 8, 1997.

All data required to complete our review of this request were submitted with letters from Mr. Reents.

We have completed our review of the submitted data and the flood data shown on the effective FIRM and in the effective FIS report. We have revised the FIRM and FIS report to modify the floodplain boundary delineations and zone designations of the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) along NWDC from I-80 to approximately 3,500 feet upstream; from approximately 5,300 feet upstream of I-80 to approximately 5,000 feet upstream of El Centro Road; from Del Paso Road to approximately 3,400 feet upstream; and along NEDC from just downstream of Elkhorn Boulevard to approximately 100 feet upstream. The base flood is contained within the NWDC levees from I-80 to approximately 5,100 feet upstream of El Centro Road and within the levees along the north side of Elkhorn Boulevard. As a result of the modifications, the width of the Special Flood Hazard Area (SFHA), the area that would be inundated by the base flood, for NWDC and NEDC decreased. The modifications are shown on the enclosed annotated copies of FIRM Panel(s) 0045 E, 0065 F, and 0160 F. Profile Panels 70P and 72P have been deleted from the FIS report. This Letter of Map Revision (LOMR) hereby revises the above-referenced panel(s) of the effective FIRM dated July 6, 1998.

Because this revision request also affects the City of Sacramento, a separate LOMR for that community was issued on the same date as this LOMR.

The modifications are effective as of the date shown above. The map panel(s) as listed above and as modified by this letter will be used for all flood insurance policies and renewals issued for your community.

A review of the determination made by this LOMR and any requests to alter this determination should be made within 30 days. Any request to alter the determination must be based on scientific or technical data.

We will not physically revise and republish the FIRM and FIS report for your community to reflect the modifications made by this LOMR at this time. When changes to the previously cited FIRM panel(s) and FIS report warrant physical revision and republication in the future, we will incorporate the modifications made by this LOMR at that time.

This LOMR is based on minimum floodplain management criteria established under the NFIP. Your community is responsible for approving all floodplain development, and for ensuring all necessary permits required by Federal or State law have been received. State, county, and community officials, based on knowledge of local conditions and in the interest of safety, may set higher standards for construction in the SFHA. If the State, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

The basis of this LOMR is, in whole or in part, a channel-modification project. NFIP regulations, as cited in Paragraph 60.3(b)(7), require that communities ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management regulations. Consequently, the ultimate responsibility for maintenance of the modified channel rests with your community.

Because this LOMR will not be printed and distributed to primary users, such as local insurance agents and mortgage lenders, your community will serve as a repository for these new data. We encourage you to disseminate the information reflected by this LOMR throughout the community, so that interested persons, such as property owners, local insurance agents, and mortgage lenders, may benefit from the information. We also encourage you to prepare an article for publication in your community's local newspaper. This article should describe the changes that have been made and the assistance that officials of your community will give to interested persons by providing these data and interpreting the NFIP maps.

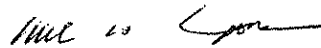
This determination has been made pursuant to Section 206 of the Flood Disaster Protection Act of 1973 (Public Law 93-234) and is in accordance with the National Flood Insurance Act of 1968, as amended (Title XIII of the Housing and Urban Development Act of 1968, Public Law 90-448), 42 U.S.C. 4001-4128, and 44 CFR Part 65. Pursuant to Section 1361 of the National Flood Insurance Act of 1968, as amended, communities participating in the NFIP are required to adopt and enforce floodplain management regulations that meet or exceed NFIP criteria. These criteria are the minimum requirements and do not supersede any State or local requirements of a more stringent nature. This includes adoption of the effective FIRM to which the regulations apply and the modifications described in this LOMR.

FEMA makes flood insurance available in participating communities; in addition, we encourage communities to develop their own loss reduction and prevention programs. Our Project Impact initiative, developed by FEMA Director James Lee Witt, seeks to focus the energy of businesses, citizens, and communities in the United States on the importance of reducing their susceptibility to the impact of all natural disasters, including floods, hurricanes, severe storms, earthquakes, and wildfires. Natural hazard mitigation is most effective when it is planned for and implemented at the local level, by the entities who are most knowledgeable of local conditions and whose economic stability and safety are at stake. For your

information, we are enclosing a Project Impact Fact Sheet. For additional information on Project Impact, please visit our Web site at [www.fema.gov](http://www.fema.gov).

If you have any questions regarding floodplain management regulations for your community or the NFIP in general, please contact the Consultation Coordination Officer (CCO) for your community. Information on the CCO for your community may be obtained by contacting the Director, Mitigation Division of FEMA in San Francisco, California, at (415) 923-7177. If you have any technical questions regarding this LOMR, please contact Mr. Max Yuan of our staff in Washington, DC, either by telephone at (202) 646-3843 or by facsimile at (202) 646-4596.

Sincerely,



Max H. Yuan, P.E., Project Engineer  
Hazards Study Branch  
Mitigation Directorate

For: Matthew B. Miller, P.E., Chief  
Hazards Study Branch  
Mitigation Directorate

Enclosure(s)

cc: The Honorable Joe Serna  
Mayor, City of Sacramento

Mr. Gary Reents  
Engineering Division Manager  
Department of Utilities  
City of Sacramento

Mr. Keith DeVore  
Chief, Water Resources Division  
Sacramento County Public Works

  
Ensign & Buckley Consulting Engineers

## **NOTICE TO SUBSCRIBERS**

**SOME ATTACHMENTS TO THIS LETTER OF MAP REVISION WERE TOO LARGE TO BE INCLUDED IN THIS PACKAGE. FOR COPIES OF THESE ATTACHMENTS, FREE OF ADDITIONAL CHARGE, PLEASE CONTACT THE LOMC DISTRIBUTION COORDINATOR AT THE ADDRESS BELOW:**

**LOMC DISTRIBUTION COORDINATOR  
MICHAEL BAKER JR., INC.  
3601 EISENHOWER AVENUE, SUITE 600  
ALEXANDRIA, VIRGINIA 22304  
FAX NO.: 703-960-9125**

**Arthur Gibson Howell, III**

---

- 33-1 See response to Comment 25-1.
- 33-2 See response to Comment 25-2.
- 33-3 See response to Comment 25-3.
- 33-4 See response to Comment 25-4.
- 33-5 See response to Comment 25-5.

**From:** David Ingram [<mailto:David@tennantingram.com>]  
**Sent:** Friday, October 19, 2007 9:02 AM  
**To:** BassetJ@SacCounty.net  
**Cc:** BRITT JOHNSON; Mary Ingram; Maggie Sekul; Charles Linn; Don & Gaelle Ferguson; Fred & Linda Louder; Hilary Abramson; John & Michele Katic; Lisa Dobak; Matthew Breese; Melissa and Chris Fogarty; Peter & Jan Moore; Sherri Leng; Susan Johnson; Wendy Nelson  
**Subject:** Garden Highway Levee Improvements

To Whom it May Concern:

I am a long-time Garden Highway resident and live on the water-side of the Highway near the Teal Bend Golf Course. Unfortunately, I was unable to attend yesterday's meeting. I have received feedback from other similarly situated homeowners about a few very disturbing developments in the levee improvements apparently headed our way: 1) Truck Traffic; 2) Power line location; and 3) Levee height increase. My concerns, shared by every neighbor with whom I have spoken, are as follows:

**Truck Traffic:**

To some, Garden Highway may not seem like a "neighborhood". It is. People live there and rely upon Garden Highway for walking, jogging, riding bikes, getting to work, going to the store and getting our kids to school and soccer practice. In our neck of the woods, we already face significant drive times to get to these places. Of course, we bargained for that when we moved there. We did not, however, anticipate having to share the road with endless trucks moving millions of yards of earth, or being re-routed many miles out of our way. The impact of the truck traffic associated with the levee improvement on our community cannot be overlooked or minimized. There are alternative routes for these trucks that need to be fully explored, including land-side farm roads, etc. I highly suggest those alternatives be seriously considered BEFORE it is too late and a major legal battle has been waged. I am also curious if the truck traffic will be "around the clock" or only during daylight hours?

34-1

**Power Lines:**

There is apparently a suggestion that the power lines be moved to the land-side of the levee, basically over the tops of our houses. This is unacceptable and would cause severe depreciation of our property values, constitute a nuisance and an eye sore, and disrupt the peaceful living that forms the foundation for why all of us have chosen to live "on the river" in the first place. Moreover, it would involve the removal and/or severe eradication of thousands of mature Oak trees. If you have driven down Garden Highway, you know that 99% of the trees along the Highway are on the water-side of the levee. Any proposal to move power lines to that proximity is quite short-minded and would be immediately met by a legal challenge, probably from a variety of sources.

34-2

**Levee Raising:**

The governmental agencies involved in this project should be prepared to address ingress/egress conflicts that will result when the levee is raised, as well as the increased flood risk to those homes on the water-side. Obviously, all of the driveways, walkways, paths, fences, gates, walls, and other improvements adjacent to the homes on Garden Highway have been engineered and constructed based upon current levee heights. Any

34-3

increase in the levee will cause major conflicts with these improvements that will have to be borne by the agencies involved with the project. Moreover, the increased flood risk to our homes and property cannot be overlooked. Obviously, the higher the levee, the more our property is at risk for flooding. How do the County and other involved agencies plan to compensate the homeowners affected by the altered improvements and increased flood risk?

34-3  
(Cont.)

I appreciate your time and consideration and hope my concerns are seriously considered. While Garden Highway residents may initially appear somewhat subdued, we band together quite quickly and aggressively when faced with a threat to our homes and our community. Please ensure that we are not overlooked so that these concerns can be amicably resolved, rather than contested with animosity and legal battles.

Thank you for your consideration.

Sincerely,

***David M. Ingram***

TENNANT & INGRAM  
2101 W Street  
Sacramento, CA 95818  
(916) 244-3400  
(916) 244-3440, fax  
[David@TennantIngram.com](mailto:David@TennantIngram.com)



**David M. Ingram**

---

34-1 See Master Response 3.

In response to the commenter's question regarding the anticipated schedule for construction truck traffic, construction of the cutoff wall along NCC south levee Reaches 3–7 could occur 24 hours per day, as discussed on page 2-20 of the DEIR. In general, the remainder of the construction activities would occur during 12-hour shifts, 6 days a week, Monday through Saturday. See Chapter 2, "Project Description," of the DEIR for more details.

34-2 See Master Responses 2 and 4.

34-3 For ingress/egress conflicts, see response to Comment 22-14. For flood risk, see Master Response 1 under "Impacts on Garden Highway Residents."

**From:** David Ingram [mailto:David@tennantingram.com]  
**Sent:** Monday, October 29, 2007 5:01 PM  
**To:** Bassett. John (MSA); bgualco@gualco.com; Buer. Stein (MSA)  
**Cc:** kweg@earthlink.net; kevin mcrae; John Corcoran; Dee Grinzewitsch; Chris J. Rufer; Wendy Nelson; Kathy Rott; Susan Johnson; Pat Tully; MJ Kelly; paul theyer thayer; wendy hoyt; pat elmore; christineolson\_2000@yahoo.com; hilarya@inaword.org; tshower@mhalaw.com; johnson.britt@sbcglobal.net  
**Subject:** Urgent SAFCA issues

Dear Mssrs. Bassett and Buer and Ms. Gualco:

Thank you for facilitating our meeting today. I believe we made some significant headway in understanding each others' respective positions, regardless of whether we agree on the issues.

There is one very important point that needs to be made before the closure of the comment deadline for this initial levee work phase (set to commence in 2008). Each and every comment that has been received from Garden Highway residents to date should be considered in relation to the 2008 work, REGARDLESS OF WHETHER OR NOT THOSE COMMENTING LIVE DIRECTLY WITHIN THE 2008 AFFECTED AREAS. As we all know, once a precedent is set upstream, it will be very difficult for us to depart from that established precedent when the plans for our own respective areas come up for consideration. In other words, my mind is not at all put to rest by the fact that the EIR currently up for approval does not directly involve my property. To reiterate, I am very concerned with the roadmap that may be established by the current EIR. I certainly hope this very important issue is understood and that our comments are not dismissed or minimized because we may not be in the 2008 project area.

35-1

Thank you for your continued cooperation.

Sincerely,

**David M. Ingram**  
 TENNANT & INGRAM  
 2101 W Street  
 Sacramento, CA 95818  
 (916) 244-3418, direct  
 (916) 244-3440, fax  
[David@TennantIngram.com](mailto:David@TennantIngram.com)

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**From:** Ken & Cari Wegner [mailto:kcweg@earthlink.net]  
**Sent:** Tuesday, October 23, 2007 11:17 PM  
**To:** kevin mcrae; John Corcoran; Dee Grinzewitsch; Chris J. Rufer; Wendy Nelson; Kathy Rott; Susan Johnson; Pat Tully; MJ Kelly; paul theyer thayer; wendy hoyt; pat elmone; christineolson\_2000@yahoo.com; hilarya@inaword.org; tshower@mhalaw.com; David Ingram; johnson.britt@sbcglobal.net  
**Cc:** bassettj@saccounty.net; bgualco@gualco.com; buers@saccounty.net  
**Subject:** Urgent SAFCA issues

**Hello Garden Highway Neighbors and Concerned Residents,**

**I had an opportunity to speak with a number of you today as well as touch base with the consulting firm representing SAFCA. I want to thank everyone for the passion and urgency in pulling together your strong feelings and placing them on paper.**

**I spoke with Jay Davis of the Gualco Consulting firm. He said they have represented SAFCA for about 12 years and he mentioned that they have made a greater effort to reach out to our residents than on almost any other project, and that they welcome our feedback thus their invitation to participate in a small sub-committee to be a conduit of information of concerns between our members and SAFCA and their willingness to attend and present at our summer BBQ.**

**With that said, I realize many of our residents have not heard word one about an EIR or any proposed actions. Some received correspondence but may have thought it was junk mail. And finally, even if you did read the mailers and attended a meeting, reading the approximately 500 page EIR was a challenge and somewhat difficult to pull out possible impact items like moving power lines and poles to our properties, or river side, which would have a major impact on a number of levels, including vegetation and tree trimming.**

**I have been forwarded a number of emails and communications, and I understand that some of these documents were sent directly to our point people within SAFCA and Gualco including Ray Trethaway, and Roger Dickenson.**

**I would like to ask if I may to please have any and all documentation or public comment copied back to me by Friday so I can assemble a complete package for delivery to John Bassett of SAFCA and Barb Gualco of Gualco Consulting, and anyone else you all recommend. I encourage you to continue to send directly to any and all parties you feel appropriate, (I certainly don't know all the influential parties), I**

would just like a copy so I can deliver all correspondence regarding this issue at one time.

Finally, we all realize time is of the essence. This is true, yet we do have a few more opportunities to rally the troops. The Oct. 29th date is for final public comment on phase one. I know once a project gets started it's difficult to change a path, but we do have more opportunity to respond. I understand there will be a supplemental EIR as well as a Next Phase EIR for Final comment due November 29th which impacts construction for 2009 and 2010. Please ask your neighbors to review these issues and get their thoughts on paper. We welcome additional support.

I was told today that if individuals would like one on one discussions please call. They would also entertain small group meetings or a town hall. I personally think a town hall would get out of hand due to so many varying opinions. I encourage you all to contact the folks at the numbers below to discuss your concerns. When and if you do, please take note of the discussion and forward those notes to me as well.

One again, I appreciate all your efforts and passion for our little piece of heaven we all call home. I welcome your comments and suggestions and hope to try to be a communication liaison for the Sacramento River Property Owners Association.

**Contacts:**

**John Bassett**

**[bassettj@saccounty.net](mailto:bassettj@saccounty.net)**

**Mail directly to SAFCA, 1007 - 7th street, 7th floor, Sacramento CA 95814**

**Call: Gualco Consulting: 916-351-0600**

**Or Fax to: 916874-8289**

**Thank you.**

Ken Wegner

[kcweg@earthlink.net](mailto:kcweg@earthlink.net)

3815 Garden Highway

**David M. Ingram**

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- 35-1 The State CEQA Guidelines require lead agencies to evaluate comments received from persons who reviewed the DEIR and prepare a written response to the comments received during the comment period on environmental issues. It is the intent of this document to provide a response to all such comments on the DEIR regardless of the commenter's address. Additionally, the 2009 and 2010 components of the NLIP Landside Improvements Project will be analyzed at a project level of detail in one or more additional CEQA documents. The public may also submit comments during the future comment period(s) for the 2009 and 2010 components. SAFCA will consider and respond to all comments received.

6750 Almond Knoll Ct.  
Granite Bay, CA 95746  
October 25, 2007

Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Attn: Stein Buer

Dear Stein,

We understand and support the urgent need to improve flood protection in the interests of all in the Natomas Basin, and like it or not, according to SAFCA, it appears the Natomas Levee Improvement Program is the only realistic way forward at this point. But we implore you to work harder on the project plan to find alternatives to save existing homes from destruction by the project, at least for a few more years.

My main concern is the proposed destruction of my parent's home on the land side of the levee north of Riego Road on the Garden Highway. This home was built by my father, Burton Lauppe, and is over 50 years old. When built, it was a family project with cousins, uncles, and my grandparents working to construct it. As an example of how it is a home not just a house, they measured the height of my mother in order to get the counters and upper cabinets perfect for her. They have raised 3 children here and it is now grandma and grandpa's home to 8 grand children and 3 great grand children. It is where the extended family gathers on holidays and for family celebrations.

It should go without saying that you will be destroying the life of two of the most wonderful human beings I know, my parents. Another fact is that it is not easy to move two parents who are 82 years old, and who have lived on the farm virtually all their married 55 years, pretty much since dad got back from the war. Dad knows where every nut and bolt is in the home and Mom is going through treatments for macular degeneration. She needs to live in a home she is familiar with. For my parents, their home is something no amount of money in the world can replace.

The EIR indicates that just down the road to the south, you are planning to put in dry wells around a grove of river oak trees near the levee. The environment is important, but is it more important than the life and history of a native family farm? How can a family's most important personal possession be destroyed?

My father made the following comments at the EIR Response SAFCA meeting on October 18, 2007:  
"you are planning to put dry wells around a grove of river oak that are near the levee, in order to save them, but a couple of miles north you are removing family homes that have been there pretty near as long as the river roads."

Please look at alternatives in the project plan for the NLIP to save the Lauppe home:

- Place cement slurry walls on the levee by the Lauppe home only.
- Dry wells around the home, similar to the oak tree grove, with some purchase arrangement that when mom and dad pass away, the home and property go to SAFCA for disposition.
- Other things your levee engineers might think of.

Given the nature of the construction, moving the home is really not a practical alternative.

We appreciate the time you took to drive out to the Garden Highway family home. I know you must understand why I am so passionate about this. Please add this to the EIR Draft Comments. I can be reached at (916) 791-7041.

Thank you,

Joan Lauppe Johnson  
CC: Dan Silva, Sutter County Representative, SAFCA  
Heather Fargo, Chair, SAFCA  
Wally Herger, Congressman, California 2d District

36-1

**Joan Lauppe Johnson**

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- 36-1 SAFCA has considered all feasible alternatives, including relief wells and a levee raise-in-place, as the commenter suggests, to avoid having to remove the Lauppe residences and other outbuildings and structures on that property. However, the footprint needed for the proposed adjacent setback levee and maintenance road would likely result in the residences needing to be relocated; therefore, relocation was assumed in this EIR. All relocations of residents would be conducted in compliance with federal and state relocation law. Appropriate compensation would be provided to displaced landowners and tenants, and residents would be compensated for obtaining comparable replacement housing.

**From:** Sue Karlton [mailto:mskarlton@msn.com]  
**Sent:** Friday, October 26, 2007 4:39 PM  
**To:** Bassett, John (MSA)  
**Subject:** Garden Highway EIR

Dear Mr. Bassett,

We have just learned of the extent of the proposed flood control plan effecting the Garden Highway where we live. It appears to us that the proposal will have dire consequences to the residents and indeed may ultimately result in inverse condemnation. If that occurs, money damages cannot possibly compensate us for loss of our home.

37-1

Please include this brief comment in the upcoming review of the EIR. In addition, please keep is informed during this process.

Lawrence K. Karlton, Senior Judge, United States District Court  
Sue Karlton, Esq.



**Lawrence K. and Sue Karlton**

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37-1 See Master Response 1 under “Impacts on Garden Highway Residences.”

**From:** Mmikatic@aol.com [mailto:Mmikatic@aol.com]  
**Sent:** Sunday, October 28, 2007 5:48 PM  
**To:** Bassett, John (MSA)  
**Subject:** Garden Highway resident

It has come to my attention that there are projected levy improvements scheduled in my neighborhood. I am wondering why I had to hear this information word of mouth rather than from a notice sent to my home. The word I am hearing is this will be a serious inconvenience to me for at least two years. I am actively joining my neighbors to be allowed the time to understand the plan and give my input before it slips through as these matters often do. If the actual plans for the levy could be e-mailed to me it would be appreciated. I am also wondering why improvements done just a few years ago are not adequate now.

38a-1

38a-2

Respectfully

John and Michele Katic

[Mmikatic@aol.com](mailto:Mmikatic@aol.com)

38a-1 The DEIR was submitted to the State Clearinghouse for distribution to reviewing agencies. A notice of availability (NOA) was filed with the county clerks of Sacramento and Sutter Counties; published in the *Sacramento Bee*; and distributed via e-mail and U.S. Postal Service to a broad mailing list. The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies

The proposed project is discussed in detail in Chapter 2, “Project Description,” of the DEIR. Chapter 2 also describes the project background and need. Potential impacts of the proposed project are discussed in Chapter 3, “Environmental Setting, Impacts, and Mitigation,” of the DEIR.

38a-2 See section 2.1, “Project Need, Objectives, and Plan Formulation,” of the DEIR

**From:** Lennihanm@aol.com [mailto:Lennihanm@aol.com]  
**Sent:** Monday, October 29, 2007 9:57 AM  
**To:** Bassett. John (MSA)  
**Cc:** Susan Peters; hfargo@cityofsacramento.org; rtretheway@cityofsacramento.org; Dickinson. Roger; scohn@cityofsacramento.org; brian@hrmco.org; MacGlashan. Roberta; Vgmoose@aol.com; Nottoli. Don; dchristo@ch2m.com; supervisors@co.sutter.ca.us; Yee. Jimmie; Thayerpa@aol.com; christineolsen\_2000@yahoo.com  
**Subject:** Natomas Levee Improvement Program -- Additional DEIR Coments

To: John Bassett  
 Sacramento Area Flood Control Agency  
 1007 7th Street, 7th Floor, Sacramento, CA 95814

Re: Natomas Levee Improvement Program: Landside  
 Improvements Project and Bank Protection Project

From: Martha Lennihan  
 6645 Garden Highway, Sacramento, Ca 95837

An EIR must describe and evaluate a reasonable range of alternatives that would feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project as proposed. Guidelines 15126 (d). The draft EIRs fail to meet this minimum standard.

38b-1

There is not adequate information in the draft EIRs for Garden Highway residents to even understand where their property is in relation to proposed work. The lack of information means residents living adjacent to proposed work, and decision-makers, cannot reasonably understand the impacts of the proposed work, opportunities to avoid impacts, or possible mitigation measures. In addition, information is not presented on mitigation measures that would avoid or lessen impacts on Garden Highway residents. These impacts are very significant, both during the construction period and in the long term. They include increased flooding, increased safety hazards from truck traffic, huge noise impacts, a major alteration in the area immediately adjacent to - and in some instances literally on - their properties, their front yards. This is probably true for my house. However, the DEIR doe snot provide adequate information to tell. Nor does it identify or propose mitigation.

38b-2

The DEIR needs to provide adequate information to enable Garden Highway residents to understand where their address or parcel is in relation to planned work (bank protection work, levee work, tree removal, etc.), to provide specific information to Garden Highway residents about the work proposed on the levee and on the waterside of their homes, to address mitigation, and to gather input from and respond to residents about their concerns. Any commitments made by staff at the meetings would be followed-up in writing and made available to residents before the end of the comment period.

38b-3

At a minimum, the EIRs should include the following mitigation measures to lessen the impacts on Garden Highway residents:

- Mitigate new flood impacts on Garden Highway homes to eliminate or avoid those impacts. This is a very serious impact -- this project portends increased flooding to our residences. One such mitigation measure is to raise the Garden Highway homes so that no increase in impact will occur. This needs to be disclosed and evaluated in the DEIR circulated for public review, in accordance with CEQA requirements.

38b-4

-Move the Garden Highway roadway as far as possible toward the landside of the new levee to avoid safety problems caused by a levee higher than the roadway, to improve traffic safety for residents pulling out of their driveway, and to allow for safer recreational uses on the existing Garden Highway. To the extent that these represent improvements, they will begin to mitigate for the impacts that will occur during the construction process.	38b-5
- Include in levee protection plans moving water out of the Sacramento River channel into bypasses at lower elevations than is done currently, such as lowering permanent floodgates and opening weirs sooner.	38b-6
- Underground all utilities, rather than moving power poles.	38b-7
- Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted within 1000 feet of any residence. Restrict all project work to Monday to Friday from 7:00 AM or 30 minutes after sunrise whichever occurs later, to 6:00 PM or 30 minutes before sunset whichever occurs first, with no operations occurring on County holidays.	38b-8
- Establish hauling routes that minimize traffic on Garden Highway so that access roadways such as Riego, Elverta, Powerline, etc. and maintenance roads are used to the greatest extent possible.	38b-9
- Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.	38b-10
- Develop a traffic safety plan so that trucks that must be on Garden Highway travel at slower speeds, drivers are trained to watch for residents pulling out of driveways, and trucks are far enough apart to allow residents to safely pull out of driveways onto the roadway and to allow emergency equipment to pass.	38b-11
- Specify how the project will provide permanent access between resident driveways and the elevated roadway.	38b-12
- Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why.	38b-13
- Provide greater protection to habitat areas such as the area around Fisherman's Lake and the reservoirs south of Elverta Road and north of the Teal Bend Golf Course, and provide adequate protections for protected species and species of special concern, including river otters.	38b-14
- Establish a communications plan that provides at least 72 hours of advance notice of events impacting Garden Highway residents such as road closures and power interruptions.	38b-15
- Establish an advocate office for resolution of complaints during the project which is staffed the same hours as work is underway.	
I recognize and appreciate the importance of flood protection, which is the fundamental purpose of this project. The project should not be done in a manner which improves flood protection for some and exacerbates it for others. <u>This project will among other things increase flooding to Garden Highway residents, including my home.</u> We are long standing residents. The impacts to us need to be adequately identified and described, and mitigation developed and committed to as part of this project. This is required to be done during the CEQA process. Unfortunately the DEIR fails to meet minimum legal standards in these respects. The DEIR does not address the issues identified above in a manner consistent with CEQA requirements. It needs to be revised and recirculated.	38b-16
Thank you for your attention to these comments, in addition to my earlier comments.	
-Martha Lennihan	

**Martha Lennihan**

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- 38b-1 See response to Comment 24-1.
- 38b-2 See response to Comment 24-2.
- 38b-3 See response to Comments 27-2 and 24-3.
- 38b-4 See response to Comment 24-4.
- 38b-5 See response to Comment 24-5.
- 38b-6 See response to Comment 24-6.
- 38b-7 See response to Comment 24-7.
- 38b-8 See response to Comment 24-8.
- 38b-9 See response to Comment 24-9.
- 38b-10 See response to Comment 24-10.
- 38b-11 See response to Comment 24-11.
- 38b-12 See response to Comment 24-12.
- 38b-13 See response to Comment 24-13.
- 38b-14 See response to Comment 24-14.
- 38b-15 See response to Comment 24-15.
- 38b-16 See Master Response 1 for a discussion of the project's potential hydraulic impacts. Chapter 3, "Environmental Setting, Impacts, and Mitigation," of the DEIR describes the project's potential impacts to an array of environmental resources and includes mitigation, where appropriate, to help offset those impacts.

SAFCA 07 OCT 2 PM 12:00

**M. KEVIN McRAE, CPA, Inc.**

Kevin McRae, CFE, MBA, RE Broker  
1830-15th Street, Suite 100  
Sacramento, CA 95811  
(916) 442-8685  
FAX 447-0415  
kevin@mcraecpa.com

September 28, 2007

Attn: John Bassett  
NLIP Landside DEIR Comments  
SAFCA  
1007-7<sup>TH</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814

Re: NLIP Landside DEIR Comments

Dear Mr. Bassett:

After reviewing the DEIR of the NLIP, Landside Improvement Project, I would make the following recommendations:

- 1) that a barrier or a mechanical deterrence of some kind be installed/constructed on the East side of the existing Garden Highway, at the point between the original levy and the adjacent levee, along the length of the levy. This will prevent motorists, motorcyclists, SUVs, all terrain vehicles, hunters, target shooters and car thieves from accessing the adjacent levee and driving along it or over it to the landside fields.
- 2) Or in the alternative, consider moving the Garden Highway roadbed to the top of the new adjacent levy, designing that new roadway to prevent vehicles from departing the roadway, except for residents accessing their driveways.

39-1

39-2

Yours truly,



Kevin McRae  
Current Director: Garden Highway Home Owners Association (7 Years)  
Past President: Garden Highway Home Owners Association (6 Years)  
bassett nlip deir comments

**Kevin McRae, Director, Garden Highway Home Owners Association**

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- 39-1 A barrier or mechanical deterrence of some kind installed along the Garden Highway could conflict with levee maintenance activity.
- 39-2 The comment is noted. SAFCA's goal is to leave the Garden Highway undisturbed, minimizing the disturbance to existing residents to the greatest extent feasible. See response to Comment 22-14.



**From:** Bill Micsan [mailto:billy@accessbee.com]  
**Sent:** Sunday, October 28, 2007 5:28 PM  
**To:** Bassett, John (MSA)  
**Subject:** NLIP DEIR Comments

*(My comments are listed below, as well as in the Word document attachment)*

I am commenting on issues related to the following subject addressed in the NLIP DEIR:

*To determine whether the proposed improvements would cause encroachment on SRFCP design levee freeboard outside the project area, MBK looked at three conditions:*

- ▶ *whether the improvements would increase the "1957" water surface profiles that serve as the minimum design standard for all reaches of the SRFCP,*
- ▶ *whether the improvements would increase the 100-year water surface elevation in any urban areas upstream or downstream of the program study area, and*
- ▶ *whether the improvements would increase the 200-year water surface elevation in any urban areas upstream or downstream of the program study area.*

*With respect to the design of the SRFCP, MBK concluded that all the levees in the project area, including those that would be improved as part of the proposed project, currently contain the "1957" profile. The proposed improvements would not alter the SRFCP's "1957" water surface profiles (a 0.00-foot increase in the 1957 design flow above the 1957 design stage under modeling for the proposed project) or cause encroachment into the levee freeboard associated with these profiles.*

#### *Sacramento Area Flood Control Agency 3.4-7 Hydrology and Hydraulics*

*The proposed project would not increase 100-year and 200-year water surface elevations; the model showed an elevation change of 0.00 foot for both simulations. The details of this analysis are included in Appendix B.*

*Therefore, the proposed project would not expose people or structures to a significant risk as a result of flooding, and the impact would be less than significant.*

*Mitigation Measure: No mitigation is required.*

I do not believe that the issue of downstream water flows during a major flood event have been addressed thoroughly enough, nor by the proper agencies. Having a hired consultant (MBK) conclude that downstream water flows during a 100 year or 200 year flood event will not significantly impact downstream, highly populated, urban areas, based on one model, doesn't satisfy my concerns. I think this critical issue deserves much more study, by federal and state government agencies. It is common knowledge that hired consultants typically conclude whatever those that hire them want, often generating a less than accurate, flawed conclusion. An issue of this importance needs to be assessed and reviewed more thoroughly by federal and state agencies such as FEMA and USACE, for example, and any other appropriate agencies that more fully represent the interest of the general public. The goal of SAFCA, with regard to the NLIP, is obvious from reading the FullDEIR. That is, to encircle much of the Natomas Basin with stronger levees to allow for increased basin development, such as Greenbriar, the Ose property, and Sutter Pointe. I don't believe that SAFCA has addressed the issue of

40a-1

downstream, urban flooding thoroughly enough in the NLIP DEIR with this one, consultant paid study, and further unbiased, more detailed studies should be conducted.

To conclude that Sacramento urban downstream water surface elevations would not be an issue during major flood events after implementing the NLIP seems ridiculous. Holding high water levels in the river channel through the Natomas Basin will surely send that water downstream, endangering vulnerable, highly populated areas in Sacramento and nearby communities where large populations live next to Sacramento and American River levees in low-elevation urban areas. The urban area levees will undoubtedly face greater threats of overspill, seepage, and failure as added, extreme pressures are placed on them. Placing more pressure on the urban levees than on the Natomas Basin levees could result in the flooding of highly populated urban areas, instead of the Natomas Basin, which has existed as a flood basin for numerous years, and should remain a flood basin. Implementation of the NLIP as planned may result in relocating the current flood basin downstream to highly populated urban areas, resulting in catastrophic floods similar to those experienced by New Orleans, a significant impact.

This critical issue requires much more thorough, unbiased analysis by federal and state regulatory agencies whose boards are not comprised of the same individuals who come from local boards, councils, and commissions who, under developer influence, have promoted sprawl, leapfrog, and floodplain development in the Sacramento region in the past.

~ Bill Micsan  
8408 Woodmore Dr.  
Orangevale, Ca 95662

40a-1  
(Cont.)

**Bill Micsan**

---

40a-1 See Master Response 1.

To:

John Bassett/NLIP LANDSIDE DEIR Comments  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, Ca 95814

From:

Phillip & Diannia Morrison  
2145 Howsley Road  
P.O.Box 632  
Pleasant Grove, Ca 95668-0632

Dear Sir;

We have reviewed the DEIR and see that it covers the environment in much detail. What happens to the residences possibly destroyed and their occupants in the process is minimized. If you build the outside levee to maximum dimensions, it covers Howsley Road which if relocated, will render our residence property unusable. There will be no place on the remaining property for required leach system and the required alternative leach field for the residence sewage system. The elevation of our home is between 19 and 21 feet approximately. This makes it certainly not the highest location in the Natomas Basin, but basically at the upper end of the district. We believe the levees in Reach 6 and 7 (east of Hwy 99) to have not shown leakage, boils or obvious seepage in the past high water situations.

40b-1

40b-2

So far, all of your meetings and attention seems focused on the residents and businesses of Sacramento County, dismissing the citizens and businesses (yes, agriculture is a business) of Sutter County. Your project affects citizens and businesses outside the boundaries of Reclamation District 1000. If the boundary levees are raised three feet as planned, and the opposing levees are not so raised, some of these citizens are going to be negatively impacted. This factor is pretty much dismissed in your DEIR and responses.

40b-3

40b-4

The economic impact of your fees to agricultural properties is pretty severe. Making it nearly 50% of the property tax fees is in our eyes outrageous. This for a project to benefit the businesses and residences mainly in Sacramento County; and at the same time possibly destroys ours in Sutter County.

40b-5

There are alternatives to this project that the environmentalists are preventing. The over protection of bugs, snakes and trees is costing us millions. Let's explore some of the alternatives to this project.

40b-6

Sincerely,  
Phillip & Diannia Morrison

**Phillip and Diannia Morrison**

---

- 40b-1 The DEIR discusses potential relocation of residents and compensation for land acquisition and replacement housing in Section 1.4, “Scope of the Analysis.” Also see response to Comment 19-5.
- 40b-2 The DEIR discusses relocation of infrastructure and residences in the proposed footprint of the Natomas Cross Canal in Section 2.3.2.2 under “Raising of the Natomas Cross Canal South Levee.” The record floods of 1986 and 1997 caused USACE, the state, and their local partners to perform a series of geotechnical evaluations on the SRFCP levees and to adopt new, more rigorous levee design standards for urban areas, including standards for seepage through and under project levees. Although many reaches of levee in the Natomas Basin have not shown signs of seepage, these new standards apply universally.
- 40b-3 The DEIR discusses the public participation process under Section 1.9. SAFCA has complied with all CEQA requirements regarding notice to the public and public agencies.
- 40b-4 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which determined that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1.
- 40b-5 This is not a comment on the DEIR.
- 40b-6 The comment is not specific about what alternatives are being prevented. See Master Response 1 under “Consideration of Use Of Yolo And Sacramento Bypass Systems To Convey Flood Waters.”

October 29, 2007

Mr. John Bassett  
Sacramento Area Flood Control Agency  
1007 7th Street, 7th Floor  
Sacramento, CA 95814

RE: Landside DEIR Comments: Parcel # 2010270069

Dear Mr. Bassett:

Thank you for the opportunity to comment on the draft EIR for the Natomas Levee Improvement Program. Our property is within the scope of the NLIP and the draft EIR indicates significant changes being proposed that will significantly impact our home, outbuildings and land. As this is a draft EIR and the project design is still fluid, our comments contained in this letter will be two fold. First raising concerns and comments over the information and proposals in the draft EIR, as well as some general comments and questions relating to the impact of the project on our house and land.

#### **EIR Comments**

Other Options: Why was levee improvement and related projects not considered on the west side of the river? What impact will the proposed project have on the levies and other flood control features on the west side of the river?

41-1

Berms vs Cut-Off Walls: There seems to be a relationship between the width of the proposed berm and the depth of the cutoff walls. What is the barrier to doing much deeper cutoff walls and decreasing the width of the berm needed? This seems to result in much less land needed to be acquired to meet the same need.

41-2

Seepage Wells: The project calls for seepage wells where a narrower berm is being proposed to make room for existing woodlands as well as structures. The life expectancy of these wells is finite and the wells will need to be replaced or the obstacles removed and the berm widened when the wells are no longer functioning. What happens to the water pumped from these wells? Also, what would the process be for the removal of the structures, including our home, at the termination of the well function?

41-3

Relocation of the Elkhorn Canal: Recognizing the need for movement of the canal, what options exist for other routes for this canal as to reduce the impact and amount of land needed?	41-4
Responsible Agencies: It was not clear as to the relationship between this proposed project and the expansion efforts at the Sacramento International Airport. It was not clear if mitigation efforts for the proposed project and those with the SIA are being combined. If so, is the SIA a responsible agency for this proposed project?	41-5
Public Health: The draft EIR outlines much habitat creation for the Giant Garter Snake as well the establishment of oak woodlands and grasslands. As the project area is already prone to mosquitoes, did the EIR consider the increased likelihood of standing water with this change to the landscape and the related increase in mosquitoes?	41-6
Climate Change: While this draft EIR did speak to the generation of greenhouse gasses, did the project take into account the effect of climate change on river flows, capacity, and upstream management changes that are expected due to the impact of climate change? Will more work be needed in the future if not? What would those projects entail?	41-7
Post-project visual interpretations: These were not included in the draft EIR and it is difficult to assess what the landscape will look like after the work is completed. Inclusion of interpretations would be helpful for impacted parties.	41-8
<b>General Comments</b>	
Amount of property needed for the proposed project: It is unclear as to the amount of our property would be needed to complete the project as proposed. Property owners need to be informed as soon as possible as to the exact placement and amount of land needed.	41-9
Purchase vs Easements; Property owners need to know what the project proponents are contemplating with access to land. How much and what land will be purchases vs what will/could be handled through easements.	41-10
Property and Land Values: Property owners need information regarding how they will be compensated for any land and/or buildings lost due to the project. They need to know the options and opportunities for input on those processes.	41-11



Zoning and Land Use options post-construction; Property owners need to be made aware of the process for the related zoning and land use options that will likely be in place post-construction so decisions can be made regarding future uses of the property.	41-12
Land values now and post construction: Property owners need to be made aware of how appraisals will be done for land proposed to be taken by the project as well as how they will be compensated for loss of land value through change in land use, quality of use, and/or changes as a result of the project.	41-13
Movement of existing structures: What options exist and how does compensation occur if structures need to be relocated as result of the project?	41-14
Property access: With proposed changes, it is likely that property accesses will need to be made. How will these be accomplished? How will input from landowners be solicited? When will these changes happen? When the irrigation canal is moved, how will access to property that has been split by the canal be accomplished?	41-15
Inconvenience during construction: The scope and duration of the project will result in significant inconvenience and hardship on property owners in the project area. What options exist to mitigate that impact?	41-16

Sincerely,

Submitted via electronic mail.

Chris and Carol Mortensen  
6576 Garden Hwy  
Sacramento, CA 95837

41-1 See Master Response 1.

41-2 There indeed is some relationship between cutoff wall depth and width of berm. In an area where the depth to an impervious soil layer is great, thus requiring a deep wall, a wide berm would likely be needed to provide the same level of underseepage control. However, it is also possible to have an area where the depth to an impervious layer is less, thus needing a shallow wall, but if the soil is not impervious, a wide berm would be needed.

In areas where the depth to an impervious layer is extreme, something greater than 120 feet, the feasibility and cost of constructing a cutoff wall tends to lead the project design to berm construction. Also, these deep pervious areas provide significant recharge to the interior basin ground water supply. Closing these deep recharge areas by construction of a cutoff wall may have a ground water impact.

All of these considerations are evaluated in selecting between cutoff walls and seepage berms.

41-3 The water that flows from the proposed seepage wells would be collected in a drainage ditch, conveyed to the nearest drainage pumping station, and pumped to the Sacramento River. At the end of the useful life of any seepage well, the well would either be replaced with a new seepage well or removed and replaced with another seepage remediation measure such as an extended berm. Residences would not necessarily need to be removed.

41-4 The Elkhorn Canal must be located as close to the levee toe as possible to continue serving the properties that receive irrigation water from the canal.

41-5 The *Sacramento International Airport Master Plan* (SMF Master Plan) and the planned Airport improvements through 2020 are discussed on pages 4-9 through 4-11 in Chapter 4, “Cumulative Impacts,” of the DEIR. As described in the DEIR, construction of some of the planned Airport improvements is likely to coincide with construction of SAFCA’s proposed project in 2008–2010; as a result, some temporary construction-related effects (particularly construction traffic and air quality effects) could combine with those of the proposed project.

Mitigation efforts for the Airport improvements and SAFCA’s proposed project will not be combined.

The Sacramento County Airport System (SCAS) is not a CEQA responsible agency for SAFCA’s proposed project; however, SCAS has actively participated in project design meetings with SAFCA. Moreover, the second project objective (see page 2-4 in Chapter 2, “Project Description,” of the DEIR) was created in consultation with SCAS to support the SCAS goal of reducing wildlife hazards.

41-6 Based on SAFCA’s experience with the Giant Garter Snake Canal at Robla Creek, the management of water levels and the introduction of mosquito fish have served as an effective deterrent to mosquito breeding. These actions would be employed in conjunction with the proposed project.

41-7 With respect to river flows and capacity, SAFCA’s hydraulic engineering team (MBK Engineers) evaluated the effects of a 3-foot rise in sea levels in the Delta on water surface elevations in the Sacramento River channel at flood stage in connection with SAFCA’s Natomas Levee Evaluation Program, which was carried out in 2005 and 2006. The analysis showed that the effects of an increase in sea level attenuated at approximately the town of Freeport, which is approximately 12 miles downstream of the project location.

Runoff is directly affected by changes in precipitation and snowpack (see discussions above). Changes in both the amount of runoff and in seasonality of the hydrologic cycle have the potential to greatly affect the heavily managed water systems of the western United States.

Hydrology of the Sacramento and San Joaquin River system is highly dependent on the interaction between Sierra Nevada snowpack, runoff, and management of reservoirs. Potential changes made to the amount of reservoir space retained for flood storage, retained annual carryover volumes, and other reservoir management factors in response to altered Sierra runoff patterns could substantially alter how those runoff patterns are experienced in the lower Sacramento and American River watersheds. Although changed runoff patterns related to decreasing snowpack are reasonably foreseeable, significant uncertainties remain regarding how those changes may affect flow patterns in the Lower American and Sacramento River watersheds. Runoff patterns in these watersheds depend not just on how climatic conditions might change, but also on a wide range of human actions and management decisions. Given the uncertainty associated with projecting changes in runoff patterns in water bodies at and upstream of the project area, this potential climate change effect is too speculative to reasonably draw a conclusion on regarding the significance of foreseeable direct effects on physical conditions at the project site.

- 41-8 The landscape changes that would result from implementation of the proposed project would be on a scale that does not readily lend itself to visual interpretations.
- 41-9 See response to Comment 19-2.
- 41-10 See response to Comment 41-9.
- 41-11 See response to Comment 19-5.
- 41-12 SAFCA is not a land use decision-making agency with the power to zone or approve land use permits. In the Natomas Basin, that authority rests with the City of Sacramento, Sacramento County, and Sutter County.
- 41-13 See response to Comment 19-5.
- 41-14 Compensation for relocation of structures would be negotiated as part of the property acquisition process described in response to Comment 19-5.
- 41-15 Post-construction access to properties along the Garden Highway would be determined on a case-by-case basis as project design proceeds.
- 41-16 Potential impacts on specific properties located within the 2009–2010 project footprint will be analyzed at a project-specific level in a subsequent environmental document, and mitigation for significant effects on the environment will be identified. SAFCA anticipates that this subsequent environmental document will be issued in 2008.

SAFCA: Sacramento Area Flood Control Agency  
 John Bassett/Natomas Levee Improvement Program  
 - Landside Project  
 - Bank Protection Project

I am nearly 70 years old, retired and have lived on the riverside of the Garden Hwy for nearly 33 years. My permits for construction of my residence were approved by Sacramento County and the other applicable State and Federal agencies. I have endured years of high water and survived the epic flood years of 1986 and 1997 when water levels came within approx 1 foot of my floor (living space).

For the past two years, at least, we have heard rhetoric that set back levees are needed to contain unusually high water flows. For the past two years we have seen trucks and barges carrying and dumping rock into the Sacramento River significantly constricting the water flow, making a narrower channel. It does not take a nuclear scientist to realize that the same volume of water as in the past would mean higher river stages than ever before.

We truly believe that because of your action – and inaction – that our homes are now in peril and subject to flooding like never before. In the past you have ignored our pleas to have the gates at the Sacramento Weir opened sooner during periods of high water. You have apparently not even considered the installation of movable gates at the Fremont Weir, near the confluence of the Sacramento and Feather Rivers, which could have the consequence of protecting all of Sacramento from devastating floods by sending overflow through the bypass. There should have been an overall joint powers review of the levees of the Sacramento River in the project area involving Sacramento, Yolo and Sutter counties.

42-1

We are being hit with a double whammy in that the National Flood Insurance Program has a building coverage limit of only \$250,000. Our properties, which will now be at greater risk and with the likelihood of being flooded, are worth many times that amount. In addition, the Garden Hwy is in a sad state of disrepair, is substandard, narrow, without shoulders and without a firm foundation to stand up to the kind of truck traffic proposed. Shock waves sent out by the previous levee work several years ago caused damage to homes along the Garden Hwy that would no way approximate the magnitude of the damage of the currently proposed project.

42-2

We realize that the land side needs to be protected. But as proposed it is entirely at our expense and a threat to our survival. What can you do to mitigate that? We are entitled to due process and just compensation for damages. Put in place a program for raising homes in the areas where the levee is being raised.

42-3

In the levee work of several years ago, the project took out 9 fruit trees and extended the toe of the levee out over my property . This confiscation was IGNORED by the project managers. I don't intend for this to happen again! There must be a procedure for resolution of complaints.

42-4

Consideration of using slurry walls, in whole or part, in the upper reaches of the project.

42-5

It is a folly and extremely dangerous to put the power poles on the water side in a residential, vegetation, water mix. A recent pole failure , fortunately on the land side, sent electric power thru the telephone lines, live wires were snaking around, causing equipment failure, killing a bat and nearly catching my house on fire. Utilities should be put underground, along the side of the roadway, which should be slid over to incorporate the new, stronger levee. This would also allow for safer recreational uses on the existing highway, which is significant and will become more so

42-6

I tried calling SAFCA prior to the October 18 meeting at city hall, but received a recording for a call back. Why was the meeting held at such an inconvenient place, downtown, away from the project area, with virtually no parking availability? Also, I tried accessing the SAFCA website, but to no avail. Not one item materialized. When I did acquire access through a neighbor, it was nearly impossible to follow – no parcel numbers, addresses, etc. Extremely vague information. Not very senior friendly at all!

42-7

This is my request to you for a SHORT EXTENSION of the period for public input. There needs to be ANSWERS TO OUR CONCERNS!

R. Muller  
5601 Garden Hwy  
Sacramento, CA 95837-9303

(916) 929-3171

APN: 201-033-024

**R. Muller**

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- 42-1 See Master Response 1.
- 42-2 See Master Response 3.
- 42-3 See Master Response 1 under “Impacts on Garden Highway Residences.”
- 42-4 See Master Response 3. SAFCA is committed to creating an effective communications process for residents and property owners affected by construction. SAFCA’s Joint Exercise of Powers Agreement establishes the procedure for resolving complaints against SAFCA.
- 42-5 As described in Chapter 2, “Project Description,” of the DEIR, SAFCA is considering the use of cutoff walls where appropriate.
- 42-6 See Master Response 4.
- 42-7 The public hearing for the proposed project was held during the regular October 18 meeting of the SAFCA Board of Directors to provide an opportunity for the Board to receive verbal comments from the public.

The DEIR can be accessed via SAFCA’s Web site at <http://www.safca.org/>. The link to the DEIR is <http://www.safca.org/NLIPDRAFTEIRS.htm>.

**Wendy and John Nelson**  
**4161 Garden Highway**  
**Sacramento, CA 95834**  
**(916) 568-0990**

October 28, 2007

Mr. John Bassett  
 Sacramento Area Flood Control Agency  
 1007 7th Street, 7th Floor  
 Sacramento, CA 95814

RE: Natomas Levee Improvement Program: Landside Improvements Project and Bank Protection Project

We are writing in response to the levee improvement plan and our disagreement, as Sacramento River/Garden Highway residents, with many of its provisions. First, it is important to state that Sacramento knowingly and willingly allowed builders to build up flood prone Natomas, contrary to all common knowledge that that area of the city would be a giant "soup bowl" in a major flood. Now that the builders have taken their money and run, it seems that the financial toll of the flood protection for that area will fall onto the pocketbooks of Sacramento residents, and the burden and hassle will fall on Garden Highway residents who were here LONG before any Natomas builder came and went. It should also be part of any plan that these builders who made fortunes off of development in this area be assessed a hefty amount to help pay for the levee improvements and somehow make amends to the Garden Highway residents for the major inconveniences they will endure.

Pursuant to Section 15126(d) of the State CEQA Guidelines, an EIR must describe and evaluate a reasonable range of alternatives that would feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project as proposed. *The draft EIRs fail to meet this minimum standard. There is not adequate information in the draft EIRs for Garden Highway residents to even understand where their property is in relation to proposed work.* The lack of information means both the residents living adjacent to proposed work and decision-makers themselves cannot reasonably understand the impacts of the proposed work, the opportunities to avoid impacts, or even possible mitigations. In addition, information is not presented on mitigations that would lessen impacts on Garden Highway residents.

We are requesting that the comment period be extended a minimum of 30 days during which time at least 3 meetings would be held for Garden Highway residents in a location convenient for them, where at least two of the meetings would be held in the evening and at least one meeting would be held on a weekend day. Residents should receive at least 7 days notice before the meetings are held. The goal of the meetings would be for staff to provide additional information that would allow Garden Highway residents to understand where their address or parcel is in relation to planned work (bank protection work, levee work, tree removal, etc.), to provide specific information to Garden Highway residents about the work proposed on the levee and on the waterside of their homes, to address mitigations, and to gather input from and respond to residents about their concerns. Any commitments made by staff at the meetings would be followed-up in writing and made available to residents before the end of the comment period.

43-1

43-2

43-3

At a minimum, the EIRs should include the following mitigations to lessen the impacts on Garden Highway residents:

- |   |       |
|---|-------|
| - Mitigate new flood impacts on Garden Highway homes, such as raising all Garden Highway homes in areas where the levee is being raised. Develop a plan, agreed to by Garden Highway residents, to mitigate new flood risks to Garden Highway homes resulting from increasing the height of the levee in relation to the height of homes.   | 43-4  |
| - Move the Garden Highway roadway as far as possible toward the landside of the new levee to avoid safety problems caused by a levee higher than the roadway, to improve traffic safety for residents pulling out of their driveway, and to allow for safer recreational uses on the existing Garden Highway. Pave, instead of gravel, the proposed access roadway for bicycle/jog path use.  | 43-5  |
| - Include in levee protection plans moving water out of the Sacramento River channel into bypasses at lower elevations than is done currently, such as lowering permanent floodgates and opening weirs sooner.  | 43-6  |
| - Underground all utilities, rather than the proposed moving power poles from the "land side" to the "river front side." Not only would that be an enormous undertaking with huge environmental impacts on habitat as well upon aesthetics that would cause removal of fences, trees, etc., but it would be a health hazard to homes that are there. In addition, as we are being forced to subjugate ourselves to this construction over the next 3+ years, we ask for a return on our sacrifices. We need to insist on improving basic services along Garden Highway (fiber optics / natural gas / Internet / cable TV) in the new expanded levee. After all, any new development in California is guaranteed these services based on current code requirements. How about also adding water and sewer? | 43-7  |
| - Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted within 1000 feet of any residence. Restrict all project work to Monday to Friday from 7:00 AM or 30 minutes after sunrise whichever occurs later, to 6:00PM or 30 minutes before sunset whichever occurs first, with no operations occurring on County holidays.   | 43-8  |
| - Establish hauling routes that minimize traffic on Garden Highway so that access roadways such as Riego, Eleverta, Powerline, etc. and maintenance roads are used to the greatest extent possible.   | 43-9  |
| - Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.   | 43-10 |
| - Develop a traffic safety plan so that trucks that must be on Garden Highway travel at slower speeds, drivers are trained to watch for residents pulling out of driveways, and trucks are far enough apart to allow residents to safely pull out of driveways onto the roadway and to allow emergency equipment to pass.   | 43-11 |
| - Specify how the project will provide permanent access between resident driveways and the elevated roadway.  | 43-12 |
| - Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why.  | 43-13 |



- Provide greater protection to established habitat areas such as the area around Fisherman's Lake and the reservoirs south of Elverta Road and north of the Teal Bend Golf Course and provide adequate protections for protected species and species of special concern, including river otters.

43-14

- Establish a communications plan that provides at least 72 hours of advance notice of events impacting Garden Highway residents such as road closures and power interruptions; provide at no cost surge protection to all service address in the project area for the duration of the project to prevent surge-related damage from project-related power interruptions.

43-15

- Establish an advocate office for resolution of complaints during the project which is staffed the same hours as work is underway.

The lack of information in the draft EIRs, the lack of mitigations in the draft EIRs, and the lack of communication with Garden Highway residents necessitates a delay long enough to provide information and communicate with those impacted by the project to come up with solutions to these issues that will satisfy all.

43-16

Sincerely,

Wendy and John Nelson  
Sacramento River / Garden Highway Residents

CC:  
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SMUD Board Member Representing Garden Hwy:  
Peter Keat 732-6155; keatdavis@aol.com.

Governor Arnold Schwarzenegger

Assemblyman Roger Niello

Senator Darrell Steinberg

**Wendy and John Nelson**

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- 43-1 See response to Comment 24-1.
- 43-2 See response to Comment 24-2.
- 43-3 See response to Comment 24-3.
- 43-4 See response to Comment 24-4.
- 43-5 See response to Comment 24-5.
- 43-6 See response to Comment 24-6.
- 43-7 See response to Comment 24-7.
- 43-8 See response to Comment 24-8.
- 43-9 See response to Comment 24-9.
- 43-10 See response to Comment 24-10.
- 43-11 See response to Comment 24-11.
- 43-12 See response to Comment 24-12.
- 43-13 See response to Comment 24-13.
- 43-14 See response to Comment 24-14.
- 43-15 See response to Comment 24-15.
- 43-16 See response to Comment 24-16.

C. Olsen Comments on draft EIRs for the Natomas Levee Improvement Program

TO: John Bassett  
Sacramento Area Flood Control Agency  
1007 7th Street, 7th Floor, Sacramento, CA 95814  
BassettJ@SacCounty.net

RE: Natomas Levee Improvement Program: Landside Improvements Project and Bank Protection Project

From: Christine Olsen, Garden Highway Property Owner  
P.O. Box 163062, Sacramento CA 95816

The most basic requirement of CEQA is to provide adequate information for public input and decision making. The draft EIRs fail to meet this very fundamental requirement. The proposed project involves extensive work immediately in front of and behind Garden Highway homes. There is not adequate information in the draft EIRs for Garden Highway residents to even understand where their property is in relation to proposed work. Further, CEQA requires that an EIR must describe and evaluate alternatives that would attain basic project objectives and avoid or substantially lessen impacts of the project as proposed. The draft EIRs fails to adequately identify impacts on Garden Highway residents and mitigations.

44-1

44-2

44-3

The draft EIRs fail to identify river otters, a state and federally listed species of special concern, and impacts of the proposed projects on the otters. Although river otters are shy and known to be difficult to census, the otters are frequently seen in the river, the canals, and particularly in the ponds south of Elverta Road and north of the Teal Bend Gold course. There is an active otter slide next to the pond closest to the road (this slide was noted by a field biologist surveying for the draft EIR on levee improvements). Otters take refuge in the ponds every year to bear and raise their young. The proposed projects will have a very significant impact on otters that is not identified in the draft EIR's, nor are mitigations proposed. This needs to be corrected.

44-4

The draft EIRs also generally fail to address the cumulative impacts of work currently underway on the west bank of the Sacramento River and proposed work on the east riverbank and the east levee.

44-5

In addition to my comments on the draft EIRs, I am requesting that the comment period be extended a minimum of 30 days during which time at least 3 meetings would be held for Garden Highway residents in a location convenient for Garden Highway residents, with at least 2 of the meetings held in the evening and at least one meeting held on a weekend day. Residents should receive at least 7 days notice before the meetings are held. The goal of the meetings would be for staff to provide additional information that would allow Garden Highway residents to understand where their address or parcel is in relation to planned work (bank protection work, levee work, tree removal, etc.), to provide specific information to Garden Highway residents about the work proposed on the levee and on the waterside of their homes, to address mitigations, and to gather input from and respond to residents about their concerns. Any commitments made by staff at the meetings should be followed-up in writing and made available to residents before the end of the comment period.

44-6

Page 1 of 3

As previously stated, CEQA requires that an EIR must describe and evaluate alternatives that would attain basic project objectives and avoid or substantially lessen impacts of the project as proposed. At a minimum, the draft EIRs should be amended to include the following impacts on Garden Highway homeowners and identified mitigations.	44-7
- <u>Mitigate new flood impacts on Garden Highway homes</u> , such as raising all Garden Highway homes in areas where the levee is being raised. Develop a plan, agreed to by Garden Highway residents, to mitigate new flood risks to Garden Highway homes resulting from increasing the height of the levee in relation to the height of homes.	44-8
- <u>Move the Garden Highway roadway as far as possible toward the landside of the new levee</u> to avoid safety problems caused by a levee higher than the roadway (a flooded roadway would make evacuation dangerous), to improve traffic safety for residents pulling out of their driveway, and to allow for safer recreational uses on the existing Garden Highway. This would also minimize the significant drainage issues that would impact Garden Highway homes as a result of a levee higher than the roadway.	44-9
- <u>Include in levee protection plans moving water out of the Sacramento River channel into bypasses at lower elevations</u> than is done currently, such as lowering permanent floodgates and opening weirs sooner.	44-10
- <u>Underground all utilities</u> , rather than moving power poles. Moving the power poles to the water side of Garden Highway is inconsistent with the goals of the County's Special Planning Area on Garden Highway and poses a significant traffic safety hazard.	44-11
- <u>Mitigate potential impacts of slurry walls on residential wells</u> and groundwater that serves Garden Highway homes.	44-13
- <u>Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted</u> within 1000 feet of any residence. Restrict all project work (trucks, pile driving, etc.) to Monday to Friday from 7:00 AM or 30 minutes after sunrise whichever occurs later, to 6:00 PM or 30 minutes before sunset whichever occurs first, with no operations occurring on weekends or County holidays.	44-13
- <u>Establish hauling routes that minimize traffic on Garden Highway</u> so that access roadways such as Riego, Elverta, Powerline, etc. and maintenance roads are used to the greatest extent possible to minimize traffic safety issues, noise, and vibration-related damage to Garden Highway homes. Because of existing soil conditions, driveway connections to Garden Highway and homes constructed on poles, vibrations caused by heavy truck traffic can have a very negative impact on Garden Highway homes and driveways.	44-14
- <u>Require dust control</u> including requiring that all trucks be covered and watering be done to keep dust down at all work sites.	44-15

- <u>Develop a traffic safety plan</u> so that trucks that must be on Garden Highway travel at slower speeds, drivers are trained to watch for residents pulling out of driveways, and trucks are far enough apart to allow residents to safely pull out of driveways onto the roadway and to allow emergency equipment to pass.	44-16
- <u>Specify how the project will provide permanent access between resident driveways and the elevated roadway.</u>	44-17
- <u>Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why.</u>	44-18
- <u>Provide greater protection to established habitat areas</u> such as the area around Fisherman's Lake and the reservoirs south of Elverta Road and north of the Teal Bend Golf Course. Provide adequate protections for protected species and species of special concern, including river otters. The draft EIRs propose filling the ponds/reservoirs south of Elverta Road and north of Teal Bend Golf course based on the misguided notion that such action would reduce bird strikes. It is well-documented that birds involved in bird strikes are attracted to open green areas, such as exist at the golf course. In contrast, the rich habitat area around the ponds is heavily wooded. The ponds do, however, provide habitat for protected species including western pond turtles and river otters.	44-19
- <u>Establish a communications plan</u> that provides at least 72 hours of advance notice of events impacting Garden Highway residents such as road closures and power interruptions.	44-20
- <u>Establish an advocate office</u> for resolution of complaints during the project which is staffed the same hours as work is underway.	
The very sketchy information in the draft EIRs does not allow me to understand the specific impacts to me or my property from the proposed work. It appears that relief wells are being installed across from my home with substantial levee work to be done in 20 years when the wells are obsolete. The reasoning in the EIR does not seem to justify forcing me and other residents to live through construction twice. I object to the relief wells based on the very limited information I have now.	44-21
I believe flood protection can be provided for Sacramento and impacts on Garden Highway residents can be minimized. It is not the intent of Garden Highway residents to unnecessarily delay improved safety, but the lack of information in the draft EIRs (information required by CEQA), the lack of mitigations in the draft EIRs, and the lack of communication with Garden Highway residents necessitates a delay long enough to provide information and communicate with those impacted by the project.	44-22

**Christine Olsen**

- 44-1 Multiple exhibits in Chapter 2, “Project Description,” of the DEIR depict the proposed project footprint. Potential impacts on specific properties located within the 2009–2010 project footprint will be analyzed at a project-specific level in a subsequent environmental document, and mitigation for significant effects on the environment will be identified. SAFCA anticipates that this subsequent environmental document will be issued in 2008.
- 44-2 Alternatives to the proposed project are described and their environmental effects evaluated in Chapter 6, “Alternatives,” of the DEIR.
- 44-3 Chapter 3, “Environmental Setting, Impacts, and Mitigation,” of the DEIR describes the potential impacts of the proposed project as well as mitigation measures to help reduce those impacts.
- 44-4 Subsection 3.7.2.3, “Sensitive Biological Resources,” in Section 3.7, “Terrestrial Biological Resources,” of the DEIR describes the criteria for defining special-status species, which include those species that are officially listed under the federal and/or California Endangered Species Act or on the list of California Species of Special Concern (there is no longer a federal list for species of concern). The California Species of Special Concern list includes a subspecies of river otter, Southwestern river otter (*Lutra canadensis sonora*), but this subspecies is restricted to the far southwest of the state and does not occur in the region that encompasses the proposed project. Therefore, the river otters that occur in the project area are not of special concern; no further analysis is required.
- 44-5 Subsection 4.2.4.2, “Related Projects in the Natomas Basin,” in Chapter 4, “Cumulative Impacts,” of the DEIR describes SAFCA’s NLIP and other flood control system improvements. The potential for the proposed project to make cumulatively considerable contributions to cumulative impacts is discussed in Subsection 4.2.5, “Analysis of Cumulative Impacts,” in Chapter 4, “Cumulative Impacts,” of the DEIR.
- 44-6 See response to Comment 24-3.
- 44-7 See response to Comment 44-2.
- 44-8 See response to Comment 24-4.
- 44-9 See response to Comment 24-5.
- 44-10 See response to Comment 24-6.
- 44-11 See response to Comment 24-7.
- 44-12 See response to Comment 20-4.
- 44-13 See response to Comment 24-8.
- 44-14 See response to Comment 24-9.
- 44-15 See response to Comment 24-10.
- 44-16 See response to Comment 24-11.
- 44-17 See response to Comment 24-12.

- 44-18 See response to Comment 24-13.
- 44-19 See response to Comment 24-14.
- 44-20 See response to Comment 24-15.
- 44-21 Potential impacts on specific properties located within the 2009–2010 project footprint will be analyzed at a project-specific level in a subsequent environmental document, and mitigation for significant effects on the environment will be identified. SAFCA anticipates that this subsequent environmental document will be issued in 2008.
- 44-22 See response to Comment 24-16.



**J. F. Schneider**  
**6409 Garden Hwy.**  
**Sacramento, CA 95837**

29 October 2007

SAFCA

Attn: John Bassett

VIA: Email: bassettj@saccounty.net

1007 7th Street, 7th Floor

Sacramento, CA 95814

Subj: Comments, DEIRs, Natomas Levee Improvement Program and Bank Protection Project

Mr. Bassett:

Enclosed are my comments on the Draft Environmental Impact Reports noted above. The compressed schedule SAFCA has created for these projects and the massive amount of information associated with a project of this magnitude has made it difficult to do a complete review of the DEIRs. Unfortunately, despite request from the public and your Board members at the October 18, 2007 meeting, SAFCA staff has refused to extend the period for review and comment on this mountain of information.

45-1

In general I am concerned with the apparent lack of resources allocated to and the potentially unrealistic time schedule adopted for this project. In the October 18, 2007 public hearing, SAFCA staff stated that the environmental review for this project should take two years but was going to be completed in 90 days. This may explain why there are so many places in the DEIRs where analysis is vague, incomplete or non-existent and the resultant multitude of "findings" of no impact or insignificant impact abound. When rushing to complete an environmental analysis in 12% of the time it should take (90 days versus two years), it is inevitable that analyses will be weak and solid findings will not be forthcoming. In this full-speed-ahead-and-damned-the-torpedoes environment it is easy to triage away analytical thoroughness to ensure difficult findings remain occult.

45-2

An example of this rapid dismissal of a significant impact is the plan to move the power lines along Garden Highway from their current location on cropland East of the levee to the front yards of private residences on the West side of the levee. The environmental impact of this operation is listed as insignificant because the new power lines can be accommodated by relatively minor tree trimming. This casual dismissal of the impacts to the existing trees alone is a blatant example of failure to acknowledge the obvious – a lay person driving along Garden Highway will see that thousands of mature trees (including hundred-year-old oak, sycamore and ash trees) would have to be destroyed to accommodate power lines on the West side of the levee. Furthermore the DEIR does not even speak to the problems of not having an easement for routing power lines through hundreds of front yards, the existing structures that would encroach on the safety area required around these power lines, and the damage to property values of running power poles and high tension wires twenty feet from the front door of million-dollar estate-class residences. Ironically most of these residences went through a governmental permitting maze and paid large sums to have power delivered to their homes via underground conduit.

45-3

SAFCA is required to address the impact of this project to determine if it will place existing housing within a 100 year flood hazard or expose people or structures to significant risk of loss involving flooding. The DEIRs state that strengthening and raising the levees between properties on the West side of the levee and the Sacramento River will have no negative impact on the properties West of the levee and therefore will not be discussed. The models vaguely cited in this argument state that the river height would not be affected by the raised levees. This is a bizarre finding – if the water will never overtop the levees why spend hundreds of millions of dollars to raise them? It may be because the assumptions in the models are erroneous or assume no other contributing factor or structure elsewhere in the entire watershed or flood control system will ever change. It has been well established in case law that government cannot improve flood prevention to one neighborhood if it is to the detriment of another without compensating the negatively impacted neighborhood for the resultant loss of property value. Raising and strengthening the levees to protect the properties on the East side of the levee must by basic logic put residences on the West side of the new stronger and taller levee at greater risk for flooding. Even if we assume the model that the river height will not raise, in a flood event the existing levees will fail earlier than the new strengthened levees, leaving water higher for a longer period of time on the properties West of the levee. The impact of the elimination of levee failure due to the strengthening has not been discussed anywhere in the DEIRs. (We also note in one DEIR that modeling shows there will be no impact to the river by the project while the other DEIR states that modeling shows there will be beneficial hydraulic impacts. Which DEIR and which model are we to believe?)

45-4

It is amazing that SAFCA staff state that strengthening levees and raising the height of those levees by three feet will give residences in the Natomas Basin massive flood protection and will increase the value of their properties yet there will be no impact to the residences on the other side of this massive structure. The formula used to levy a tax against properties in the Natomas Basin to fund this project takes into account the size of a structure, the elevation of the structure, and the use of the structure. This formula effectively determines the benefit to the property in the Natomas Basin of the added flood protection from the projects, and is really a measure of the benefit to the value of that property. By using this approach to fund the projects, SAFCA has de facto determined that the projects will increase the property value of parcels within the Natomas Basin. The immediate and long-term impacts to the properties on the West side of the levee have been totally dismissed or ignored in the DEIRs. These projects plan to erect a massive setback levee that sits three feet higher than the existing levee directly in front of unique estate-class residences. Much of the value of these properties lies in their scenic setting next to the Sacramento River with views of magnificent sunsets to the West and an amazing view of pastoral farmland framed by the Sierra Mountains to the East. The view to the East will be effectively removed and replaced with a giant wall of dirt – a wall that will place fear of massive flooding in the mind of potential buyers. It is unrealistic to state there will be no impact to the value of a property that is next to a behemoth wall that is many feet higher than the property's front door – especially when one considers that behemoth replaced a tranquil and serene view of farmland and the snow-capped Sierras. For this one factor alone, it will not be difficult for a real estate appraiser with expertise in estate-class homes to find a nexus on the diminution of property value and the SAFCA project.

45-5

Several places in the DEIR note that the taking of homes, barns, and other structures will not have a negative impact on the use of those properties for farming. Destruction of the homes and business structures needed for the small-scale farming along Garden Highway will result in parcels too small to keep the property economically viable for farming. In one case, the taking of ten acres of prime farmland by Caltrans caused the farmer to have to rent additional land elsewhere to keep his farm economically viable. Reducing the size of that parcel again will result in the end of that property being usable for small-scale farming. The analysis of this impact has again been summarily dismissed in the DEIRs as being insignificant. If a thorough analysis had been performed, the economic viability of the resulting parcels would have shown an impact far from insignificant.

45-6

The Sacramento River and its nearby lands were prime spots for Native American villages and other activities, including burial grounds. The setback levee will destroy some of these lands, including covering at least one burial mound. Years ago the City of Sacramento charged ahead with a nearby project adjacent to the Sacramento River only to be "caught" destroying a Native burial ground. The SAFCA attempts to contact locally knowledgeable persons was weak, effectively ending with a phone message to a few persons identified as having knowledge of potentially sensitive areas. Ironically, if SAFCA staff had contacted the two hundred properties that will be directly affected by this project they could have learned where these sites are and how they have been protected and cared for by the local residents. Unfortunately, SAFCA's outreach efforts to affected residents were virtually non-existent.

45-7

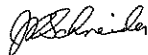
In general, the analyses in the DEIR were not thorough which invariably led to vacuous findings of no or insignificant impact. Clearly there are many impacts that can be readily seen but do not appear in the documents. Specifically, more thorough analyses should occur in the areas of impacts to the properties on the West side of the levee, both short term during construction, long term in view of flooding impacts, and especially the resulting negative impacts the projects will have to the property values West of the levee. These should include both direct and cumulative impacts from these and all SAFCA flood control projects currently under consideration. SAFCA should reanalyze the impacts of the projects to farming, especially from an economic point of view. A more thorough search for sensitive Native grounds should be completed.

45-8

45-9  
45-10

Finally if additional time for comments were made available, it would be possible to provide more specific and detailed concerns to SAFCA.

Sincerely,



J. F. Schneider

**J.F. Schneider**

45-1 The DEIR discusses the public participation process under Section 1.9, “Public Participation and the EIR Process.” SAFCA has complied with applicable CEQA requirements regarding notice to the public and public agencies. In Chapter 1, “Introduction,” of the DEIR discusses the CEQA environmental review process and the opportunities for public involvement.

45-2 See response to Comment 45-1.

45-3 See Master Responses 2 and 4.

45-4 See Master Response 1.

Regarding the purported discrepancy between the Landside Improvements Project DEIR and the Bank Protection Project DEIR, it is unclear to which impacts in which document the commenter is referring. When examined at a project-specific level, the project would not result in an adverse impact on SRFCP water surface elevations. When the program of flood control improvements described in the Local Funding Mechanisms EIR is taken as a whole (including the increase in storage capacity at Folsom Dam), the project would result in a beneficial hydrologic effect.

Impacts on visual resources are evaluated in Section 3.14, “Visual Resources,” of the DEIR. Tables 2-6 and 2-10 in the DEIR summarize, by reach, the proposed improvements to the Sacramento River east levee in Reaches 1–4B (2008 construction) and Reaches 4B–19B (2009–2010 construction). These tables show that the height of the proposed levee raise with the proposed adjacent setback levee would be about 3 feet. A raise of this amount would not be expected to restrict existing views.

45-5 See Master Response 1.

45-6 The potential effects of the proposed project on agricultural operations is described in Section 3.2, “Agriculture and Land Use,” of the DEIR. Also, see response to Comment 19-5.

45-7 Mitigation measures have been identified to minimize potential impacts to cultural resources in the project area. However, even with implementation of these measures, SAFCA concludes that significant and unavoidable impacts to cultural resources would occur, as discussed in pages 3.8-26 through 3.8-33 of the DEIR.

45-8 See Master Responses 3 and 1.

45-9 See response to Comment 45-6.

45-10 See response to Comment 45-7.

John Bassett/NLIP Landside DEIR Comments  
 Sacramento Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814

Dear Mr. Bassett

As homeowners on the Garden Highway we are against the levee project proposed by SAFECA  
 For the following reasons:

•Moving the power poles and lines onto the river side of the levee will create the following hazards on our properties:

•Increased fire danger due to falling trees and power lines caused by the typically high winds during storms in our area. If you lived here you would know what this statement means, up to 65 mph winds. Further proof is the "high wind" warning signs along Interstate 5 over the river and the Yolo Bypass.

•Having power lines near trees means we will have more power outages than we normally due, which is quite frequent already. When we lose power it's usually for hours and sometimes days.

•Having power lines in close proximity to our homes present a potential health hazard.

•Loss of property to the right of way for the power lines and trespassing by those who maintain these lines.

•During high water most of our property is under water. We need ALL of our property along the Garden Highway to park our vehicles and other possessions that normally are kept on the lower parts of our property. These power lines and poles would prevent us from protecting our property at these times.

The projected number of trucks required to construct the levee:

•Currently when large heavily loaded trucks drive by our home we do not need to see them or hear them, we just feel them as they shake our home due to the soft soil the levee is built from. One truck every minute and the faster they go the worse it is. SAFECA's speaker told us they would cover damages if they occur. We do not want to deal with this after the fact. These trucks should not be traveling on this road to begin with as the road was not designed for this type of traffic. They should also not be traveling on any part of the levee due to the soft soils.

46-1

46-2

1'd

•What about the air pollution created by the dust from this project? Is it safe to breath?

•We have been told that dredging the river would create pollution, what about the air pollution from this project? Have you investigated which is worse?

46-2  
(Cont.)

**Adding height to the existing levee:**

•When we built our home in 2000 we were required by Sacramento County to have the floor of our home at the 200 year flood plain which is three quarters of a foot above the current levee road. This added approximately 25% to the cost of our home. We would think that these same requirements would be expected for any buildings built on the land side of the levees. Yet you are using taxpayer money to raise the levee three feet to protect current and future buildings from the 200 year flood plain at no cost to these developers, builders, and property owners. We realize a bond issue was passed for this type of project but why should we pay taxes for a project that adversely impacts our property our environment and our way of life. This is not fair to us. Therefore we would assume Sacramento County will pay for the costs to raise our home to the new 200 year flood plain standard, compensate us for having to build our homes to this standard. Mr. Yee talked about this at the County Supervisors Board Meeting October 18, 2007.

46-3

• The added height of the levee wall will restrict our views to the east.

• Our property values will automatically be lowered by this project.

This is not a minimally invasive project as we were led to believe and we deserve to know more, this is our home. Tell us exactly what is going to happen to our property and neighborhood before this action is to be approved.

Homeowners needing more information please,

Bruce and Gayle Sevier  
7283 Garden Highway,  
Sacramento, CA. 95837  
916-922-9150  
APN 201-0250-028-0000

**Bruce and Gayle Sevier**

---

46-1 See Master Response 4.

46-2 See Master Response 3.

46-3 See Master Response 1.

Residents along the Garden Highway are part of SAFCA's O&M district and therefore pay a small annual assessment that is used to cover the cost of SAFCA's planning and administration because these properties receive an indirect benefit from avoiding of flooding of the City of Sacramento's urban core. Most of the properties along the Garden Highway are not part of SAFCA's new capital assessment district, which will contribute a portion of the costs of implementing SAFCA's program of flood control improvements.

Tables 2-6 and 2-10 in the DEIR summarize, by reach, the proposed improvements to the Sacramento River east levee in Reaches 1–4B (2008 construction) and Reaches 4B–19B (2009–2010 construction). These tables show that the height of the proposed levee with the proposed adjacent setback levee would be about 3 feet. A raise of this amount would not be expected to restrict existing views.

**From:** Tyson Shower [mailto:tshower@mhallow.com]  
**Sent:** Monday, October 22, 2007 2:06 PM  
**To:** Dickinson, Roger; rtrettheway@cityofsacramento.org  
**Subject:** Garden Highway Levee Improvements  
**Importance:** High

To Whom it May Concern,

My name is Tyson Shower and I also live on the Garden Highway with my wife and three-year old daughter near the Teal Bend Golf Course. I am also a partner at the law firm of McDonough, Holland & Allen. Unfortunately, I was not able to attend the initial public hearing. I did, however, spend a few hours wading through the draft EIR. I was alarmed that the draft EIR appeared to completely ignore the severe and substantial unmitigated impacts of the proposed levee improvements on the residents along Garden Highway. As Mr. Ingram succinctly described below, the proposed relocation of the telephone lines, traffic and impacts of the levee raising, among other things, are unacceptable. Further, SAFCA has failed to make a reasonable attempt to inform the residents of the potential impacts. I have consulted with my public law and eminent domain partners and we are prepared to address these issues in any fashion necessary. Hopefully, SAFCA will work with the impacted residents to amicably resolve these issues as Mr. Ingram suggests below. Please include me in all future correspondence. Thank you.

47-1

47-2

**Tyson M. Shower**  
**McDonough Holland & Allen PC**  
 Attorneys at Law  
 555 Capitol Mall, 9th Floor  
 Sacramento, CA 95814  
 Telephone (916) 444-3900  
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 tshower@mhallow.com

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**From:** David Ingram [mailto:David@tennantingram.com]  
**Sent:** Friday, October 19, 2007 9:02 AM  
**To:** BassetJ@SacCounty.net  
**Cc:** BRITT JOHNSON; Mary Ingram; Maggie Sekul; Charles Linn; Don & Gaelle Ferguson; Fred & Linda Louder; Hilary Abramson; John & Michele Katic; Lisa Dobak; Matthew Breese; Melissa and Chris Fogarty; Peter & Jan Moore; Sherri Leng; Susan Johnson; Wendy Nelson  
**Subject:** Garden Highway Levee Improvements

To Whom it May Concern:

I am a long-time Garden Highway resident and live on the water-side of the Highway near the Teal Bend Golf Course. Unfortunately, I was unable to attend yesterday's meeting. I have received feedback from other similarly situated homeowners about a few very disturbing developments in the levee improvements apparently headed our way: 1) Truck Traffic; 2) Power line location; and 3) Levee height increase. My concerns, shared by every neighbor with whom I have spoken, are as follows:



**Truck Traffic:**

To some, Garden Highway may not seem like a “neighborhood”. It is. People live there and rely upon Garden Highway for walking, jogging, riding bikes, getting to work, going to the store and getting our kids to school and soccer practice. In our neck of the woods, we already face significant drive times to get to these places. Of course, we bargained for that when we moved there. We did not, however, anticipate having to share the road with endless trucks moving millions of yards of earth, or being re-routed many miles out of our way. The impact of the truck traffic associated with the levee improvement on our community cannot be overlooked or minimized. There are alternative routes for these trucks that need to be fully explored, including land-side farm roads, etc. I highly suggest those alternatives be seriously considered BEFORE it is too late and a major legal battle has been waged. I am also curious if the truck traffic will be “around the clock” or only during daylight hours?

47-3

**Power Lines:**

There is apparently a suggestion that the power lines be moved to the land-side of the levee, basically over the tops of our houses. This is unacceptable and would cause severe depreciation of our property values, constitute a nuisance and an eye sore, and disrupt the peaceful living that forms the foundation for why all of us have chosen to live “on the river” in the first place. Moreover, it would involve the removal and/or severe eradication of thousands of mature Oak trees. If you have driven down Garden Highway, you know that 99% of the trees along the Highway are on the water-side of the levee. Any proposal to move power lines to that proximity is quite short-minded and would be immediately met by a legal challenge, probably from a variety of sources.

47-4

**Levee Raising:**

The governmental agencies involved in this project should be prepared to address ingress/egress conflicts that will result when the levee is raised, as well as the increased flood risk to those homes on the water-side. Obviously, all of the driveways, walkways, paths, fences, gates, walls, and other improvements adjacent to the homes on Garden Highway have been engineered and constructed based upon current levee heights. Any increase in the levee will cause major conflicts with these improvements that will have to be borne by the agencies involved with the project. Moreover, the increased flood risk to our homes and property cannot be overlooked. Obviously, the higher the levee, the more our property is at risk for flooding. How do the County and other involved agencies plan to compensate the homeowners affected by the altered improvements and increased flood risk?

47-5

I appreciate your time and consideration and hope my concerns are seriously considered. While Garden Highway residents may initially appear somewhat subdued, we band together quite quickly and aggressively when faced with a threat to our homes and our community. Please ensure that we are not overlooked so that these concerns can be amicably resolved, rather than contested with animosity and legal battles.

Thank you for your consideration.

Sincerely,

***David M. Ingram***

TENNANT & INGRAM  
2101 W Street  
Sacramento, CA 95818  
(916) 244-3400  
(916) 244-3440, fax  
[David@TennantIngram.com](mailto:David@TennantIngram.com)

**Tyson Shower**

---

- 47-1 The environmental impacts of the proposed project have been thoroughly analyzed in Chapter 3, “Environmental Setting, Impacts, and Mitigation,” of the DEIR. In addition to adopting the mitigation measures identified in the DEIR and FEIR, SAFCA is interested in working with the affected property owners to determine the best options for minimizing these impacts.
- 47-2 Section 1.9, “Public participation and the EIR Process,” in Chapter 1, “Introduction,” of the DEIR discusses the CEQA environmental review process and the opportunities for public involvement. As required by CEQA, the DEIR was submitted to the State Clearinghouse for distribution to reviewing agencies and a notice of availability (NOA) was filed with the county clerks of Sacramento and Sutter Counties; published in the Sacramento Bee; and distributed via e-mail and U.S. Postal Service to a broad mailing list. A public hearing was held on October 18, 2007 to solicit public comments.
- 47-3 See response to Comment 34-1.
- 47-4 See response to Comment 34-2.
- 47-5 See response to Comment 34-3.

----- Original Message -----

**From:** Tyson Shower  
**To:** Barbara Gualco  
**Cc:** Wendy Tully ; Patrick Tully ; BRITT JOHNSON ; kweg@earthlink.net ; John Corcoran ;  
 David Ingram ; Hilary Abramson  
**Sent:** Wednesday, October 24, 2007 5:07 PM  
**Subject:** RE: SAFCA EIR: Drains under Garden Hwy, dumping into our yards.

Barbara,

Please also submit these comments for the record. As you will see, the issue here concerns new drain construction. This is another example of an issue that is not readily apparent from the EIR. I think that one of the biggest problems the residents are facing is access to information. There is no single source of information that is available that accurately and succinctly describes what is going on. Only a voluminous EIR report. Further, although SAFCA believes that it has reached out to the residents to discuss these concerns, it appears that the residents really have to contact SAFCA to schedule meetings to figure out the impacts of the proposed construction. I believe this is why many of the residents feel like their concerns have been ignored. Also, the statement in the draft EIR that there is no impact to the Garden Hwy residents is not only factually incorrect and not responsible, but supports the feeling that the people that live on Garden Hwy do not matter and can be ignored. Thanks again for your time and hopefully your continued involvement will resolve these issues.

48-1

48-2

48-3

**Tyson M. Shower**  
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**From:** Patrick Tully [mailto:ptully@mindsetsoft.com]  
**Sent:** Wednesday, October 24, 2007 4:46 PM  
**To:** BRITT JOHNSON; Tyson Shower; kcweg@earthlink.net; John Corcoran; David Ingram; Hilary Abramson  
**Cc:** Wendy Tully  
**Subject:** SAFCA EIR: Drains under Garden Hwy, dumping into our yards.  
**Importance:** High

Greetings all,

I have identified another area of the EIR that I think will impact many Garden Highway residents. Page 70 of the SAFCA EIR, talks about new installation of surface drainage inlets to be installed into and under Garden Hwy where the levy has been widened and raised: See also the attached diagram.

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***Installation of Surface Drainage Outlets across Garden Highway***

Between the adjacent setback levee and the Garden Highway pavement, a new storm drain system would be

constructed to convey surface water beneath Garden Highway and toward the Sacramento River. A surface

collection system (drainage swale) would convey runoff water to drop inlets located approximately 200–500 feet

apart, and new pipe laterals would convey the water beneath Garden Highway to the waterside slope (Exhibit 2-

24). Excavation of a trench across Garden Highway would be required, and those segments where excavation

occurs would have to be reconstructed. Single-lane traffic controls and through-traffic detours, as described under

"Reconstruction of Garden Highway at Intersections," would be required during this phase of construction.

---

Amazingly enough, the EIR plans for the roadway waste water to be drained to the "waterside slope". In other words, SAFCA wants to take the surface water that pools up on Garden Hwy and put it into our yards & river. The diagram shows a 2% grade with a flap trap to dump the water presumably into the river. At a 2% grade, in my case it will come out in my front yard, and require my driveway to be ripped up. Or at best, turn my yard into an open drain for 500' feet of garden Hwy. I can barely handle 100' of runoff, so I can only imagine the water that will rush through a drain designed to handle this capacity.

48-4

I am sure we all realize a certain amount of road side drainage, but that's our choice. Dumping collected roadway waste water onto the "lower" land owner is against legal standards, and clearly defined by precedence. One can imagine the first rain of the year dumping oily runoff onto are yard, flowers, etc... full of car oil, tar, antifreeze and whatever materials have been left on the road.

Once again, specifics of where, why, how, and alternatives are not offered in the EIR. Other than trenching across Garden Hwy, no mention of the impact on Garden Highway Residences is discussed. I would assume fences, driveways, and whatever is on top will have to be removed to install these drains. The EIR does not say what the environmental impact will be from this, nor what problems this will cause for residents.

See the attached Figure referencing this. Notice the diagram already has electrical lines in our front yards? Notice the absence of a house, a driveway, and people?

It almost appears as if nobody lives on Garden Hwy.

Patrick Tully  
Mindset Software, Inc.  
(916) 446-8000 Fax: (916) 446-9009  
Media: [www.mindsetsoft.com](http://www.mindsetsoft.com)  
Web Services: [www.mindsetservices.com](http://www.mindsetservices.com)

48-4  
(Cont.)

**Tyson Shower**

---

- 48-1 See response to Comment 48-4.
- 48-2 Section 1.9, “Public participation and the EIR Process,” in Chapter 1, “Introduction,” of the DEIR discusses the CEQA environmental review process and the opportunities for public involvement.
- 48-3 The environmental impacts of the proposed project have been thoroughly analyzed in Chapter 3, “Environmental Setting, Impacts, and Mitigation,” of the DEIR. In addition to adopting the mitigation measures identified in the DEIR and FEIR, SAFCA is interested in working with the affected property owners to determine the best options for minimizing these impacts.
- 48-4 As the DEIR noted in Section 2.3.2.3, “Installation of Surface Drainage Outlets across Garden Highway,” and as shown on DEIR Exhibit 2-24 new storm drainage swales would be constructed between the adjacent setback levee and the Garden Highway pavement. These swales would drain to new drop inlets which would be connected together by lateral pipes between the inlets. A new storm drainage culvert would be constructed beneath Garden Highway to periodically discharge stormwater toward the Sacramento River. The stormwater from the eastern half of the Garden Highway and the swale area would be collected in the grassy swale, which would contain, convey, and bio-filter the stormwater. The location of the cross culverts would be selected to minimize impacts on existing residential properties. These discharge pipes would require minor landscape improvements to prevent erosion and ensure applicable water quality standards are met.

**From:** JADEANDJAKE@aol.com [mailto:JADEANDJAKE@aol.com]  
**Sent:** Sunday, October 28, 2007 2:51 PM  
**To:** Bassett, John (MSA)  
**Subject:** My life on the river

TO: John Bassett  
 Sacramento Area Flood Control Agency  
 1007 7th Street, 7th Floor, Sacramento, CA 95814  
 BassettJ@SacCounty.net

RE: Natomas Levee Improvement Program: Landside  
 Improvements Project and Bank Protection Project

From: Don Springer 6931 Garden Highway

Pursuant to Section 15126(d) of the State CEQA Guidelines, an EIR must describe and evaluate a reasonable range of alternatives that would feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project as proposed. The draft EIRs fail to meet this minimum standard. There is not adequate information in the draft EIRs for Garden Highway residents to even understand where their property is in relation to proposed work. The lack of information means residents living adjacent to proposed work and decision-makers cannot reasonably understand the impacts of the proposed work, opportunities to avoid impacts, or possible mitigations. In addition, information is not presented on mitigations that would lessen impacts on Garden Highway residents.

49-1

49-2

I am requesting that the comment period be extended a minimum of 30 days during which time at least 3 meetings would be held for Garden Highway residents in a location convenient for Garden Highway residents, at least 2 of the meetings would be held in the evening and at least one meeting would be held on a weekend day. Residents should receive at least 7 days notice before the meetings are held. The goal of the meetings would be for staff to provide additional information that would allow Garden Highway residents to understand where their address or parcel is in relation to planned work (bank protection work, levee work, tree removal, etc.), to provide specific information to Garden Highway residents about the work proposed on the levee and on the waterside of their homes, to address mitigations, and to gather input from and respond to residents about their concerns. Any commitments made by staff at the meetings would be followed-up in writing and made available to residents before the end of the comment period.

49-3

At a minimum, the EIRs should include the following mitigations to lessen the impacts on Garden Highway residents:

- Mitigate new flood impacts on Garden Highway homes, such as raising all Garden Highway homes in areas where the levee is being raised. Develop a

49-4



plan, agreed to by Garden Highway residents, to mitigate new flood risks to Garden Highway homes resulting from increasing the height of the levee in relation to the height of homes.	49-4 (Cont.)
-Move the Garden Highway roadway as far as possible toward the landside of the new levee to avoid safety problems caused by a levee higher than the roadway, to improve traffic safety for residents pulling out of their driveway, and to allow for safer recreational uses on the existing Garden Highway.	49-5
- Include in levee protection plans moving water out of the Sacramento River channel into bypasses at lower elevations than is done currently, such as lowering permanent floodgates and opening weirs sooner.	49-6
- Underground all utilities, rather than moving power poles.	49-7
- Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted within 1000 feet of any residence. Restrict all project work to Monday to Friday from 7:00 AM or 30 minutes after sunrise whichever occurs later, to 6:00 PM or 30 minutes before sunset whichever occurs first, with no operations occurring on County holidays.	49-8
- Establish hauling routes that minimize traffic on Garden Highway so that access roadways such as Riego, Elverta, Powerline, etc. and maintenance roads are used to the greatest extent possible.	49-9
- Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.	49-10
- Develop a traffic safety plan so that trucks that must be on Garden Highway travel at slower speeds, drivers are trained to watch for residents pulling out of driveways, and trucks are far enough apart to allow residents to safely pull out of driveways onto the roadway and to allow emergency equipment to pass.	49-11
- Specify how the project will provide permanent access between resident driveways and the elevated roadway.	49-12
- Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why.	49-13
- Provide greater protection to established habitat areas such as the area around Fisherman's Lake and the reservoirs south of Elverta Road and north of the Teal Bend Golf Course and provide adequate protections for protected species and species of special concern, including river otters.	49-14

- Establish a communications plan that provides at least 72 hours of advance notice of events impacting Garden Highway residents such as road closures and power interruptions.

49-15

- Establish an advocate office for resolution of complaints during the project which is staffed the same hours as work is underway.

I believe flood protection can be provided for Sacramento and impacts on Garden Highway residents can be minimized. It is not the intent of Garden Highway residents to unnecessarily delay improved safety, but the lack of information in the draft EIRs, the lack of mitigations in the draft EIRs, and the lack of communication with Garden Highway residents necessitates a delay long enough to provide information and communicate with those impacted by the project.

49-16

Don Springer  
jadeandjake@aol.com

**Don Springer**

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- 49-1 See response to Comment 24-1.
- 49-2 See response to Comment 24-2.
- 49-3 See response to Comment 24-3.
- 49-4 See response to Comment 24-4.
- 49-5 See response to Comment 24-5.
- 49-6 See response to Comment 24-6.
- 49-7 See response to Comment 24-7.
- 49-8 See response to Comment 24-8.
- 49-9 See response to Comment 24-9.
- 49-10 See response to Comment 24-10.
- 49-11 See response to Comment 24-11.
- 49-12 See response to Comment 24-12.
- 49-13 See response to Comment 24-13.
- 49-14 See response to Comment 24-14.
- 49-15 See response to Comment 24-15.
- 49-16 See response to Comment 24-16.

**BRAD & MICHELE STEVENSON**  
 5445 Garden Highway  
 Sacramento, California 95837  
 (916) 929-2456

October 25, 2007

VIA Email dickinsonr@saccounty.net

Roger Dickinson  
 Representative for District 1  
 County of Sacramento, Board of Supervisors  
 700 H Street, Suite 2450  
 Sacramento, CA 95814

Re: Objections to SAFCA Levee Improvement Plan

Dear Mr. Dickinson:

My husband, daughter, and I live in Sacramento County, on the water-side of Garden Highway. My family and I are extremely concerned about the future of our home and our neighborhood in light of the SAFCA levee improvement plan. We wish to echo, threefold, the sentiment and concern you have received from other concerned property owners.

First and foremost, the plan states that "there are no known areas of controversy associated with the proposed project." This is completely false. Most of the Garden Highway residents only became aware of the plan last week, when someone posted it to the Garden Highway Homeowners Association web site. The proposed plan fails to offer any alternatives and, instead, states numerous ways in which the plan, if implemented, will negatively impact our way of life, our local environment, and our property rights forever. We need to know the proper forum for us to share our concern and discontent over this levee plan, which appears to have been quietly passed through without any legitimate regard for our rights and interests.

More importantly, there are many qualified experts, including engineers and hydrologists, who have raised some serious questions and challenges regarding the fundamental tenets of the project. Others have been more direct, referring to the entire plan as a "giant boondoggle." We tend to agree with the latter since the plan has not considered our interests, our tax contributions, or the fact that there are other viable options.

We completely agree with the following concerns raised by our neighbors, which we think merit repeating:

1) SAFCA is founded to specifically provide flood protection to residences within its region. Residences pay taxes to County for the Water District and SAFCA for this protection. Garden Highway residences pay this same tax, yet we are offered \*no\* additional protections with this new plan. In fact, by raising the levy 3 feet in some areas, our protection has gone down as the state can now run the river deeper and stronger. This is close to taxation without representation. \*\*We deserve equal protection under the law since our tax money is required for this specific reason. SAFCA's community outreach on this has been dubious at best. SAFCA has very coldly even avoided putting real addresses in the plan. Reading the report, SAFCA wants us to believe that the land involved is farmland. The fact is, Garden Hwy residences account for \$300 million in real estate value... a considerable percentage of the value SAFCA places on the whole of Natomas, yet we are being marginalized. Yes, they have done the obvious and said they won't cut down our trees, or move our fences (yet they are by moving power lines onto our land) but all other measures put considerable burden and damage our property

50-1

values for the sake of low lying Natomas. Sacramento also voted in additional taxes for flood protection. Natomas pays and will get more protection; we pay and get less protection! This is not fair to the many families who will be negatively impacted by the plan.

50-1  
(Cont.)

2) SAFCA wants to move the power lines to our front yards to meet a federal guideline that structures not be placed on the back side of the levy. This plan is mention twice in the EIR, yet it completely ignores the environmental impact of moving the poles and lines. Heritage Oaks, trees, and bushes will all have to be cut back or down to make room. In many cases, telephone poles will need to be placed in the middle of existing driveways. High voltage lines will be running literally 50' from Garden Hwy houses. For most residences, this is either the driveway or in the middle of a gate or fence.

50-2

3) New Slurry wall. SAFCA has made it very unclear where the 100' slurry wall will be used to stop seepage. The EIR table indicating which "reach" will have what changes, is lacking in detail. The table does not indicate where the slurry wall will be. The slurry wall has some significant environmental impacts:

50-3

a) SAFCA has failed to analyze the environmental dangers for placing a 100' slurry wall near residential wells used for potable water. Most wells on Garden Hwy are in the 100 foot depth range. SAFCA is proposing to cut a trench in the levy within 50' of existing residential wells. The trench will be as deep as most wells. SAFCA then proposes to fill this trench with liquid slurry of cement. Given that at that depth and distance, the aquifers will blend and cement contamination will be present in drinking wells. It is hard for SAFCA to ignore this point, when the concept of water moving through soft soils at depth is, in fact, the foundation of what they arguing. If the river can move sideways through the same soil, then why can't slurry material pumped in 50' from our wells. *No alternatives* have been proposed by SAFCA, and no mention of City water.

50-4

b) Slurry wall bursting. The EIR makes no mention of the ill effects from the slurry wall bursting as was the case in the installation within the American River levy. Residents were surprised to see the levy split, and the slurry material by the thousands of gallons filling their back yards, pools, furniture etc. As mentioned above, the slurry managed to work sideways within the levy and cause tremendous damage to the residences along the American River Levy. The EIR does not mention this, or its protections.

50-5

4) SAFCA has completely ignored the important fact that many houses along Garden Hwy exist on raised dirt. The very calculations on width/height ration ignore that many areas of the levy are already wider than originally built. Clearly, a levy with a filled foundation is wider than a levy without. Is an additional berm needed when the river side of the levy has already been extended by the house built on the lot. The report ignores this important fact -- the Garden Hwy residences have *\*strengthened\** the levy with additional infill.

50-6

5) Raising the Levy. In those areas where the levy is three feet lower than needed, SAFCA proposes making a pony wall to increase the free board. Of course, they fail to include the impact this will cause when the river is raised to its new heights in winter. The new increased height will cause devastating effects to Garden Hwy residences. Houses will be totally flooded, structures, plants, and even the roadway itself will be affected. The EIR just talks about the effect of the construction, but not the affect from the use of the improvements. The EIR ignores the impact to Garden Hwy residences. Not to mention, those residence in affected reaches will be staring at a dirt wall. Loss of their view will substantially decrease their property values.

50-7

6) Dangerous Intersections. In those reaches where a pony wall is erected, Garden Hwy intersections will have to be raised. Garden Hwy is dangerous as it is at night, now imagine intersections with hills. Traveling on a curve at night time, you will not see the lights of an approaching vehicle as they will be behind a raised intersection. At best, it is a patchwork of problems, that pushes the problems off on Garden Hwy residences. No one in the Natomas area is being asked to live with increased risk to their personal safety.

50-8

7) Wetlands. The notion of converting any of the property on Garden Hwy to wetlands is completely without merit and forethought. We live by the river. We already have a terrible problem with mosquitoes. The County does not do aerial spraying out there because of the concern with the

50-9

drinking water. We bought our homes believing we were purchasing property near other homes, farmland, and the river—not a causeway or wetland area. How is it fair or reasonable to convert the land to wetlands? Again, this is not something you are even asking anyone in Natomas to live with. This idea should not have been raised in the first place.

50-9  
(Cont.)

7) Alternative plans. SAFCA has failed to identify real alternative plans in the EIR which also benefit Garden Hwy owners and farmers. Absolutely no mention of **expanding the Weir** -- an option that many State Officials have acknowledged as **the best flood control change**. The EIR fails to study a series of secondary levies in land more that could be used to stem flood waters. Lastly, the EIR offers no alternatives to the points mentioned above, including alternatives to construction noise, traffic patterns, etc. The SAFCA plan fails to consider the big picture for the Sacramento area. It ignores the state of the levies in Yolo, Sutter, and Yuba counties. Scare tactics are used to make everyone believe a levy failure will happen in Natomas, yet the Yolo side of the levy goes without improvements. Are we to believe that the Yolo side of the levy, without a slurry wall, without considerable width will stand up better than the Sacramento side?

50-10

Based on the foregoing, we respectfully request that our interests be considered. The SAFCA plan is NOT the answer. There must be a resolution that does not cause such devastating consequences to the Garden Highway homeowners.

Please help us.

Very truly yours,

*Michele Z. Stevenson*

**Brad and Michele Stevenson**

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- 50-1 See response to Comment 46-3.
- 50-2 See Master Response 4.
- 50-3 Exhibits 2-8a, 2-8b, and 2-8c, “Overview of Proposed Project Features (2008–2010 Construction),” depicts the locations proposed for cutoff walls.
- 50-4 See response to Comment 20-4
- 50-5 See response to Comment 20-4.
- 50-6 Fill added to the water side of the Sacramento River east levee does not address stability and seepage remediation on the land side of the levee. Fill placed on the waterside of the levee may improve levee stability to some unknown degree, depending on the structural capacity of the fill material; however, this fill would not provide the needed “200-year” level of protection objective of SAFCA because it does not have sufficient height to create the freeboard capable of protecting the levee against wind and wave action.
- 50-7 See Master Response 1 and response to Comment 46-3 concerning loss of views and resultant decrease in property value.
- 50-8 No “pony walls” are included in the design of the project. The DEIR discusses reconfiguration of intersections with Garden Highway in Section 2.3.2.3 under “Reconstruction of Garden Highway at Intersections.” At intersections, the shoulder of the highway and the raised adjacent setback levee would bow outward to provide a safe transition from the raised portion of the intersecting road down to the existing Garden Highway. Intersection designs are subject to approval of the public safety in the counties of Sutter and Sacramento and in the City of Sacramento.
- 50-9 See response to Comment 41-6.
- 50-10 See Master Response 1 under “Consideration of Use Of Yolo And Sacramento Bypass Systems To Convey Flood Waters.”

October 28, 2007

Paul Thayer/Martha Lennihan  
6645 Garden Hwy  
Sacramento, CA 95837

58-07 OCT 29 PM 12:45

Mayor Heather Fargo, Chair  
SAFCA  
1007 – 7<sup>th</sup> St.  
Sacramento, CA 95814

re Draft Environmental Impact Report for the Draft Environmental Impact Report  
on the Natomas Levee Improvement Program – Landside Improvements Project

Dear Chair Fargo;

Thank you for the opportunity to comment on the Draft Environmental Impact Report (DEIR) for the Natomas Levee Improvement Program Bank Protection Project. The DEIR covers many subjects and provides important information. However it is deficit in several key areas by not analyzing several impacts and providing for needed mitigation. These deficits should be remedied before the final EIR is certified. These problems can be addressed without compromising the vital security from floods that this project will provide to the Natomas Basin, a goal which I support. We write this letter as long time residents of the Garden Highway and not in any way in our work capacities.

51-1

Project Increases Flood Risk to Garden Highway Residents

First, the DEIR does not recognize or analyze the adverse flood impact the project will have on Garden Highway residents living on the river side of the road. The DEIR states that the current levee system provides protection for Natomas for storms that occur on average more frequently than every 100 years. One of the goals of the project is to improve the protection so that 100 year storms will not cause floods and to set the stage for eventual 200 year protection. The project will meet this goal by raising the Sacramento East Bank levee by up to three feet.

51-2

The DEIR fails to state how high the water levels will be when failure now would occur or how the high water levels would be post project, either in a manner consistent with design or as a practical matter (flood flows have been allowed to exceed design capacity in the past.) These levels are undoubtedly known because they form the basis for designing the project.

We do know that the levees will be raised and strengthened. By accommodating higher flows in the river, the project will cause Garden Highway homes to flood more frequently, and to a greater extent, than absent the project. By not



publishing the design flow levels, the DEIR is inconsistent with one of the fundamental purposes of the California Environmental Quality Act, to: "inform governmental decision makers and public about the potential, significant environmental effects of the proposed activities." (Section 15002 of the CEQA Guidelines.) In evaluating the significance of the environmental effect of a project, the Lead Agency shall "consider direct physical changes in the environment which may be caused by the project and reasonably foreseeable indirect physical changes in the environment which may be caused by the project" (Section 15064 of the CEQA Guidelines).

This impact must be considered as a significant impact because, as mandated by Section 15065 of the CEQA Guidelines, a lead agency shall consider an impact significant if "the environmental effects of a project will cause substantial adverse effects on human beings, either directly or indirectly." That the project will cause flooding of Garden Highway residences clearly meets this criteria.

Indeed, flooding at a much lower level, such as occurred in the 1997 flood, did cause damage totaling at least \$1 million to Garden Highway. (See attached summary of June 1997 survey – the responses came from less than 20% of the Garden Highway residences so the damage total may be closer to \$5 million.) Even though the lead agency hasn't conducted the research to determine the amount of damage that will be caused by the project, the attached survey constitutes substantial evidence that flooding at lower levels causes damage and that there would be incremental, and probably more substantial, damage at higher flood levels.

This impact will occur, not only to the residences adjacent to levee raising but to those downstream as well. If the levee at Verona must be raised by three feet to accommodate the 100 year storm, then the river will stay within the levees at a level three feet higher than is now the case. This impact will occur as well to all houses downstream, even where the levee doesn't need to be raised. This is because, while the downstream levees can now accommodate the higher levels for which the upstream improvements are designed, these levels cannot now occur because of the substandard condition of the upstream levees.

This impact should be analyzed, discussed and mitigation measures developed in the final EIR. The most obvious mitigation measure would be to raise the elevation of all of the houses along the river side of the Garden Highway by the maximum amount that the levee is raised, because this is the additional elevation of flood water that may occur from Verona south.

The response that there will be after the fact payment for flood damage (which has not been proposed, but has been mentioned verbally by the lead agency) is insufficient under CEQA. It also ignores the significant impact of flooding a home on the homeowner in many respects, including but not limited to financial damage. Time away from work, risk to possessions valued emotionally, pets,–

51-2  
(Cont.)

the list is long. Flooding that threatens homes is the exact reason this project is being proposed. It is to protect new residents of Natomas. It is unacceptable to allow it to increase the risk and damage to pre-existing residents.

51-2  
(Cont.)

#### Truck Traffic

The DEIR does not evaluate the true impact to Garden Highway residences from project generated truck traffic. According to the DEIR, up to 6,000 truck trips per day will occur on a road that probably currently averages less than 1000 trips of all types of vehicles past in single point on the highway. This impact, which is without substantiation deemed less than significant in the DEIR, should be deemed significant for its safety and noise effects. These impacts are especially significant because of the narrowness of the Garden Hwy, the steep levee sides (with resultant risk), the proximity of many houses to the road, driveways with limited visibility, and the increased effect of vibration on the houses that are built on pilings.

51-3

These impacts could be mitigated in some areas, although not eliminated, by moving the Garden Hwy to the newly constructed adjacent setback levee. While the truck traffic will still have its impacts, the relocation of the highway would reduce future noise and vibration to residences.

#### Utility pole realignment

The project proposes to move utility poles from the landside to the riverside of the highway. This is inconsistent with the landscaping requirements of RD 1000 which call for a park like setting. It will also cause adverse visual impacts to houses on the Garden Highway, which are now generally on the opposite side of the road from the poles. Many of the residents have paid to have the utility lines to their houses undergrounded. Transferring the poles to the waterside will frustrate these efforts to beautify property by eliminating overhead lines. Finally, the existing Garden Highway is narrow and winding with no shoulders. The existing utility poles are generally located down the land side of the levee, removed from the road and reducing the chance of collisions with vehicles. Placing the poles alongside the road on the waterside will pose a safety risk because it increases the chances of pole/vehicle collisions.

51-4

Levee construction offers an opportunity to underground utilities as an alternative to relocation onto the property of private residences. In the event that this is not feasible, relocation of the Garden Highway to the top of the new levee would open up the possibility of placing the poles in the current highway location. This wouldn't be as close to the residences as is currently planned and could be somewhat removed from the new highway location.

Conclusion

The DEIR is severely deficient with respect to impact on the Garden Highway residents. It fails to provide adequate information about impacts. It fails to recognize and disclose impacts. It fails to identify alternatives. It fails to provide mitigation for the impacts.

51-5

We strongly urge that these recommended changes be made to the DEIR to better protect the environment and residents of the Garden Highway and to bring the DEIR into compliance with CEQA.

Yours truly



Paul Thayer



Martha Lennihan

## GARDEN HIGHWAY SURVEY RESULTS

From survey distributed June, 1997

Total number of responses	41
Number of owners	39
Renters	0

### Airport Noise

1. Has aircraft noise increased at your home in the last year?  
Yes - somewhat - 14      Yes - somewhat - 9      No - 16
2. In the last year has aircraft noise woken you up between 9:00 pm and 8:00 am?  
Yes - many times - 12      Yes - once or twice - 7      No - 19
3. Have you ever called the County's aircraft noise recording?  
Yes - 12      No - 28

### Flood Control

1. At what elevation do you flood?  
Various answers.

2. Did you flood in 1986?  
Yes - 12      No - 28

1986 Damage?

13 responses gave damage estimates with a total of \$388,000.

3. Did you flood in 1995?  
Yes - 12      No - 22

1995 Damage?

9 responses gave damage estimates with a total of \$92,600.

- 4(a). Did you flood New Year's 1997  
Yes - 29      No - 7

New Year's 1997 Damage?

28 responses gave damage estimates with a total of \$922,500.

- 4(b). Did you flood in Mid-January, 1997?  
Yes - 13      No - 20

Mid January, 1997 Damage?

4 responses gave damage estimates with a total of \$24,000.

5. For any of these years did flood water drop below the level of damage after the Weir was open?

Yes - 24      No - 4

### Neighborhood Concerns

Rank each of the following with a 1= A great concern, 2 = Somewhat a concern, or 3 = Not a concern.

	1	2	3
<u>Crime</u>			
Mailbox thefts	13	11	8
House break-ins		16	11
Car break-ins		10	11
Property thefts	11	16	6
Other: Dogs roaming or not fenced in.			
Cleanup Rio Ramaza Marina			

### Airport

Noise	17	11	10
Other: Low-flying planes			

### Garden Highway Traffic

Noise	5	15	10
Speed	14	11	6
Amount of traffic/safety	11	12	9
Other: Repair Garden Highway			
Bicycles creating nuisance (3)			

### River

Jet ski/boat noise	15	14	7
Boats creating wakes near docks/banks	22	13	2
Other: Too many wakeboards			

### Flood Control

Opening the Sacramento Weir sooner		33	1	2
Raising Garden Highway levee/road	12	3	17	

Other: Dredge the river (2)

Other

Development in our area	18	8	8
Proposed increase in garbage fees	5	14	10
Trash/litter in our neighborhood	12	16	3
Herbicide spraying by the road	9	8	12
Other: Burning in Yolo Co. (2)			
More weed control on levee			

**Paul Thayer and Martha Lennihan**

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- 51-1 See responses to Comments 51-2 through 51-5, below.
- 51-2 See Master Response 1.
- 51-3 See Master Response 3.
- 51-4 See Master Response 4.
- 51-5 See responses to Comments 51-2 through 51-5 as well as Chapter 3, “Environmental Setting, Impacts, and Mitigation” of the DEIR.

----- Original Message -----

**From:** Tyson Shower  
**To:** [bqualco@qualco.com](mailto:bqualco@qualco.com)  
**Sent:** Wednesday, October 24, 2007 1:53 PM  
**Subject:** FW: Garden Highway Levee Improvements

More comments for submission.

---

**From:** Patrick Tully [<mailto:ptully@mindsetsoft.com>]  
**Sent:** Wednesday, October 24, 2007 12:46 PM  
**To:** David Ingram  
**Cc:** BRITT JOHNSON  
**Subject:** RE: Garden Highway Levee Improvements

David,

I'm at 3067, and wanted to touch base on your letter. On the raising of the levee, just a quick comment. SAFCA tried to stay away from saying they would raise the road in front of our houses and thereby move everything. Instead, they came up with a concept of a pony wall on the land side that would be three feet higher than the current levee (with appropriate berm behind it) This "second levee" will let Natomas get 100 year protection by having 3' feet of freeboard. From what I can read, our road will actually remain at the current height. You will be driving next to a 3' foot wall. At road way intersections, they \*will\* raise garden hwy to get over the 3' wall. As if Garden Hwy wasn't dangerous enough, you will now have hills to deal with at night!

The SAFCA EIR totally ignores the impact of providing 3' of additional levee height, but not raising us. Essentially the change leaves us out in the cold in a flood. They will be able to put flood levels of the river 3' higher than they ever have in the past. I have specifically addressed this in meetings in the past, and they simply don't have an answer. My personal feeling is that if you take our tax dollars, then you need to provide us equal protection. I think its one of the most important fundamental arguments in this case. The EIR does \*nothing\* for Garden Hwy residences, and instead actually makes it worse.

No matter how you cut it, the proposed SAFCA changes will make us \*more likely\* to get flooded in a bad year, then less likely.

Patrick

52-1



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**From:** David Ingram [mailto:David@tennantingram.com]

**Sent:** Friday, October 19, 2007 9:02 AM

**To:** BassetJ@SacCounty.net

**Cc:** BRITT JOHNSON; Mary Ingram; Maggie Sekul; Charles Linn; Don & Gaelle Ferguson; Fred & Linda Louder; Hilary Abramson; John & Michele Katic; Lisa Dobak; Matthew Breese; Melissa and Chris Fogarty; Peter & Jan Moore; Sherri Leng; Susan Johnson; Wendy Nelson

**Subject:** Garden Highway Levee Improvements

To Whom it May Concern:

I am a long-time Garden Highway resident and live on the water-side of the Highway near the Teal Bend Golf Course. Unfortunately, I was unable to attend yesterday's meeting. I have received feedback from other similarly situated homeowners about a few very disturbing developments in the levee improvements apparently headed our way: 1) Truck Traffic; 2) Power line location; and 3) Levee height increase. My concerns, shared by every neighbor with whom I have spoken, are as follows:

**Truck Traffic:**

To some, Garden Highway may not seem like a "neighborhood". It is. People live there and rely upon Garden Highway for walking, jogging, riding bikes, getting to work, going to the store and getting our kids to school and soccer practice. In our neck of the woods, we already face significant drive times to get to these places. Of course, we bargained for that when we moved there. We did not, however, anticipate having to share the road with endless trucks moving millions of yards of earth, or being re-routed many miles out of our way. The impact of the truck traffic associated with the levee improvement on our community cannot be overlooked or minimized. There are alternative routes for these trucks that need to be fully explored, including land-side farm roads, etc. I highly suggest those alternatives be seriously considered BEFORE it is too late and a major legal battle has been waged. I am also curious if the truck traffic will be "around the clock" or only during daylight hours?

**Power Lines:**

There is apparently a suggestion that the power lines be moved to the land-side of the levee, basically over the tops of our houses. This is unacceptable and would cause severe depreciation of our property values, constitute a nuisance and an eye sore, and disrupt the peaceful living that forms the foundation for why all of us have chosen to live "on the river" in the first place. Moreover, it would involve the removal and/or severe eradication of thousands of mature Oak trees. If you have driven down Garden Highway, you know that 99% of the trees along the Highway are on the water-side of the levee. Any proposal to move power lines to that proximity is quite short-minded and would be immediately met by a legal challenge, probably from a variety of sources.

**Levee Raising:**

The governmental agencies involved in this project should be prepared to address ingress/egress conflicts that will result when the levee is raised, as well as the increased flood risk to those homes on the water-side. Obviously, all of the driveways, walkways, paths, fences, gates, walls, and other improvements adjacent to the homes on Garden Highway have been engineered and constructed based upon current levee heights. Any increase in the levee will cause major conflicts with these improvements that will have to be borne by the agencies involved with the project. Moreover, the increased flood risk to our homes and property cannot be overlooked. Obviously, the higher the levee, the more our property is at risk for flooding. How do the County and other involved agencies plan to compensate the homeowners affected by the altered improvements and increased flood risk?

I appreciate your time and consideration and hope my concerns are seriously considered. While Garden Highway residents may initially appear somewhat subdued, we band together quite quickly and aggressively when faced with a threat to our homes and our community. Please ensure that we are not overlooked so that these concerns can be amicably resolved, rather than contested with animosity and legal battles.

Thank you for your consideration.

Sincerely,

***David M. Ingram***  
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**Patrick Tully**

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52-1 Tables 2-6 and 2-10 in the DEIR summarize, by reach, the proposed improvements to the Sacramento River east levee in Reaches 1–4B (2008 construction) and Reaches 4B–19B (2009–2010 construction). These tables show that the height of the proposed levee raise with the proposed adjacent setback levee would be about 3 feet. A raise of this amount would not be expected to create “a 3-foot wall” nor would it degrade existing driving conditions along Garden Highway as the commenter states.

See Master Response 1.

SAPCA 07 OCT 23 PM 2:58

October 29, 2007

Mr. John Bassett  
 Sacramento Area Flood Control Agency  
 1007 Seventh Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814

Dear Mr. Bassett:

**NATOMAS LEVEE IMPROVEMENT PROGRAM: LANDSIDE IMPROVEMENTS  
 PROJECT AND BANK PROTECTION PROJECT**

Section 15126(d), California CEQA Guidelines, requires that an EIR must describe and evaluate a reasonable range of alternatives that would feasibly attain most of the basic project objectives and would avoid or substantially lessen any of the significant impacts of the project as proposed. The draft EIRs do not meet this minimum standard.

53-1

The draft EIRs do not contain sufficient information for Garden Highway residents to identify where their property is in relation to the proposed work. Because of this lack of information, residents affected by the proposed work and decision makers cannot reasonably understand the impacts of the proposed work, opportunities to avoid impacts or possible mitigations. Also, information is not available on mitigations that would lessen impact on Garden Highway residents.

53-2

To lessen the impacts on Garden Highway residents, the EIRs should include the following minimum mitigations:

- Mitigate new flood impacts on Garden Highway homes, such as raising all Garden Highway homes in areas where the levee is being raised. Develop a plan to mitigate new flood risks to Garden Highway homes resulting from increasing the height of the levee in relation to the height of homes.
- Move the Garden Highway roadway as far as possible toward the land side of the new levee to avoid safety problems caused by the levee being higher than the roadway.
- Include in levee protection plans moving water out of the Sacramento River channel into bypasses at lower elevations than is done currently, such as lowering permanent floodgates and opening weirs sooner.
- Underground all utilities rather than moving power poles.
- Mitigate noise and nighttime lighting impacts by restricting days and hours when work is permitted.
- Establish hauling routes that minimize traffic on Garden Highway so that access roadways such as Riego, Elverta, Poweline, etc are used to the greatest extent possible.
- Require dust control including requiring that all trucks be covered and watering be done to keep dust down at all work sites.

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- Develop a traffic safety plan so that trucks on Garden Highway travel safely and with minimal impact on residences. 53-10
- Specify how the project will provide permanent access between resident driveways and the elevated roadway. 53-11
- Identify which trees with trunks more than 12 inches in diameter are proposed for removal and why. 53-12
- Establish a communications plan that provides at least 72 hours of advance notice for events impacting Garden Highway residents such as road closures and power interruptions. 53-13

We request that the comment period be extended a minimum of 30 days to allow for meetings with Garden Highway residents. Residents should receive at least seven days notice prior to the meetings. These meetings would allow staff to provide additional, necessary information required by Garden Highway residents. 53-14

Flood protection can be provided for Sacramento while minimizing impacts on Garden Highway residents. It is not our intent to unnecessarily delay improved protection; but the inadequate information in the draft EIRs, the lack of mitigations in the draft EIRs and the lack of communication with Garden Highway residents require a delay sufficient to provide information and communication with those impacted by the project.

Sincerely,



Darryl and Anna Williams  
6401 Garden Highway  
Sacramento, CA 95837

**Darryl and Anna Williams**

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- 53-1 See response to Comment 27-1.
- 53-2 See response to Comment 27-2.
- 53-3 See response to Comment 27-3.
- 53-4 See response to Comment 27-4.
- 53-5 See Master Response 1.
- 53-6 See response to Comment 27-5.
- 53-7 See response to Comment 27-6.
- 53-8 See response to Comment 27-7.
- 53-9 See response to Comment 27-8.
- 53-10 See response to Comment 27-9.
- 53-11 See response to Comment 22-14.
- 53-12 See response to Comment 27-10.
- 53-13 This is not a comment on the DEIR. SAFCA is committed to maintaining good communications with affected residents.
- 53-14 See response to Comment 27-11.

October 18 Public Hearing  
Roy Dahlberg

My name is Roy Dahlberg, this, first of all, I'd like to place on the record I am one of the 20 householders along the waterside of the Garden Highway between Riego Road and Sankey.

So we will be the people most affected by this. There are I believe 3 other households, one is Mr. Lauppe, who is here, that are on the landside. I would like to place on the record that when I received a copy of the Draft EIR, and meeting with Mr. Buer, perhaps 3 weeks ago, I'm not sure, I found in it the statement that the landowners and stakeholders in the area had been consulted and had no objections, in fact, of the 20 people who live on the water side, I know of not one who was ever consulted, ever asked if they had any objections, so that was of some significance to us. We are concerned about a number of things, the most immediate of which is the disruption to our lives. There will be, it said in the DEIR, at some point as much as 2 trucks a minute. These will be, I assume trucks weighing approximately 80,000 pounds. If past practice has been any indicator, they'll be traveling between 35 and 45 miles an hour on a very narrow stretch of highway. There are, I believe, 11 school age children amongst those 20 homes and it is a very great concern for us. We have essentially, 2 suggestions as to what would impact mitigation. One is we think SAFCA should make us some offer of relocation so that during the most intense portion of this construction, we have a way to get out. TO get away from the noise, from the vibration. Although they're talking now about 6, the statement, the item, the agenda item today talks about 6 12-hour days. That limitation was not so explicitly spelled out in the Draft EIR, so I'm not positive how much traffic there would be but given our experience with the reconstruction on Cross canal, it could be very, very serious. It could keep us from getting to our homes, it could certainly keep us awake at night, and indeed the draft EIR speaks, states that it will so we would like that to be considered.

The 2<sup>nd</sup> consideration as to the construction is we would like SAFCA to do whatever it need do to perform that construction from the landside so that trucks not travel on Garden Highway but on a road constructed below Garden Highway and on the land side so that we not have to face again that disruption and given our past experience that could be very great. We also would like to have some mechanism to deal with immediate problems. Let me give you an example, although I guess Mr. Silva's not here today, I spoke to him when the Cross canal construction began and they were able, and I want to thank him, to re-route some of that traffic, it helped us a great deal, but in fact, many of the workers getting to and from those work-sites were driving very fast. The residential section of the Garden Highway where I live is a 35 mile an hour speed limit established by Sutter County. There were people often driving 55, 60 miles an hour getting to and from work. Now it's also true that as these big trucks come by at 20 miles an hour, they feel like there going about 75, so that's a factor but we would like to be able to have a way to resolve that, a mechanism for that. Another example, a couple of weeks ago, at the process of working at the, at a borrow pit or a dump pit, at the corner of Riego and Garden Highway, a construction vehicle knocked down a power line and drove away

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without telling anybody so we found ourselves without power. Again, it seems to me that there should be some mechanism to address those kinds of things, we can say, hey can you slow your people down, can we have some consideration for what's going on here. Now, I also just to very briefly to make a point, again, the agenda item today speaks to shifting traffic to the little used rural highways, west of Highway 99, that happens to be where we live, so it doesn't feel to us like a little used rural highway. My house is approximately 25 feet setback from the Garden Highway and that's true of most of the 20 houses that are there, they're fairly close.

54-3  
(Cont.)

The second consideration. . . We do not find in the Draft EIR in its modeling any real, any meaningful discussion of how the operations of both Shasta Dam and Oroville Dam will be affected by the fact that they will have an additionally and much, an additional much more robust levee system into which to release water. We are very fearful that that could lead to greater releases, especially under severe flood control situations and that could lead to water levels being higher than they have in the past. Some of us, approximately a half dozen, I include myself, have houses that have flooded in the past or the bottom parts of them have flooded, if the water comes up another couple more feet, we have major problems. Again, that is not, at least that I could find adequately addressed in the EIR. If anyone here has any questions, I'd be glad to try to respond.

54-4



54-1 This is not a comment on the DEIR.

54-2 See Master Response 3.

54-3 The DEIR addresses traffic safety and control under Impact 3.10-b. Also, see Master Response 4.

54-4 See Master Response 1.

October 18 Public Hearing  
Burton Lauppe

Seems to me Tim's going to build a pretty good snake pit out there. I don't know. From whenever that is. I've lived there for 82 years; the Reclamation District has been marvelous in what they've done. They done a pretty good job keeping the water out of there until your environmentalists came along now they're afraid to dump any rock on the river or anything else. Or on the levee rather, they seem to be dumping it out into the river now which is kind of ridiculous but to me, raising the levee 3 feet, I think that's against reclamation law, isn't it, I don't know, if you raise it 3 feet there, Yolo County's going to have to raise theirs three feet there, 1001's going to have to raise theirs 4 feet or whatever to keep up with you and that's what they did years ago further up the line until they until they had a kind of evened them out but raising that levee isn't going to, the water never runs over the levee, I never, it always runs underneath with seepage and stuff like that first.

55-1

All your levee breaks, which were the cause of the EPA the ones with the beetles up in Arboga was strictly underneath the levee but I wished you're, I wish you fellas would stand back there and look. I've been here before and told you, SAFCA this before years ago a couple times and nobody seems to pay any attention because, they're just in this little arrogant but dangit, if you're engineers would step back and look the Fremont Weir is 5 feet too high to my way of thinking and that holds the Sacramento River high. Rather than raising the levee, let's lower the river, which you can do because the State has flowage rights from November to May in the Sacramento Bypass. I wish you'd use them because holding it 5 feet high is what causes the seepage in all of these levees if they sit there. Didn't much bother before Shasta and Oroville Dam because in two weeks the water was gone. Either it broke someplace or got out. But now at Shasta and Oroville they hold it at the top of Fremont Weir and that's 5 feet over our ground level and that soaks up the levees in Sutter Basin, the Sacramento and District 1001 and holds the water back from your cross canal and that ought to be, in my view that's where you ought to be spending your money is cleaning that, getting that out. In fact the Sacramento River is concrete lined from the Delta all the way to L.A., so a little rock won't hurt anything up here.

55-2

And I noticed plans to pile dirt on the side of the levee, which I guess that's the engineer's way of, it's still going to seep underneath because that seepage doesn't come straight out, it comes from here, up north or south of the levee where ever it is and I see they're going to pile dirt on there but 2 miles downstream from my house why there you got a, they're going to put dry wells around some oak trees and save them but they want to take our house and I've been there damned near as long as those oak trees so I 'd like to see them do something for the, to keep the house there and I hate to make anybody mad but this is a flood control agency to me I think it's more controlled flooding is what's going to happen if you raise 3 feet of levee around there and the adjoining areas you'll be looking at a lot of lawsuits or you better pay somebody for dumping the water over on their side of the levee and rather than piling dirt, I think you're slurry walls,

55-3

that's what you used on the Pocket district in Sacramento and you didn't use a 300-foot berm down there, you put slurry walls around and put some rock on the levee and that seemed like it would be a heck of a lot simpler than digging these snake pits out in the river, out in the, you know, you dig down 18 inches in Natomas in the summer time and you're going to hit water anyhow. You don't need to pump any water out So, I think the safest way would be to put your slurry walls all the way down and forget the rest and you did it in the Pocket district so let's do it in District 1000.

55-3  
(Cont.)

- 55-1 See Master Response 1 under Section 2.2.5, “The Approach Used in the NLIP Has Been Adopted by the State Legislature.”
- 55-2 See Master Response 1 under “Consideration of Use of Yolo and Sacramento Bypass Systems to Convey Flood Waters.”
- 55-3 It is assumed that “piles of dirt” on the side of the levee refers to the adjacent setback levee and seepage berms, and that “dry wells” refers to seepage relief wells. The commenter’s house(s) would be in the footprint of the raise-in-place or the adjacent setback levee. Use of relief wells as an underseepage control measure would not eliminate the need to purchase and remove the commenter’s house(s). The hydraulic modeling conducted for the DEIR determined that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See Master Response 1 under “Effect of the NLIP on SRFCP Function and Operations.” Also, see response to Comment 36-1.

October 18 Public Hearing  
JF Schneider

I live on Garden Highway near Elkhorn Boulevard and have been in the Natomas area for close to 30 years, unlike some of our other esteemed speakers who have been there much longer than I. As quickly as I can because I know we're not going to settle anything here today. The one thing that I noticed on one of the slides that may end up coming back to haunt in the coming time, and is probably why many are speaking here, is on the unavoidable impacts I noticed an obvious lack of a line that would indicate the impact to the 250 or 300 families that live along Garden Highway that are going to have everything from minor impacts to having their homes flooded more frequently to having their homes demolished and maybe some sensitivity by staff of dealing with that as was noted by one of the earlier speakers of talking to the people about that impact might solve some problems.

56-1

A couple of quick things, on your Environmental Impact Report I note that there's a plan to move the telephone or, excuse me, power lines from one side of the levee to the other and essentially run them through our front yard. Aside from the fact that I don't think that there are currently easements to do that, from an environmental point of view, it was very interesting that there was a line that I believe said something like we'll do minor trimming of the trees to accomplish that. If you notice from the pictures that were up earlier, to run a power line on the waterside of the levee, essentially I believe is where they're going to put that, from my understanding from my reading. You're going to be cutting down and topping and doing some significant trimming to 100-year old Oaks, Sycamores and others, aside from all the other issues relative to the easements and all, so that, I think, that environmental impact was just sort of sloughed off as some minor trimming but I think you're going to have some very significant impacts if you're going to run power lines. Right now they're out in the, principally out in the fields away from the trees and all, if you're going to move them on this side, you're going to tear all the trees down.

56-2

The big issue that I did want to talk about is the raising the levees and what you're going to do is obviously improve the properties on the inside, in the Natomas Basin, the 70,000 homes that are there currently plus whatever ends up there in the future at the expense of the 250 or 300 people who are going to end up on the wrong side of those raises and over the last two decades we've seen Natomas go from farmland to 70,000 homes that include sidewalks and streets and graded yards all that go down to storm sewers. Rec District 1000 as well as the City has massively increased their pumping capacity for those storm sewers. Water that used to come down and would eventually filter into the aquifer or slowly make it by gravity as you noted to some of the drains and be pumped slowly into the river with a much lower pumping capacity, now doesn't go into the aquifer. It runs into a storm sewer and is rapidly pumped into the river and all of these small incremental changes to the hydrology; if you go back, the State has data that you can even get online that shows the river levels for decades and if you pick, for example, Verona or any places along the Sacramento River and plot them out, you can see some of the storms from before we had 70,000 homes in Natomas and essentially the chart from your direction

56-3

would go like this, the river level would go like this and now if you look at 97 and on, what happens is it goes like this, and what happens is, all these homes that used to never get flooded now continually get flooded so this incremental taking essentially of the property rights of the people on the water side have never been addressed and this is only going to make it worse. I mean we're not even talking about building some homes in a street and how do you measure the increment of that water that's not going into the aquifer but going to be pumped rapidly in. Now we're talking about putting my property 3 feet deeper under water every time the water comes up and nowhere did I see anywhere in any of the plans was that addressed and earlier this year I went to a meeting and your staff advised me that that was, oh there's insignificant impact to the people on the river, you know on Garden Highway and the river side. Well, if you've ever had to pump out your house with 3 additional feet of water, you probably wouldn't consider it to be insignificant.

56-3  
(Cont.)

So I think that that's something that you're going to have to address in the future and one last thing that maybe staff could do at another time, I've never had a really good answer as to why we don't raise the levees, why we don't dredge the river. You know, if the issue is freeboard, if you drop the bottom of the river, you can gain freeboard just the same as raising the levees and Butch tried to explain it to me and he was an engineer and probably we didn't, I didn't get it because I'm not an engineer. But I do now that the prior several County Executives ago started his career with the Corps of Engineers, continually dredging the Sacramento River. It's a man made ditch, it needs to be maintained, and at some point we stopped doing it probably for environmental reasons, but the irony that Butch wasn't able to answer, and maybe your staff can at some point in the future when we have more time, is that if as the river continues to silt in, if we have to gain freeboard by raising the levees at what point do we stop and at what point in the future is the river in an aqueduct above us because we continue to raise it's bottom and it's sides rather than dredging it out to make it stay where it should be when it, how it was designed. Thank you.

- 56-1 Project features to be constructed in 2008 are described at a project level of detail in Section 2.3.2.3. Project features to be constructed in 2009–2010 are described at a program level of detail in Section 2.3.2.4. For current proposed project features by reach, see Table 1-1 in the FEIR. Exhibits 2-23a through 2-23d and 2-26a through 2-26f show the proposed project features in relation to the Garden Highway. Construction of the adjacent setback levee, seepage berms, access roads, and woodland plantings would take place to the landside of the Garden Highway. Reconfiguration of the intersections where roads connect to the Garden Highway would be adjacent to and on short sections of the Garden Highway.
- 56-2 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 56-3 The DEIR addressed the hydraulic effects of the proposed project under Impact 3.4-a, which determined that the levee improvements would not significantly change the existing water levels with respect to the Sacramento River Flood Control Project. See master response 1 under “Impacts on Garden Highway Residences.”

October 18 Public Hearing  
Donald Fraulob

I'm a resident on Garden Highway and, I don't have a lot to say, I have kind of come to this a little bit late and I just wanted to pass along kind of my experiences with the incidental and impact that is being viewed as inconsequential just from the minor project that we had in terms of putting in the slurry. The, the, I came home one day to find the vineyard across the street from me had been converted to a batch plant and from that moment on my life was made pretty much miserable for the duration of that in that, you know, the truck action, the you know, the extent to which there was rapid trucks up and down and that was no where near a truck every 30 seconds but it certainly created havoc for the neighbors to the point to where I had to find other ways home through fields and often had to walk home from neighbors as much as a quarter of a mile away because of the impact of what was going on and the promise then too was that this would be minimal in its impact and yet when that particular construction company left, they left major damages behind. In the field across the street from me, they buried, with heavy equipment, significant amounts of asphalt, just covered it up, let it there to seep into the aquifer and off they went back to Texas leaving behind damages to property, my property where they ran into, you know, wiped out the mailboxes, took down the ornamental lamps and various other things with no thank you, nevermind, I'll see you later, it was just gone. And so when we discuss, you know, incidental impact, it is really going to be so much more than that. At that time, I thought well I will certainly be a good neighbor to Sacramento and I still want to be and I think everybody, every speaker here, we recognize the threat and we certainly want to be good neighbors but we've assumed the risk of where we live and continually we're the ones that, that suffer the consequence of the impact for the other homes. I support the other speakers that, you know have indicated their, what they have said here today and ask that you seriously consider our interests and the extent to which it will be interrupted. Thank you for your time.

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57-1 See response to Comment 20-2.

October 18 Public Hearing  
Ed Bianchi

One of the endangered species out there in the North Natomas, a farmer and landowner...And, I'm totally against what they're planning to do on piling all that dirt against the levee, the way they're going to do it. After 86, that fix was significant and I think something along that same line would probably be more appropriate than rather than going out 3 to 600 feet. When this was done with the buffer zone being a one mile buffer, agriculture was supposed to be a significant part of that with this type of construction and I farmed up and down that river for a long time and it's going to make some of those parcels un-farmable, with added seepage, cause you're not going to stop the seepage with that berm. I'm not a engineer but I am a hands on irrigator. So I think something else can be done, it's not going to be such a land grab. The other point, thought, item is that if that goes to habitat, habitat and what agriculture is left is not always compatible. I've got some other parcels adjacent to the Nature Conservancy and we have a real problem with the birds coming into the fields and that type of thing.

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58-1 The DEIR addresses impacts on agriculture in Section 3.2, “Agriculture and Land Use.”

58-2 See response to Comment 19-7.

October 18 Public Hearing  
Gibson Howell

I'm a Garden Highway resident on the river side. Just wondering, are we only allowed to make comments or can we ask questions? I'm not sure if it was mentioned in the earlier part of the meeting, I had trouble with parking due to the construction around here. If there's going to be a hotline reporting number so that... Because that way if the trucks are going too fast or if the drivers are going to fast that there's a way we can report problems.

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The next would be a question as to whether the slurry walls were actually looked into as opposed to widening the levees by as wide as they're going to be doing that.

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The other thing is the power poles, it's the first I've heard is that the power poles are now going to be on the river side where there are a ton of trees and just wondering if the power poles can just be moved back from where they currently are further onto the lower side. The next question would be if is dredging just out of the option? I mean, have the environmentalists just made it so you can't dredge anymore even though that is what used to be done and it made for a much better river and it, like everyone said, it does basically the same thing if you dredge 3 feet, it's almost like raising the levee 3 feet. I'm sure in engineering it's not quite the same but the process is there. And then, last but not least, if all this is inevitable and it's going to be done, can we get something, a benefit out of it on top of just the flood protection. Like have they thought about either making that extra 11 feet of new levee a bike path or a walking path or you know something so that the bicyclists can use it, the walkers can use it. Something so that it could be seen as more of a bonus than just flood protection. If it could be paved for parking or bike path or anything like that. If it's going to be there anyway, might as well be able to use it.

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Just as far as adding benefit to the Garden Highway. We're 5 minutes from downtown but we're in the boondocks when it's considered technology. All you get is a modem; you can't get cable and because, the levee, they won't let them build anything there, but if they're going to add all this additional dirt and infrastructure, can they run fiber optics, new phone lines, cable, things like that so that we can maybe get some added benefit out of all this.

59-6

- 59-1 This is not a comment on the DEIR. SAFCA is committed to maintaining the best possible communication with affected residents.
- 59-2 Cutoff walls are being considered for inclusion in the overall program as a potential seepage remediation measure and would be implemented in 2009 or 2010 if SAFCA determines that they would not significantly affect groundwater recharge. No cutoff walls are included in the 2008 Sacramento River east levee construction phase. Project-level analysis of the effects of cutoff walls will be disclosed as more technical details of 2009–2010 construction become available.
- 59-3 SAFCA would not move utility poles to the water side of Garden Highway unless there is no feasible alternative for providing service to residences and other land uses in that area. See Master Response 4.
- 59-4 See Master Response 1 under “Consideration of Use Of Yolo and Sacramento Bypass Systems To Convey Flood Waters.”
- 59-5 With respect to the suggested bike path, see response to Comment 25-5.
- 59-6 With respect to mitigation for existing conditions, see response to Comment 25-4.

October 18 Public Hearing  
Matt Breese

Hi, thank you for letting me speak up here today. I like the tax idea. To start off with, I'm a, I live on Garden Highway, 6598, one mile north of Elkhorn and I'm pretty ignorant to this whole process here. I've been building a business in Sacramento for 12 years and it's pretty much all I do. Every once in a while, I get a chance to read the Bee. I don't pay too much attention to the politics and what's going on here but this gentleman showed a slide that kind of concerns me, cause well, I guess my, I'm a little nervous so let me have a minute...I guess my house is gone. You know, my kids, I've raised, I have a 4 year old, a 6 year old, and a 10 year old and, you know, this is where we live, you know, cause I was reflecting the other day on how I have the perfect life. I've got a successful business, I've got great children and a house that is in the country, 5 minutes from or 11 minutes from work, I sit on my back deck and I watch these planes come in and I don't hear a sound. It really is one of the few places that I could say is perfect. Along with the lifestyle that I live, I've got great employees, I live in a wonderful town, my children are great and now I'm looking at this gentleman's slide and thinking to myself, where am I going to go? That's pretty much it, so I guess the question I have is this, is this for sure? I mean, is this, are we, we are absolutely going forward with this or is this, what are we doing here? Are we talking about what we are going to do or are we actually implementing a plan right now? I'm on the land side. Ok, how soon are we talking cause this looked like this was going to be happening really soon here, within the next year to two years.

60-1

60-2

Ok, just a side note. We talk about the levees, fixing levees. I get squirrels, I've got a major rodent squirrel problem and you can go right in front of my house right now and see two big fat holes you know, that squirrels just love to play in and I've called the City, they sent me to the trapper, some State trapper office, I've left messages. I just gave up. I, you know, I take care of it on my own out there but you guys, I mean as something as simple as a squirrel hole that isn't being taken care of but we're talking about spending millions and millions of dollars and taking peoples homes from them, I think that's something that needs to be looked at. And then, as far as the valuation, how do you plan to compensate these people for their homes? I mean, you're going to take my home from me, is there a method to this? Where can I find out how this is going to fit my, how this is going to affect my family?

60-3

- 60-1 With respect to the commenter's concerns about potential relocation of residents and compensation for land acquisition and replacement housing in Section 1.4, "Scope of the Analysis." See response to Comment 19-5.
- 60-2 The timing of relocations would depend upon the location of the property to be acquired and the proposed project's construction phase. Construction on the Natomas Cross Canal and Reaches 1–4B of the Sacramento River east levee would take place in 2008. Construction on Reaches 4B–20B of the Sacramento River east levee and the Pleasant Grove Creek Canal would take place in 2009–2010.
- 60-3 See response to Comment 60-1.

October 18 Public Hearing  
Michael Barosso

Well it's been awhile. You know doubt don't remember me. I was flooded twice and I stood here trying to basic hydrology to this body years ago but apparently to no avail and some of the previous speakers have done a very fine job of pointing out some of the obvious problems here. I have a letter here, that the letterhead's kind of cute. Goodwin J Knight was the Governor and Edmond G. Pat Brown was the legal advisor, well actually yeah, to the Attorney General and it says, shortly that describing the levee project up around Natomas and in Sutter County, "... these levees on the east side of the Natomas East borrow pit are as vital to this flood control system as the back levees themselves. The opening of the Cross Canal into the Sacramento River permitted the backwater of the river to reach these lands, which under natural conditions, would not have been flooded from that source." What that says is you diverted water on the upstream land owners and I know your in-house counsel has a different interpretation of what that means. I've heard him speak about it many times but thankfully for those of us in Sutter and Yuba Counties, the good justices of the Appellate Court and the State Supreme Court, differ from his interpretation. The liability that was incurred by the taxpayers of the State, stem from this kind of information that apparently, you all have ignored. Your in-house counsel knew this 10 years ago yet where are we? We're no closer to addressing the impacts on Sutter County than we were then. The resolution that Mr. Wallace mentioned is Sutter County Resolution No. 96-47 and if you'll allow me, I'll read you paragraph 3 that says "Sutter County is adopting this resolution with the understanding that SAFCA will not proceed with Phase 2 or any other future project in the Natomas Basin, which when completed could provide differing levels of flood protection within the different parent agency jurisdictions in the Basin until a mitigation agreement regarding flood impacts on the lands east of the Pleasant Grove Creek Canal, within Sutter County has been agreed to by Sutter County." Where is it? I was there and the other strange part about this is I'm the past Chairman of the Sutter County Resource Conservation Board. I'm still on the Board. We haven't been contacted about any of this project. We make wetlands determinations. We're very involved with what happens in Sutter County. Where you been?

Raising the north and west banks of the Cross Canal is not maintaining status quo. Well, as Mr. Wallace already pointed out there's already a 5 or 6 foot disparity between the west levee and the east and if you exacerbate that by raising it another foot, it's already, we've got the proof of the past flooding. . .

And you're not doing anything as this resolution says you won't proceed with anything else, of any kind, until you address Pleasant Grove. I haven't been contacted and I got a message from someone that said that we should be in touch. Well, we're not so I'm really puzzled as a official Sutter County agency why we've been left out of the loop. But, more for the audience here, you might want to check out something on PBS, It appeared years ago and it gives you an idea of some of the financial boondoggle projects that have been proposed over the years. It's called "Secrets of a Master Builder" you can get it online and what it tells is about 150 years ago, what the Army Corps of Engineers was proposing on the Mississippi River and were it not for one, probably the most famous engineer of his times, James B. Eads, they would have prevailed but through his perseverance he showed genuine expertise in hydrology and developed systems on the Mississippi River that are with us today. But my only reason of mentioning this is, you know, boondoggles have been with us for a long time and the public needs to understand that this is just another example of that. Thank you for your hearing me. This is the Sutter County Board that SAFCA was in attendance of that meeting and they were in agreement with the provisions of it.

61-1



- 61-1 SAFCA Board of Directors Resolution No. 96-189 (Revised) addresses the matters raised in this comment. This resolution states that prior to any SAFCA project which raises either the Pleasant Grove Creek Canal west levee or the Natomas Cross Canal (NCC) south levee, staff shall bring a recommendation to the SAFCA Board which includes: (1) a description of the specific construction contemplated; (2) an analysis of the hydraulic impacts of doing the construction on parties outside the Natomas Basin; (3) a proposal for funding construction of the proposed improvements. In addition, Resolution No. 96-189 (Revised) states that (4) the north levee of the NCC shall be part of any SAFCA project that involves raising the south levee of the NCC, thereby creating a superior levee by elevation, subject to negotiations for funding the improvements (SAFCA 1996).

With respect to the NCC south levee, staff has addressed the first three of these items in this DEIR, the *Environmental Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area* (February 2007); and the *Final Engineer's Report for the Sacramento Area Flood Control Agency Consolidated Capital Assessment District* (April 2007). The analysis of hydraulic impacts is further explained in Master Response 1. The fourth item, funding for raising the NCC north levee, has been addressed by securing federal and state authorization for this work, with local funding to be provided through an agreement between SAFCA and RD 1001 under which SAFCA will undertake environmental review and complete permitting for a borrow site in RD 1001 that will provide borrow material for the NCC south levee raise and could provide borrow material for the NCC north levee raise. SAFCA will compensate RD 1001 for the borrow material used for the NCC south levee raise. This revenue and the value of the material remaining in the borrow site would constitute RD 1001's expected local cost share for raising the NCC north levee.

With respect to the PGCC west levee, SAFCA has determined that this levee does not need to be raised to achieve the NLIP project objectives. Therefore, this element has been eliminated from the project.

October 18 Public Hearing  
Dennis James

I live north of the Cross Canal. I'm not in the Natomas area. I happen to hear about this meeting kind of by accident. I learned about it about noon today, thought that I should come and kind of find out what's going on because as you folks raise the levee on the south side of the Cross Canal that makes my area that I live in a flood plain, which we're not in right now, a bad flood plain, we'll be in a very bad flood plain. But one question I have, and I haven't heard it addressed and maybe you've addressed and I just haven't been in any of the meetings or anything is what about 99 70. As you raise this levee on the south side of the cross canal 3 feet, it's going to flood to the north. It's going to flood highway 99 70 and you're going to shut down a main highway going through there? Not talking about probably damage you're going to do to people, all the business effects you're going to have on people like myself but what about the highway? Is that just going to shut down? Are we going to shut down a main corridor in California? I suppose that's my statement mostly. Thank you.

62-1

- 62-1 The DEIR discusses FEMA requirements for addressing flood protection for the SR 99/70 bridge crossing over the Natomas Cross Canal.

SAFCA  
 Natomas Levee Improvement Program  
 Comment Form

Pete Ron Elmore  
3963 Border Hwy  
elmore@hughes1.net

Comments:

Strong concern about utilities  
moved to river side.

63-1

What if slurry wall affects our well?

63-2

H<sub>2</sub>O & Power problems

63-3

Set up mapping of berm/slurry wall  
by Reach and crossroad, then we  
can organize our comments/concerns  
by area

63-4

Submit by 5:00 p.m. on October 29, 2007 to:  
 Sacramento Area Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Fax: (916) 874-8289  
 BassettJ@SacCounty.net

- 63-1 See Master Response 4.
- 63-2 See response to Comment 50-5.
- 63-3 The comment is not specific about potential water problems. See Master Response 4.
- 63-4 Exhibits 2-8a through 2-8c in the DEIR contain labels of both reaches and major roads that intersect Garden Highway.

SAFCA  
 Natomas Levee Improvement Program  
 Comment Form

Britt Johnson  
 7105 Garden Hwy  
 APN 2010250020

Comments:

Impact ON Wells By cut off walls	64-1
Powerline location	64-2
Adjusted RIVER Flows Being Higher	64-3
Moving Hwy to ATOP NEW BERM.	64-4
RELOCATION PROCESS	64-5

Submit by 5:00 p.m. on October 29, 2007 to:  
 Sacramento Area Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Fax: (916) 874-8289  
 BassettJ@SacCounty.net

- 64-1 See response to Comment 50-5.
- 64-2 See Master Response 4.
- 64-3 See Master Response 1 under “Impacts on Garden Highway Residences.”
- 64-4 See response to Comment 24-5.
- 64-5 See Master Response 1 under “Impacts on Garden Highway Residences.”

SAFCA  
 Natomas Levee Improvement Program  
 Comment Form

KATHY RÖTT  
 4145 GARDEN HWY  
 SACRAMENTO, CA  
 95834

Comments:

- NOW IS THE TIME TO BURY ALL POWER, PHONE, DSL/FIBER OPTIC, ETC. 65-1
- KEEPING A 1 MILE GREENBELT BETWEEN THE LEVEE AND NEW HOUSING IS CRITICAL! (NOT CAVING INTO DEVELOPERS, CITY ANNEXATION, ETC.) 65-2
- CAN G.H. RESIDENTS BE PRESENT IN MEETINGS(S) WITH ALL CONCERNED PARTIES (ARMY CORP, RECLAMATION, ETC.) RE: POWER POLE/<sup>BOARED</sup> BURIED LINES PLACEMENT. 65-3
- RAISING THE LEVEE MAKES IT POSSIBLE TO RUN MORE WATER DOWN THE RIVER DURING HIGH/FLOOD YEARS - MANY OF US WILL HAVE "SEVERE" FLOODING; WILL OUR FLOOD INS. GO UP? WILL THE SACRAMENTO WIER GATES BE OPENED LATER VS. SOONER? 65-4

Submit by 5:00 p.m. on October 29, 2007 to:  
 Sacramento Area Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Fax: (916) 874-8289  
 BassettJ@SacCounty.net

- POTENTIAL WELL, SEPTIC PROBLEMS w/ SLURRY WALL CONSTRUCTION 65-5



- 65-1 See Master Response 4.
- 65-2 This is not a comment on the DEIR.
- 65-3 Residents can address their concerns directly to USACE and The Reclamation Board
- 65-4 See Master Response 1 under “Impacts on Garden Highway Residences.”
- 65-5 See response to Comment 20-4.

SAFCA  
 Natomas Levee Improvement Program  
 Comment Form

1 of 2

Patrick Tully  
 3067 Garden Hwy  
 SAC, CA 95833

10/29/07  


Comments:

- ① Dewatering of land under seepage berm may cause water quality issues for existing wells near construction. ① Water loss due to water being pulled out of land for stability. ② Reduction of water quality due to removal of water. ③ Disposal of water removed
- ② Taxation without benefit. - We are taxed to make improvements which are not to the benefit of our homes & land.
- ③ Voted tax <sup>(new assessed district)</sup> by people of Garden Hwy & Natomas did not clearly state that the money would be used against garden Hwy residents. <sup>we would have voted differently.</sup>
- ④ Not all residents aware or understand & Submit by 5:00 p.m. on October 29, 2007 to:  
 Sacramento Area Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Fax: (916) 874-8289  
 BassettJ@SacCounty.net
- Requesting delay so  
 Garden Hwy residents can  
 meet.

66-1

66-2

66-3

66-4

7

SAFCA  
Natomas Levee Improvement Program  
Comment Form

Pamela Tully

Continued

2 of 2

10/29/07

Pamela Tully

Comments:

⑤ Money/fund for garden Hwy home owners to raise homes to mitigate increased flows which will now be possible based on the height increase. (changes +3 ft in levee)

66-5

⑥ Alternative of bury power & telephone should be considered

66-6

⑦ Provide city water to remove any clean water concerns. Now is the time to do these to keep costs down. Clean water needs to be provided & protected.

66-7

Submit by 5:00 p.m. on October 29, 2007 to:  
Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814  
Fax: (916) 874-8289  
Bassettdj@SacCounty.net

- 66-1 The land under the seepage berm would not be dewatered during construction.
- 66-2 See response to Comment 46-3.
- 66-3 The comment is not specific as to how the project is “against Garden Highway” residents.
- 66-4 See response to Comment 23-7.
- 66-5 See Master Response 1 under “Impacts on Garden Highway Residences.”
- 66-6 See Master Response 4.
- 66-7 The commenter has not identified a specific impact to water supplies. CEQA does not require mitigation for existing conditions.

SAFCA  
 Natomas Levee Improvement Program  
 Comment Form

Doug Cummings  
 6301 Garden Hwy  
 APN 2010270060

Comments:

CONSIDER IMPACT TO ENDANGERED SPECIES  
 INCLUDING SIMPSON'S HAWK, ELDERBERRY  
 BEETLE, ELDERBERRY BUSHES, GIANT  
 BARTER SNAKE, HERITAGE OAKS

67-1

Georgann Johnston  
 GEORGINN JOHNSTON  
 6301 GARDEN HWY  
 SAC TO CA 95837

Submit by 5:00 p.m. on October 29, 2007 to:  
 Sacramento Area Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Fax: (916) 874-8289  
 BassettJ@SacCounty.net

- 67-1 The DEIR addresses impacts to endangered species in Section 3.7, “Terrestrial Biological Resources.”  
See Master Response 2.

Mr. Wallace:

And I live in Pleasant Grove and my property is located just adjacent to the Natomas Road Cross Canal area. I'm very concerned about a couple of things, all of which, most of which has happened or not happened in the past. We've been through this program for quite some time now and a number of years ago, the people of Sutter County, through our elected representatives, agreed to not oppose construction of the east west main drain canal, which was necessary to protect Natomas and Sacramento from flooding. We agreed not to oppose that because we were told at the time that that would be step one. Step two would then be to protect Pleasant Grove and they couldn't get to step two before they completed step one. So we did not oppose that project and it was completed. Well step two has never occurred. Nothing, nothing has been done to protect Pleasant Grove from any potential flooding. On the contrary, what has happened through the years is in direct violation of existing court orders. In 1914, there was a court decision that some of you may already know about but some not, I've got a copy right here, which said that when they were to construct the levees parallel with the Natomas Road, the west side of the levee could never ever be higher than the east side of the levee. What you've got out there is a canal with a levee on either side, just like down here in Sacramento where you've got a canal, where you've got a levee on the Sacramento side and you've got a levee on the Yolo County side. In Pleasant Grove, we have the Natomas, the Pleasant Grove Creek Canal, which is bordered on the west by a levee that through the years has been allowed to rise approximately five to six feet higher than the levee on the east side. So you have a levee system with one levee up and the other levee down. Guess where the water goes when we have a flooding situation. Now we had that flooding situation in 1986. I had four feet of water in my living room. We had it again in 1997. Each time it took us a year to recover from that loss; a year out of my wife and our lives, so we sued. As did many other people in that area. Everybody and his brother started pointing fingers at each other as who was responsible for maintaining those levees through the preceding 75 years. The courts eventually held that it didn't matter, that they were all equally responsible. And what happened was that the court ordered that we be compensated for those losses. Everybody said then that they didn't know about this court order in 1914, which said they cannot allow that to happen. When this bombshell was dropped in the court, we won. I don't want to go through that again and I don't think SAFCA and the tax payers do either because it cost the tax payers of California millions to settle that claim. I didn't get it but it cost the tax payers millions. Now everybody knows about it. Everybody's on record about this court decision that said you cannot raise the levee road on the west side without raising it on the east side. Everybody knows about it now so ignorance will be no excuse the next time and somebody ought to check with the legal side and have them explain what punitive damages mean. Thank you.

68-1

68-1 See response to Comment 61-1 and Master Response 1.



**C. MORRISON RANCH**

Charlotte Borgman  
 (916) 655-3339  
 FAX: (916) 655-1449  
 Cell: (916) 847-5716

P. O. Box 771  
 Pleasant Grove, CA 95668

Phillip Morrison  
 (916) 655-3237  
 FAX: (916) 655-3028  
 Cell: (916) 798-7274

October 28, 2007

Sacramento Area Flood Control Agency  
 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
 Sacramento, CA 95814  
 Attention: Mr. John Bassett  
 FAX: (916) 874-8289

Subject: Natomas Levee Improvement Program  
 Landside Improvements Project

Dear Mr. Bassett:

The C. Morrison Ranch is located on Howsley Road in North Natomas. Our ranch is bordered on the north by the Natomas Cross Canal and Howsley Road. There are several issues of concern regarding this proposed levee project.

1. There are six irrigation wells and one domestic well within one mile of the Natomas Cross Canal. The deep boring into the permeable layers could have a negative effect on water quality and impede the movement of water through these water bearing stratus that are drilled into and sealed with the slurry mixture.
2. Our ranch also depends on surface water supplied by the Natomas Mutual Water Company by way of the combination drainage-supply ditch located adjacent to the south levee of the Natomas Cross Canal. **This surface water is needed from approximately April through September. The supply cannot be interrupted or compromised during the irrigation season.**
3. If Howsley Road is re-aligned, how will that affect our ranch?

On the east side of Highway 99 the drainage-supply ditch parallels Howsley Road and runs past the north end of our barn, how much clearance will there be between the barn and the re-aligned road and ditch?

How might changes in the road and ditch affect our recently installed pumping plant and underground delivery system that supplies Natomas Mutual Water Company surface water from the drainage-supply ditch to the northeast side of our ranch?

69-1

69-2

69-3

69-4

Sacramento Area Flood Control Agency  
Landside Improvements Project  
October 28, 2007  
page 2

4. Will the proposed levee project affect the supply of Natomas Mutual Water Company water to our ranch property on the west side of Highway 99? Natomas Mutual Water Company's pump that supplies that portion of the ranch with surface water is located near the west end of Howsley Road at the north edge of our property. Changes to that portion of the supply ditch may require re-location of that pumping plant. **Delivery of surface water is crucial to our farming operation during the irrigation season, approximately April through September.**
5. The new, flatter angle of the levee may increase glare, particularly in the early morning and late afternoon. There could be a negative impact at the north side of the Ranch property and could pose a hazard to motorists on Howsley Road.

69-5

69-6

There are many aspects of the proposed project that are not clearly stated in the draft EIR. It is imperative that a thorough analysis be made of the project to determine all the negative effects it will have on our property and other farming operations in the area. It is also extreme important that the effect upon up-stream drainage is thoroughly analyzed.

69-7

69-8

Respectfully submitted,



Charlotte Borgman

- 69-1 The cement and bentonite materials used in the construction of cutoff walls are designed to be stable and resistant to erosion and extrusion into the adjacent sand and gravel layers. Therefore, no groundwater quality issues would be associated with construction of the cutoff walls. See response to Comment 9-1 regarding whether cutoff walls would be an impediment to groundwater flow. The construction of the cutoff wall in the NCC south levee would not have significant impacts on groundwater flow because the inflow of groundwater in this area is generally in an east-west direction.
- 69-2 This issue is discussed in DEIR Section Impact 3.15-a, “Potential Disruption of Irrigation Supply,” and is addressed by Mitigation Measure 3.15-a, “Coordinate with Irrigation Supply Users Before and During All Irrigation Infrastructure Modifications and Minimize Interruptions of Supply.”
- 69-3 DEIR Section 2.3.2.2, “Natomas Cross Canal South Levee (2008 Construction),” under “Raising of the Natomas Cross Canal South Levee” (page 2-20) discusses the realignment of Howsley Road in the vicinity of SR 99/70. Although irrigation facilities would be realigned, they would not be eliminated. If Howsley Road is realigned to the south, the Morrison Canal, which is currently fully concrete lined, would be placed underground in a culvert and Howsley Road would be constructed over the top of the existing canal alignment, thus minimizing the impact on the commenter's structures. See also response to Comment 69-2, above.
- 69-4 See response to Comment 69-3
- 69-5 DEIR Section 2.3.2.2, “Natomas Cross Canal South Levee (2008 Construction),” under “Utility Modifications and Miscellaneous Work for Improvements to the Natomas Cross Canal South Levee” (page 2-22) discusses realignment of the NMWC canal and pumping facilities between Station 216+00 and 218+00. See response to Comment 69-2, above, for issues associated with maintenance of irrigation supply.
- 69-6 The change in landside levee slope, from the existing 2H:1V to new 3H:1V, is a minor change in slope relative to the angle of the sun on the slope. No additional glare is expected to occur. In addition, the new flatter angle of the levee would allow better growth of grasses on the levee slope, that would tend to reduce any existing glare. Grass cover would provide a natural, non-reflective surface that would not pose a hazard or nuisance to motorists.
- 69-7 The comment does not identify which additional aspects or negative effects the DEIR should discuss.
- 69-8 See Master Response 1 which indicates that the NLIP will not have adverse hydraulic impacts.

MELVIN BORGMAN  
3559 Howsley Road  
Pleasant Grove, CA 95668

October 28, 2007

Sacramento Area Flood Control Agency  
1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor  
Sacramento, CA 95814  
Attention: Mr. John Bassett  
FAX: (916) 874-8289

Subject: Draft Environmental Impact Report on the  
Natomas Levee Improvement Program  
Landside Improvements Project

Dear Mr. Bassett:

Raising the levees on the Natomas Cross Canal and the Pleasant Grove Creek Canal will increase the frequency, severity and depth of flooding in the Pleasant Grove area east of the Natomas Cross Canal and Pleasant Grove Creek Canal system. These levees were raised in 1957 and severe flooding has since occurred several times east of the NCC and P.G. Creek Canal, notably in 1986 and 1997. Howsley Road and Fifield Road areas were flooded to depths of as much as ten feet, the Western Pacific Railroad was also flooded and thus closed. Pleasant Grove School, Pleasant Grove Fire Department and the Pleasant Grove Post Office yard were also flooded to a depth of two feet or more. Water also backs up beyond Pleasant Grove Road in several locations closing it when water elevations are high in the Natomas Cross Canal. Levee overtopping could be caused to occur in RD 1001 and other Sutter County locations upstream.

70-1

This draft EIR totally ignores the flood conditioning created east of the Natomas Cross Canal and Pleasant Grove Creek Canal.

70-2

Other comments:

1. The deep slurry seepage cutoff wall will also increase flooding in the Pleasant Grove area. Whatever volume of water that is prevented from escaping the levee system must be reflected in an increase in water elevation in the canal and river system.
2. The toe of the waterside of the Natomas Cross Canal levee must NOT be moved inward as illustrated in Exhibit 2-21, which would result in reducing the flow capacity.
3. Although the hydraulic modeling indicates a "Less than significant impact" the water in the Natomas Cross Canal system continues to get higher as "improvements" in flood control have been implemented throughout the river system. Pleasant Grove now soaks in as much as ten feet of "less than significant" impacts.

70-3

70-4

70-5

Sacramento Flood Control Agency  
Landside Improvements Project  
October 28, 2007  
page 2

- |   |       |
|---|-------|
| 4. The Natomas Cross Canal system was designed to operate up to a river level of 32 feet at Verona. The water level at Verona can now exceed 40 feet, which backs water up into the Pleasant Grove area.  | 70-6  |
| 5. The canal system should be the first source of borrow material for this project. The canals should be excavated to a twelve foot or lower elevation to facilitate movement of water from the east when the river level is high. Also, every acre foot of material removed from the canal system makes room for an acre foot of storm water.  | 70-7  |
| 6. All borrow areas should be designed to be part of a system of storm water retention basins integrated into the RD 1000 drainage system. The retention basin system should be capable of storing five days of local storm run-off.  | 70-8  |
| 7. The mouth of the Natomas Cross Canal at the confluence of the Sacramento River must be cleaned out and widened.  | 70-9  |
| 8. A Natomas cross Canal bypass should be constructed beginning approximately at the RD 1000 Plant Number 4, North Powerline Road vicinity; southerly in the lowlands area between the Sacramento River and Powerline Road, entering the Sacramento River at a point much lower in the system as in the vicinity of RD 1000 Plant No. 3, Fishmans Lake area. This bypass would also serve as the proposed setback levee in the Sankey Road to Reige Road segment of the Sacramento River. | 70-10 |
| 9. No flood control project should be implemented that does NOT significantly decrease water elevations through out the river system. The most effective way to reduce risk of flooding in the Natomas area is reducing river water elevations. This would be most effectively accomplished by making the river wider. Move the levee away from the river channel.  | 70-11 |

Respectfully submitted,



Melvin Borgman

**Melvin Borgman**

---

- 70-1 With regard to the raising of the NCC south levee, see Master Response 1 which explains that the NLIP improvements would not have significant adverse hydraulic impacts. With regard to the raising of the PGCC west levee, SAFCA has concluded that it is not necessary to raise the PGCC west levee to achieve the project objectives (See Chapter 1, "Introduction," of this document).
- 70-2 See Master Response 1.
- 70-3 As reported to the Reclamation Board at the time it approved the NCC South Levee Phase 1 Improvements, the amount of water leaving the channels via infiltration, which would remain in the channels as a result of construction of the cutoff wall, is on the order of 10 cubic feet per second (cfs) at peak flow in the channel. This change in the amount of flow, when compared to the approximately 23,000 cfs peak flow in the NCC channel under the same condition, would not result in a significant hydraulic impact. No cutoff walls are anticipated to be constructed in the PGCC west levee.
- 70-4 Preliminary hydraulic analysis of the waterside raise, with its inherent encroachment into the NCC canal, indicates that no adverse hydraulic impacts will result. See Master Response 1.
- 70-5 See Master Response 1. The proposed project would not increase flood surface water elevations noted in this comment.
- 70-6 Comment noted. See Master Response 1. The proposed project would not increase flood surface water elevations noted in this comment.
- 70-7 Hydraulic analyses of the river system conclude that dredging of the river channel, similar to the commenter's suggestion of excavating the channel to provide borrow material, does not provide long term peak flow capacity. SAFCA has previously considered this concept and concluded that it would not improve flood water conveyance or control during peak flood conditions.
- 70-8 It is possible that borrow areas utilized in RD 1000's interior area could be used long term as an addition to RD 1000's drainage system. This would not, however, affect exterior water surface elevations.
- 70-9 See response to Comment 70-7.
- 70-10 As discussed in DEIR Chapter 6, "Alternatives,": a setback levee was considered and dismissed.
- 70-11 See Master Response 1, under "Consideration of Use of Yolo and Sacramento Bypass Systems to Convey Flood Waters."

## 4 REVISIONS TO THE DRAFT EIR

Changes to the text of the DEIR are shown in this chapter, in page order, with a line through the text that has been deleted (~~strikeout~~) or underlining where new text has been added.

### 4.1 REVISIONS TO EXECUTIVE SUMMARY

#### PAGE ES-1

In response to Comment 5-1, the second specific project objective on page ES-1 of the DEIR is revised as follows:

- (2) use flood control projects in the vicinity of Sacramento International Airport to facilitate ~~changes in the~~ better management of Airport lands that reduce hazards to aviation safety, and

### 4.2 REVISIONS TO CHAPTER 1, INTRODUCTION

#### PAGE 1-5

In response to Comment 11-2, the sixth bulleted item in Section 1.5, “Intended Uses of the EIR and Agency Roles and Responsibilities,” on page 1-5 of the DEIR is revised as follows:

Feather River Air Quality Management District (AQMD) and Sacramento Metropolitan AQMD: review of effects of the project on air quality and ~~authority to construct/permit to operate~~ adoption of rules and regulations to control air pollution.

### 4.3 REVISIONS TO CHAPTER 2, PROJECT DESCRIPTION

Changes or revisions to the description of proposed project features and elements are presented in Chapter 1, “Introduction,” of this document.

#### PAGE 2-3

In response to Comment 5-4, the first paragraph in Section 2.1.1.3, “Meeting Multiple Mandates in the Natomas Basin,” on page 2-3 of the DEIR is revised as follows:

In addition to the USACE’s flood control mandate, the federal government has significant aviation safety and habitat protection mandates in the Natomas Basin, as represented by the Federal Aviation Administration (FAA) and the U.S. Fish and Wildlife Service (USFWS), respectively. The Airport experiences a high rate of aircraft bird strikes, which pose a substantial hazard to flight safety, and has been directed by FAA to reduce wildlife attractants in the Airport Critical Zone, the area within a 10,000-foot radius from the centerline of the two parallel runways for turbine-powered aircraft. Open water and agricultural crops are recognized by FAA as being ~~the greatest~~ wildlife attractants, ~~in the Airport vicinity, and with rice cultivation is considered the most incompatible agricultural crop because of its flooding regime~~ being the most attractive agricultural crop because standing water creates an attraction for a variety of waterfowl, songbirds, and raptors.

## PAGE 2-4

In response to Comment 5-1, the second specific project objective on page 2-4 of the DEIR is revised as follows:

- (2) use flood control projects in the vicinity of Sacramento International Airport to facilitate ~~changes in the better~~ management of Airport lands that reduce hazards to aviation safety, and

## PAGE 2-24

Table 2-6, on page 2-24 of the DEIR, is revised as follows:

<b>Table 2-6</b> <b>Proposed Improvements to the Sacramento River East Levee</b> <b>in Reaches 1–4B (with Adjacent Setback Levee) (2008 Construction)</b>					
Reach	Beginning Station	Ending Station	Length (feet)	Average Raise Height (feet)	Underseepage Remediation
1	00+00	48+00	4,800	2.36	None
2	48+00	<u>57+00</u>	<u>900</u>	2.32	100-foot seepage berm
<u>2</u>	<u>57+00</u>	<u>87+00</u>	<u>3,000</u>	<u>2.3</u>	<u>300-foot seepage berm</u>
<u>2</u>	<u>86+00</u>	<u>100+00</u>	<u>1,400</u>	<u>2.32</u>	<u>100-foot seepage berm</u>
3	100+00	110+00	1,000	2.43	100-foot seepage berm
4A	110+00	208+00	9,800	2.30	100-foot seepage berm
4B	208+00	<u>228+00</u>	<u>2,000</u>	2.35	300-foot seepage berm
Source: Data provided by HDR in 2007					

## PAGE 2-30

Table 2-10, on page 2-30 of the DEIR, is revised as follows:

<b>Table 2-10</b> <b>Proposed Improvements to the Sacramento River East Levee</b> <b>in Reaches 5A-20 (with Adjacent Setback Levee) (2008 <u>2009-2010</u> Construction)</b>					
Reach	Beginning Station	Ending Station	Length (feet)	Average Raise Height (feet)	Underseepage Remediation
4B	<u>214+00</u>	<u>228+00</u>	<u>1,400</u>	<u>2.4</u>	<del>300-foot seepage berm with relief wells at tree groves</del>
5A	228+00	263+00	3,500	1.5	100-foot seepage berm with relief wells at tree groves
5B	263+00	<u>280+00</u>	<u>1,700</u>	1.6	None <sup>3</sup>
<u>6A</u>	<u>280+00</u>	<u>303+00</u>	<u>2,300</u>	<u>2.0</u>	<u>300-foot seepage berm</u>
6B	303+00	330+00	2,700	2.0	100-foot seepage berm
7	330+00	362+00	3,200	2.2	100-foot seepage berm
8	362+00	<u>402+00</u>	<u>4,000</u>	2.0	300-foot seepage berm with relief wells at tree groves
9A	402+00	<u>407+00</u>	<u>500</u>	1.4	None



**Table 2-10**  
**Proposed Improvements to the Sacramento River East Levee**  
**in Reaches 5A-20 (with Adjacent Setback Levee) (2008 ~~2009~~ 2010 Construction)**

Reach	Beginning Station	Ending Station	Length (feet)	Average Raise Height (feet)	Underseepage Remediation
9B	407+00	<u>468+00</u>	<u>6,110</u>	1.4	None
10	468+00	<u>495+00</u>	<u>2,690</u>	1.5	300-foot seepage berm with relief wells at tree groves Cutoff wall at pump station
11A	495+00	<u>535+00</u>	<u>4,000</u>	1.1	None <sup>3</sup>
11B	535+00	<u>635+00</u>	<u>10,000</u>	1.1	None <sup>3</sup>
12	635+00	<u>667+00</u>	<u>3,200</u>	0	None
13	667+00	<u>700+00</u>	<u>3,300</u>	0	300-foot seepage berm with relief wells at tree groves Cutoff wall at pump station
14	700+00	<u>732+00</u>	<u>3,200</u>	0	None
15	732+00	<u>780+00</u>	<u>4,800</u>	0	100-foot seepage berm
16	780+00	<u>832+00</u>	<u>5,200</u>	0	None
17	832+00	<u>842+00</u>	<u>1,000</u>	0	100-foot seepage berm
18A	842+00	<u>848+00</u>	<u>600</u>	0	None
18B	848+00	<u>857+00</u>	<u>900</u>	0	None
19A	857+00	<u>875+00</u>	<u>1,800</u>	0	100-foot seepage berm
19B	875+00	<u>925+00</u>	<u>5,000</u>	0	None <sup>3</sup>
20A	925+00	<u>925+50</u>	<u>50</u>	0	Pump station cutoff wall and jet grouting
20B	925+50	<u>960+00</u>	<u>3,450</u>	0	Existing wall meets criteria

**Notes:**

<sup>1</sup> Additional analysis is underway regarding the use of cutoff walls in place of some 300-foot berms.

<sup>2</sup> Underseepage remediation is shown as a project component only for areas that do not meet criteria for the 100-year profile. Seepage remediation will be required in the future in additional reaches to meet the "200-year" profile.

<sup>3</sup> Seepage remediation required for "200-year" profile.

Source: Data provided by HDR IN 2007

## PAGE 2-55

Table 2-27, on page 2-55 of the DEIR, is revised as follows:

<b>Table 2-27</b> <b>Summary of Pre-Project and Post-Project Land Cover Types by Location</b>												
Land Cover Type and Location	Created Landscape (Acres)		Existing Landscape (Acres)									
			Field Crop		Rice		Open Water/ Canal		Woodland		Developed	
	2008	2009–2010	2008	2009–2010	2008	2009–2010	2008	2009–2010	2008	2009–2010	2008	2009–2010
<b>Project Footprint and Additional Right-of-Way</b>												
Levee/berm grassland	<u>140</u>	200	<u>115</u>	130	<u>15</u>	23		25	<u>10</u>	22		
Project ROW grassland	<u>21</u>	138	<u>21</u>	138								
Canal grassland	19	76	19	76								
Canal aquatic	24	<u>36</u>	<u>24</u>	<u>36</u>								
Woodland	<u>30</u>	<u>120</u>	<u>30</u>	<u>120</u>								
Project ROW developed	15	45									15	45
<b>Subtotal</b>	<b><u>249</u></b>	<b><u>615</u></b>	<b><u>209</u></b>	<b><u>500</u></b>	<b><u>15</u></b>	<b>23</b>		<b>25</b>	<b><u>10</u></b>	<b>22</b>	<b>15</b>	<b>45</b>
<b>Borrow Sites</b>												
Managed marsh (Airport)		<u>130</u>				<u>130</u>						
Managed marsh (Natomas)	<u>40</u>	<u>80</u>			<u>40</u>	<u>80</u>						
Managed marsh (RD 1001)	30	20			30	20						
Airport grassland	<u>225</u>	<u>275</u>			<u>225</u>	<u>275</u>						
Preserved rice crop	<u>160</u>				<u>160</u>							
<b>Subtotal</b>	<b><u>455</u></b>	<b><u>505</u></b>			<b><u>455</u></b>	<b><u>505</u></b>						
<b>Total</b>	<b><u>704</u></b>	<b><u>1,120</u></b>	<b><u>209</u></b>	<b><u>500</u></b>	<b><u>470</u></b>	<b><u>528</u></b>		<b>25</b>	<b><u>10</u></b>	<b>22</b>	<b>15</b>	<b>45</b>
<b>Summary of Acreages by Landscape Type</b>												
Field crop			<u>209</u>	<u>500</u>								
Grassland	<u>405</u>	<u>689</u>										
Woodland	<u>30</u>	<u>120</u>							<u>10</u>	22		
Rice	<u>160</u>				<u>470</u>	<u>528</u>						
Managed marsh	<u>70</u>	<u>230</u>										
Canal aquatic	<u>24</u>	<u>36</u>						25				
Developed	15	45									15	45
<b>Total</b>	<b><u>704</u></b>	<b><u>1,120</u></b>	<b><u>209</u></b>	<b><u>500</u></b>	<b><u>470</u></b>	<b><u>528</u></b>		<b>25</b>	<b><u>10</u></b>	<b>22</b>	<b>15</b>	<b>45</b>
Notes: RD = Reclamation District; ROW = right-of-way Source: EDAW 2007												

## PAGE 2-58

In response to Comment 5-8, the first sentence of the second paragraph on page 2-58 of the DEIR is revised as follows:

Marsh design and management would optimize the values of giant garter snake habitat but minimize the attraction to wildlife species (e.g., flocks of waterfowl, starlings, pheasants) considered to be ~~potentially~~ hazardous to aircraft at low elevations approaching or departing from runways.

## PAGE 2-91

To correct a typographic error, Exhibit 2-18a on page 2-91 of the DEIR is corrected as follows: APN 35-104-001 to APN 35-140-001.

## PAGES 2-147 THROUGH 2-151

In response to Comment 5-9, the legends in Exhibits 2-33a, 2-33b, and 2-33c on pages 2-147 through 2-151 of the DEIR are revised as follows. The label for “Designated Swainson’s Hawk Habitat (Airport)” has been changed to “Potential Swainson’s Hawk Habitat (Airport).” These exhibits are included at the end of the Chapter 4 text.

## REVISIONS TO SECTION 3.5, WATER QUALITY

### PAGE 3.5-3

In response to Comment 8-1, the third paragraph on page 3.5-3 of the DEIR is corrected as follows:

The RWQCBs issue NPDES permits for waste discharges to surface water from both point and nonpoint sources. The NPDES permit system includes an individual system for municipal wastewater treatment plants and several categories of stormwater discharges. NPDES stormwater permits apply to specific activities industrial facilities and any general ground-disturbing construction activity that would disturb more than 1 acre. The general construction NPDES permit applies to construction activities greater than 1 acre. These general permits are administrated by the SWRCB.

## REVISIONS TO SECTION 3.10, TRANSPORTATION AND CIRCULATION

### PAGES 3.10-7 AND 3.10-8

In response to multiple comments and to clarify text, Mitigation Measure 3.10-b on pages 3.10-7 and 3.10-8 of the DEIR is revised as follows:

**Mitigation Measure 3.10-b: Prepare and Implement a Traffic Safety and Control Plan and Implement Measures to Avoid and Minimize Traffic Hazards on Local Roadways during Construction.**

Before the start of construction in each construction season, SAFCA and its primary contractors for engineering design and construction shall ensure that the following measures are implemented for each construction season to avoid and minimize potential traffic hazards on local roadways during construction. Items (a) through (c) of this mitigation measure shall be integrated as terms of the construction contracts.

- (a) The construction contractors shall develop traffic safety and control plans for the local roadways that would be affected by construction traffic. Before the initiation of construction-related activity involving high volumes of traffic, the plan shall be submitted for review by Caltrans and the agencies of the local jurisdictions (Sutter County, Sacramento County, and/or City of Sacramento) having responsibility for roadway safety at and between project sites. The plan shall call for the following elements:

posting warnings about the potential presence of slow-moving vehicles,

using traffic control personnel when appropriate, and

placing and maintaining barriers and installing traffic control devices necessary for safety, as specified in Caltrans's *Manual of Traffic Controls for Construction and Maintenance Works Zones* and in accordance with county requirements.

The contractor shall train construction personnel in appropriate safety measures as described in the plan, and shall implement the plan. The plan shall include the prescribed locations for staging equipment and parking trucks and vehicles. Provisions shall be made for overnight parking of haul trucks to avoid causing traffic or circulation congestion.

- (b) All operations shall limit and expeditiously remove, as necessary, the accumulation of project-generated mud or dirt from adjacent public streets at least once every 24 hours if substantial volumes of soil have been carried onto adjacent paved public roadways during project construction.
- (c) Construction of project features along the Sacramento River east levee shall be accommodated through the creation of temporary haul roads along the land side of the adjacent levee and berm footprint. Garden Highway shall not be used for project construction or materials hauling activities.
- (d) Before the start of the 2008 construction season, SAFCA shall coordinate with Sacramento and Sutter Counties to address maintenance and repair of affected roadways resulting from increased truck traffic.

## REVISIONS TO SECTION 3.11, AIR QUALITY

### PAGE 3.11-18

In response to Comment 11-1, the subsection entitled "Construction in Sacramento County (SMAQMD)" under Mitigation Measure 3.11-a, "Implement District-Recommended Control Measures to Minimize Temporary Emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> during Construction," on page 3.11-18 of the DEIR is revised as follows:

SAFCA shall pay SMAQMD an off-site mitigation fee for implementation of any proposed alternatives for the purpose of reducing impacts to a less-than-significant level. Based on the construction information presented in Section 2.3, "Description of the Proposed Project," and the emissions calculations shown in Appendix C, if the proposed project is selected for implementation, the specific fee amount to offset NO<sub>x</sub> emissions for 2008 work that would occur in Sacramento County would be ~~\$45,550~~ \$45,551 (see Appendix C for fee calculations) plus a 5% administrative fee of \$2,277.55. Thus, the total mitigation fee for project-related work conducted in Sacramento County during the 2008 construction season is currently estimated to be \$47,828.55. Mitigation fees for work to occur in 2009 and 2010 are expected to be similar and would be calculated when the construction emissions can be more accurately determined. This

calculation would occur when an alternative has been selected, improvement plans have been prepared, and accurate project-specific information is available. Calculation of fees associated with subsequent improvement plans/project phases shall be conducted at the time the project is approved for bid. The applicable fee rate shall be determined and the total fee shall be calculated based on the fee rate in effect at the time that subsequent environmental documents are prepared. The fee for subsequent construction projects shall be remitted to SMAQMD before groundbreaking.

## **PAGES 3.11-20 AND 3.11-21**

In response to Comment 11-3, the subsection entitled “All Project Construction” under Mitigation Measure 3.11-a, “Implement District-Recommended Control Measures to Minimize Temporary Emissions of ROG, NO<sub>x</sub>, and PM<sub>10</sub> during Construction,” on pages 3.11-20 and 3.11-21 of the DEIR is revised as follows:

SAFCA shall implement the following additional ~~dust control~~ measures to reduce construction emissions of PM<sub>10</sub> comprising fugitive dust and mobile-exhaust and ozone precursors throughout the project area:

SAFCA shall submit a construction emission/dust control plan to SMAQMD and FRAQMD and shall receive approval of the plan before groundbreaking. All grading operations shall be suspended when fugitive dust levels exceed levels specified by SMAQMD or FRAQMD rules. SAFCA and its primary construction contractors shall ensure that dust is not causing a nuisance beyond the property line of the construction site.

Open burning of removed vegetation shall be prohibited. Vegetative material shall be chipped on-site or delivered to waste-to-energy facilities.

An operational water truck shall be on-site at all times. Water shall be applied to control dust as needed to prevent dust impacts off-site.

Unpaved areas subject to vehicle traffic, including employee parking areas and equipment staging areas, shall be stabilized by being kept wet, treated with a chemical dust suppressant or soil binders, or covered.

The track-out of bulk material onto public paved roadways as a result of operations, or erosion, shall be minimized by the use of track-out and erosion control, minimization, and preventive measures, and removed within 1 hour from adjacent streets such material anytime track-out extends for a cumulative distance of greater than 50 feet onto any paved public road during active operations.

All visible roadway dust tracked out upon public paved roadways as a result of active operations shall be removed at the conclusion of each work day when active operations cease, or every 24 hours for continuous operations. Wet sweeping or a HEPA filter equipped vacuum device shall be used for roadway dust removal.

Low-sulfur fuel shall be used for stationary construction equipment.

Existing power sources or clean fuel generators shall be used rather than temporary power generators to the extent feasible.

Low-emission on-site stationary equipment shall be used.

Vehicle speeds on unpaved roadways shall be limited to 15 miles per hour.

Idling time for all heavy-duty equipment shall be limited to 10 minutes.

Diesel-fueled construction equipment that will operate on the project site for more than 40 hours shall be equipped with diesel particulate filters (DPFs) that meet ARB "Level 3" verification standards. A list of currently verified DPF technologies can be found at <http://www.arb.ca.gov/diesel/verdev/vt/cvt.htm>.

## REVISIONS TO SECTION 3.15, UTILITIES AND SERVICE SYSTEMS

### PAGE 3.15-1

In response to Comment 8-2, the text in Section 3.15.2.2, "Wastewater," on page 3.15-1 of the DEIR is corrected as follows:

The Sacramento Regional County Sanitation District provides regional sewage services in the unincorporated areas for all of Sacramento County. County Sanitation District 1 (CSD-1) maintains sewer services for incorporated Sacramento County and parts of the city of Sacramento. The City of Sacramento maintains sewer services for the other part of the city. The City of Sacramento is responsible for providing and maintaining sewer services in incorporated Sacramento County. There are no sewer lines in the project area; residences and businesses rely on septic systems for wastewater disposal.

### PAGE 3.15-5

In response to multiple comments and to clarify text, Mitigation Measure 3.15-b on page 3.15-5 of the DEIR is revised as follows:

#### **Mitigation Measure 3.15-b: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan, and Conduct Worker Training with Respect to Accidental Utility Damage.**

SAFCA and its primary contractors for engineering design and construction shall ensure that the following measures are implemented to avoid and minimize potential damage to utility infrastructure and service disruptions during construction activities:

Before the start of construction, SAFCA and its primary contractors shall coordinate with USACE, the state, and applicable utility providers and other relevant agencies to locate existing utilities. The relocation of utilities shall be avoided whenever possible. SAFCA shall coordinate with utility providers to implement orderly relocation of utilities that need to be removed or relocated to accommodate project improvements. No new utility poles shall be located on the water side of Garden Highway in the vicinity of existing waterside residences unless there is no feasible alternative for providing service to these residences. Notification of any potential interruptions in service shall be provided to the appropriate agencies.

Before the start of construction, utility locations shall be verified through field surveys and the use of the Underground Service Alert services. Any buried utility lines shall be clearly marked in the area of construction in advance of any earthmoving activities.

Before the start of construction, a response plan shall be prepared to address potential accidental damage to a utility line. The plan shall identify chain of command rules for notification of authorities and appropriate actions and responsibilities to ensure the safety of the public and workers. Worker education training in response to such situations shall be conducted by the contractor.

Utility relocations shall be staged to minimize interruptions in service.

## **REVISIONS TO SECTION 3.16, HAZARDS AND HAZARDOUS MATERIALS**

### **PAGE 3.16-7**

In response to Comment 5-4, the second paragraph on page 3.16-7 of the DEIR is revised as follows:

The frequency of wildlife strikes at the Airport is directly related to the airport's location. The Airport is situated in the western portion of the Natomas Basin, which is relatively flat, low-lying area that was historically part of the Sacramento/American River floodplain. Historically, wetlands in the Natomas Basin attracted tremendous numbers of migratory waterfowl. Land reclamation and the extensive construction of canals, levees, and pumping stations have allowed more than 80% of the Natomas Basin to be converted to agricultural production (City of Sacramento, Sutter County, and the Natomas Basin Conservancy 2003). Agricultural crops and open water are the primary wildlife attractants within the Airport's Critical Zone. Rice, wheat, safflower, corn, and alfalfa are all grown in the Critical Zone. However, the FAA Sacramento County Airport System (SCAS) considers rice cultivation, along with flooding of the rice fields in winter and summer, as the most incompatible current land use in the Critical Zone (SCAS 2007).

### **PAGE 3.16-11**

In response to Comment 5-10, the sixth paragraph on page 3.16-11 of the DEIR is revised as follows:

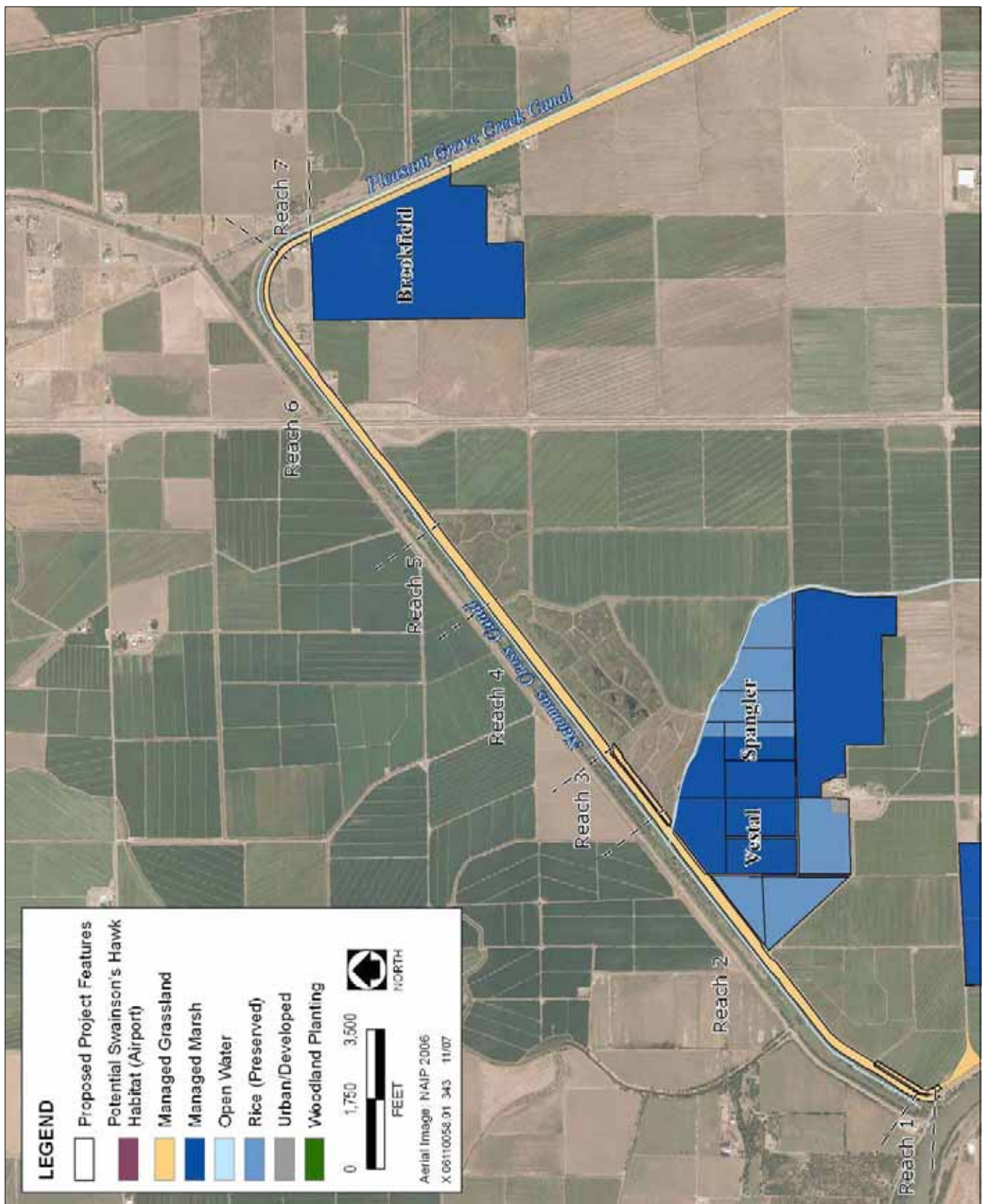
Additionally, SAFCA's excavation and grading activities could serve to improve existing irrigation and drainage infrastructure on Airport land beyond the dewatering of the West Ditch. ~~These improvements could address floodplain storage issues that could arise in connection with the Airport's planned parking lot construction activities south of Interstate 5.~~ SAFCA would include the physical alteration of the land as part of its flood control program, obtaining all necessary permits and environmental clearances, thus giving the Airport more flexibility than it currently has to reduce the wildlife hazards associated with this land.

## **REVISIONS TO CHAPTER 4, CUMULATIVE IMPACTS**

### **PAGE 4-9**

In response to Comment 5-12, the second paragraph under the subsection entitled, "Sacramento International Airport Master Plan," on page 4.9 of the DEIR is revised as follows:

Development of the majority many of the planned facilities will be within the existing airfield and landside portions of the Airport, with some of the planned facilities to be developed on land historically in agricultural production. Most lands outside the current Airport Operations Area provide foraging habitat of varying quality for a variety of wildlife species and that the facility expansion would reduce the overall availability of such habitat in the western portion of the Natomas Basin. The SMF Master Plan EIR estimates that 190 acres of Swainson's hawk foraging habitat would be converted to developed uses in Phases 1 and 2 of master plan buildout. Construction of some of the planned facilities is likely to coincide with construction of SAFCA's proposed project in 2008–2010; as a result, some temporary construction-related effects (particularly construction traffic and air quality effects) could combine with those of the proposed project.

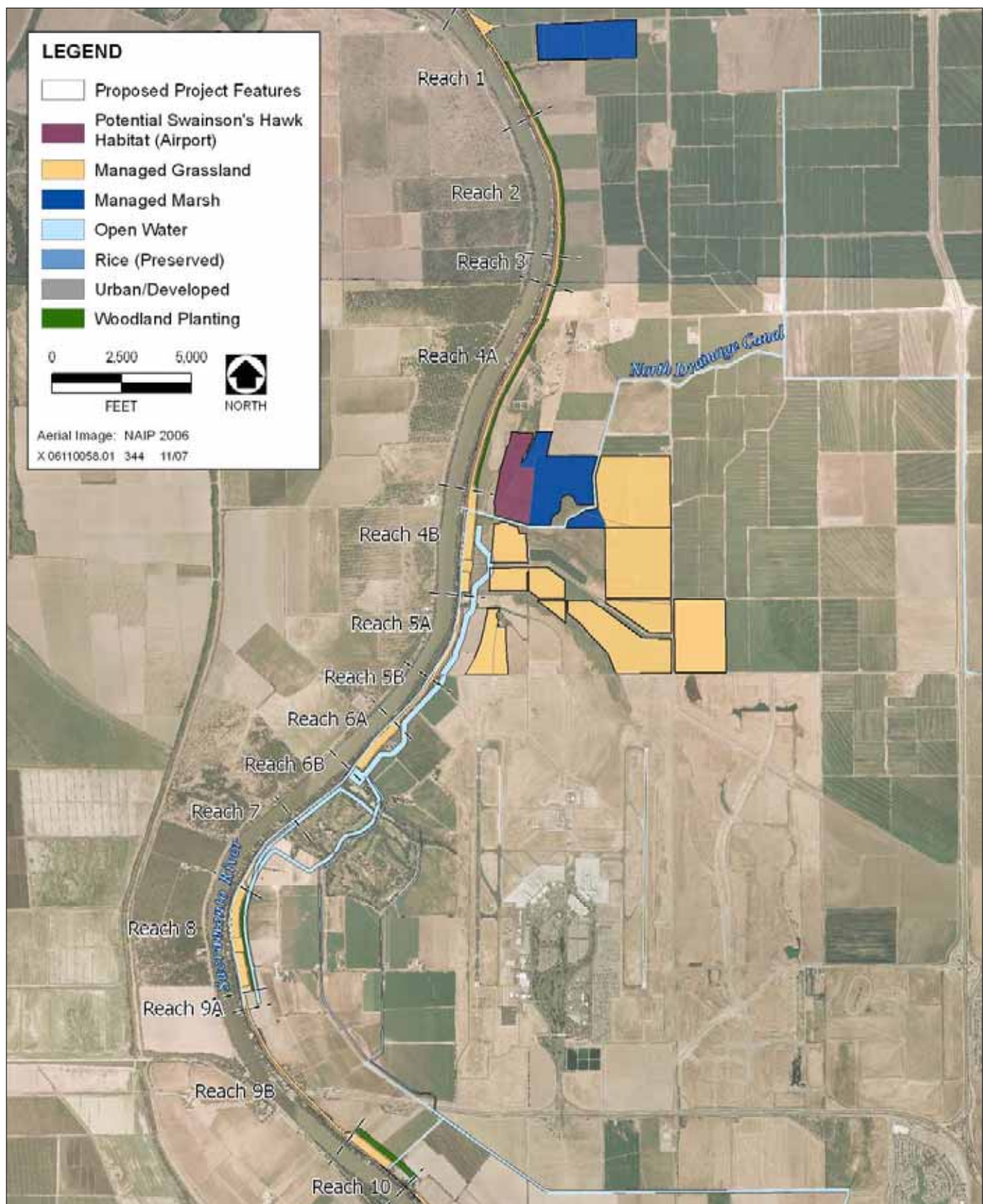


Source: JSA 2006, HDR 2007, Wood Rogers 2007, Mead & Hunt 2007

## Post-Construction Land Cover Types Proposed in the Project Footprint

## Exhibit 4-1a



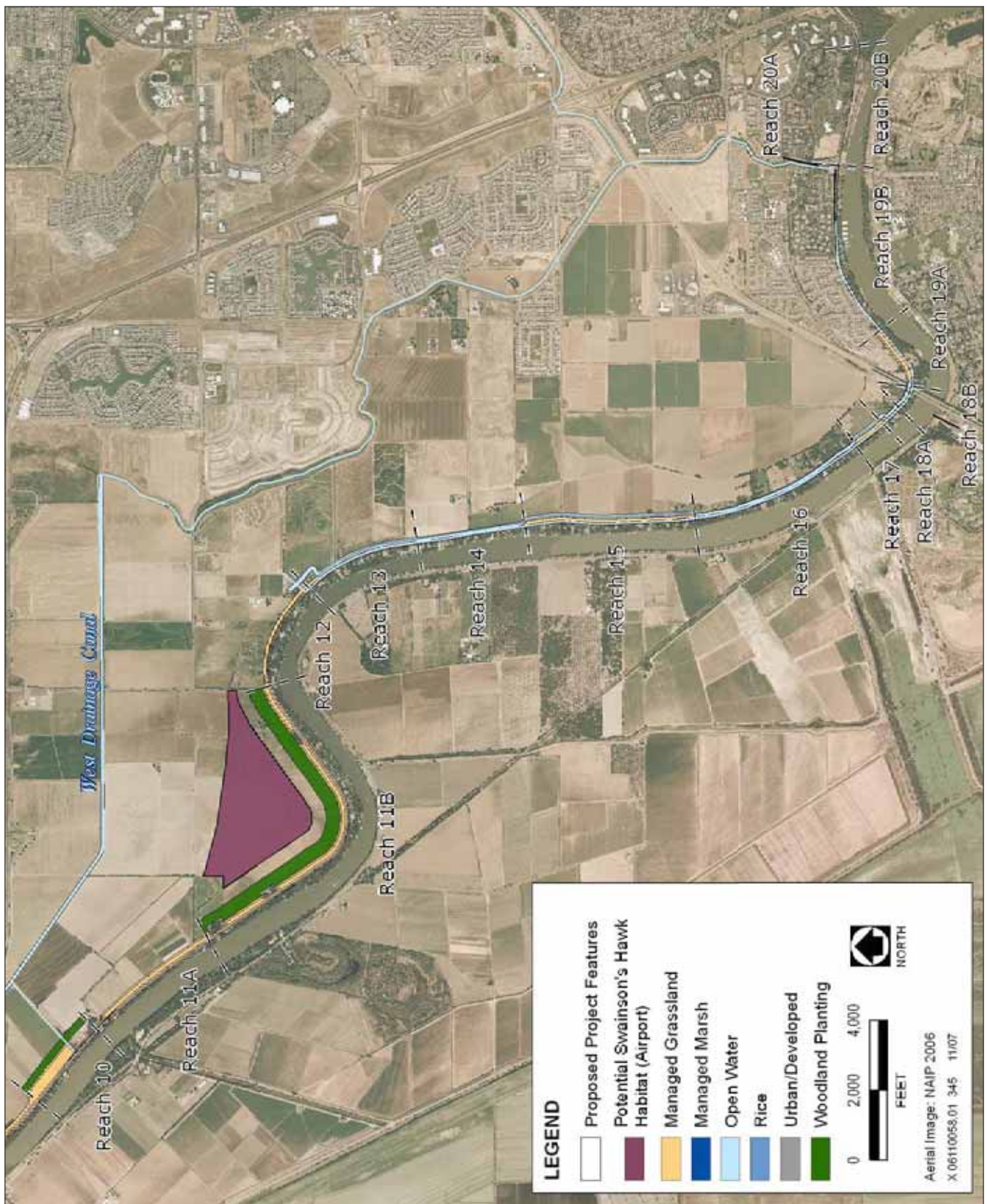


Source: JSA 2006, HDR 2007, Wood Rogers 2007, Mead & Hunt 2007

## Post-Construction Land Cover Types Proposed in the Project Footprint

## Exhibit 4-1b





Source: JSA 2006, HDR 2007, Wood Rogers 2007, Mead & Hunt 2007

## Post-Construction Land Cover Types Proposed in the Project Footprint

Exhibit 4-1c

## 5 REFERENCES

- California Department of Water Resources. 2006. Sacramento Valley Groundwater Basin, North American Subbasin. Available: <[http://www.dlpa2.water.ca.gov/publications/groundwater/bulletin118/basins/pdfs\\_desc/5-21.64.pdf](http://www.dlpa2.water.ca.gov/publications/groundwater/bulletin118/basins/pdfs_desc/5-21.64.pdf)>.
- Central Valley Regional Water Quality Control Board. 2007. California Spills, Leaks, Investigations, and Cleanup (SLIC) list. Available: <[http://www.waterboards.ca.gov/rwqcb5/available\\_documents/site\\_cleanup/SLList04-05.pdf](http://www.waterboards.ca.gov/rwqcb5/available_documents/site_cleanup/SLList04-05.pdf)>. Accessed August 2007.
- DWR. *See* California Department of Water Resources.
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- Montgomery Watson Harza. 2001 (May). *Final Letter Report: Sacramento River Watershed Project (Common Features), CA*. Sacramento River East-Side Levee Strengthening Project Cut-off Wall Evaluation.
- MWH. *See* Montgomery Watson Harza.
- Sacramento Area Flood Control Agency. 2003 (October). *Lower Sacramento River Regional Project Initial Report*. Sacramento, CA.
- Sacramento Area Flood Control Agency. 1996 (April). Resolution 96-189, as revised.
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- SAFCA. *See* Sacramento Flood Control Agency.

## 6 LIST OF PREPARERS

Following is a list of the individuals who prepared this document.

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## **APPENDIX A**

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DEIR Public Hearing Transcript

**PUBLIC HEARING ON THE  
NATOMAS LEVEE IMPROVEMENT  
PROGRAM**

**DRAFT ENVIRONMENTAL IMPACT  
REPORTS**

**OCTOBER 18, 2007**

**SAFCA MEETING TRANSCRIPTION**

**Meeting Transcribed by:  
Charlene Grzeczowski, Clerk of the Board**

## **LIST OF SPEAKERS**

### **SAFCA BOARD MEMBERS**

Mayor Heather Fargo – Chair of the Board  
Mr. Ray Tretheway – Board Member

### **SAFCA STAFF MEMBERS**

Ms. Sarah Crawl – Deputy Clerk of the Board  
Mr. Tim Washburn – Agency Counsel  
Ms. Charlene Grzeczowski – Clerk of the Board  
Mr. Stein Buer – Executive Director

### **MEMBERS OF THE PUBLIC**

Mr. Roy Dahlberg – Garden Highway Resident  
Mr. Burton Lauppe – Garden Highway Resident  
Mr. Robert Wallace – Pleasant Grove Resident  
Mr. J.F. Schneider – Garden Highway Resident  
Mr. Ronny Perry – Sacramento Resident  
Mr. Donald Fraulob – Garden Highway Resident  
Mr. Ed Bianchi – Garden Highway Resident  
Mr. Fred Novak – Garden Highway Resident  
Mr. Gibson Howell – Garden Highway Resident  
Mr. Alan Galbreath – Garden Highway Land Owner  
Mr. Matt Breese – Garden Highway Resident  
Mr. Michael Barosso – Pleasant Grove Resident  
Mr. Dennis James – Pleasant Grove Resident

Mayor Fargo:

We will call on our first item, if you would read that item please.

Deputy Clerk:

Public Hearing Natomas Levee Improvement Program Draft Environmental Impact Reports Landside Improvements Project and B: Bank Protection Project.

Mayor Fargo:

Ok, Mr. Washburn.

Mr. Washburn:

Mayor Fargo, members of the board Tim Washburn Agency Counsel. Before we open the public hearing I just would like to present a little bit of information to the Board on the Project. You've seen it substantively before but we have a big audience today and it would probably be worth our going through it. The two documents that are at issue here are the Draft Environmental Impact Report for the Natomas Levee Improvement Program Landside Improvements Project and Bank Protection Project so one is on the waterside and one is on the landside of the Natomas levees and I have a PowerPoint that I'd like to just quickly go through so we have an information base and then we can open the hearing.

Mayor Fargo:

Ok, that would be helpful. Thank you, Tim.

Mr. Washburn:

Alright.

Let's see, can I control it from down here.

Mayor Fargo:

Yes you can, well I don't know, we think you can, most people can, but for you I don't know.

Mr. Washburn:

Ok, so those are the two projects I've just indicated; it's not the up arrow?

Clerk:

Use the remote Tim, use the remote.

Mr. Washburn:

This one? Ok, alright, sorry.

Mayor Fargo:

That's ok most of us couldn't do it either so it's alright.

Mr. Washburn:

Very high tech over here at the City we appreciate it.

So, these are the program objectives that we laid out actually in the program EIR in connection with our Assessment district formation and creating the funding mechanisms that are going to



fund our share of the Natomas improvements and that is to provide 100-year flood protection as quickly as we can, lay the ground work for providing 200-year flood protection over time and then to ensure that as development occurs in the protected floodplain we don't have an increase in expected damage.

Here are the flood risks that we've identified and spoken with the Board on many occasions about. We have inadequate freeboard meaning for the 200-year flood we have modeled the hydrology for the Sacramento-Feather River Watershed and the American River watershed created water surface elevations for the 200-year flood, assuming that levees upstream of the project area in the Sacramento Feather river do not fail but the water goes over the top of those levees, it weirs out and the water surface as it comes down to Natomas constituting the 200-year water surface then we have to have levees three-feet above that water surface elevation and there are places where we don't have that. Underseepage is also a problem, figured again at that water surface elevation and measuring the underseepage gradients in the foundation of the levee.

Levee encroachment is the question to what extent do we have trees or homes or fences, gates etcetera encroaching into the levee prism that may have to be addressed as part of certifying the levee and finally channel erosion on the water side.

Here's where we've identified our freeboard deficiencies. The red is deficient at 100-year, the blue is deficient at 200-year and there's a reasonable stretch of levee where it's actually high enough for the 200-year flood downstream of Powerline road.

The underseepage vulnerability is in similar areas, it extends all the way from, this is Sankey Road here on the Pleasant Grove Creek Canal west levee, so up the west levee across the Natomas Cross Canal all the way down the east levee of the Sacramento River where we have a combination of 100-year and 200-year deficiencies. Our project addresses the 100-year deficiencies but addresses them at the 200-year level and anticipates that the remaining 200-year deficiencies will be addressed following our project.

This is a sampler of the kind of waterside encroachments that we have primarily out on east levee of the Sacramento River along the Garden Highway that we have to take into account as we design this project and figure out how we will maintain that levee over time.

So let me just go through then the land side improvements that we're talking about on the Cross Canal it's raise the levee two or three feet in some cases flatten out the landside slope and put a cutoff wall down through the levee to cut off underseepage coming under so that addresses the freeboard and the underseepage problems.

On the Sacramento River East levee as we've discussed with you we're talking about doing an adjacent levee. In some places the adjacent levee has to be higher than the existing Garden Highway so it will be raised, set back from the Garden Highway, a full levee section put in, and in some cases, and this is primarily as I said, downstream of Powerline where we have adequate freeboard, the adjacent levee just gets built at the same height as the existing levee. There will also be either cutoff walls or berms attached onto this adjacent levee to address underseepage and the combination of them will address actually all three of the landside concerns: Freeboard,

underseepage and we think this will go a long way to dealing with the encroachment issue because the new adjacent levee will become the project levee. The Garden Highway, in effect, will become a waterside berm on the adjacent levee and we will have a little more flexibility on how we deal with the encroachment issue.

We do have some significant infrastructure constraints to plan around; we're showing here a principal one which is an irrigation canal that runs right along the landside toe of the levee just west of the airport. There's another one down south, this one is the Elkhorn Canal, the one down south is the Riverside Canal and we have to plan around the airport.

In terms of the canal redesign and relocation we've discussed this with you as well we have to take the Elkhorn Canal and move it out away from the levee several hundred feet, the same with the Riverside Canal and they have to be rebuilt. They're gravity fed drainage canals and they need structure to flow within. We're also talking about constructing a new drainage canal extending, this is the existing west drain canal, which we would improve, and we would build a new canal extending from the west drain at I-5 all the way up west to the airport connecting up to the north drain at Pritchard Lake.

This is what the new irrigation canals will look like, they are essentially confined by small berms and they flow above ground by gravity all along the western side of the Natomas Basin there.

This is what the new, what we're calling Giant Garter Snake slash Drainage canal because this drainage canal will function as a Giant Garter Snake dispersion corridor that'll allow garter snakes to move between the Natomas Basin Conservancy lands around Fisherman Lake up to the Natomas Basin Conservancy lands north of the North Drainage Canal. It's a little narrower above the airport because of wildlife hazard issues down below the golf course below, you know, west of the airport it's much wider and we would use the material that we excavate from within this channel to build those mounds that will confine the irrigation canal.

We also, as we have discussed with you, when addressing the freeboard and levee raise issues, we will need to broaden the footprint to the levee and that will conflict with existing woodlands along the landside toe of the levee and we've estimated that there's in the range of 25 acres of existing woodland will have to be removed to accommodate the new levee.

Our plan for replacing those woodlands is to create a corridor this would represent the levee footprint, and I haven't indicated, this could be either the adjacent levee with the berm, the adjacent levee with a wall, in any case, it's likely to be about 100 to 150 foot area here that would be the levee footprint. Then we would have a corridor within which we could put the woodlands and we're thinking, particularly where there is a wall in the levee structure, we would be able to excavate, use the borrow material for levee construction and put the woodland corridor along the landside of the levee.

These are the borrow sites that we would use for building the adjacent levee and raising the levee on the cross canal, there's, as we've discussed, quite a bit of borrow material being moved here, somewhere in the range of four to five million yards in this three-year period. So the borrow sites that we've identified are this one way up in the north east corner, it's a privately owned

parcel, the Brookfield property. There are two privately owned parcels here that we are talking with the owners on, one is the Spangler property, one is the Vestal property and then there's the Natomas Basin Conservancy here, the Nester property where we are arranging with the Conservancy to excavate new marsh habitat on about 80 acres of the Nester property. This is also a Natomas Basin Conservancy property here, the Bolen property, so another 50 acres of excavation, so this would actually help the Conservancy achieve their management goals, which are in part to create marsh habitat on their lands and our excavation would help to advance that goal as well as provide dirt for our work. The main borrow area is here, north of the airport. There is a 130-acre parcel at the very northern end of that just reaching outside their critical zone where we would create marsh habitat. The rest of this area is rice field that the airport desires to convert out of rice and into grassland because it's directly north of the airport, it is a potential wildlife hazard, they have an ongoing negotiation with FAA to reduce the hazardous nature of this landscape up there and so we would help them with our borrow operation in doing that. Similarly, down south of the airport there's a potential for borrow material here and then we're also talking with the Conservancy about borrow material in the Fisherman Lake area. The idea here is to get the borrow material as close to where we need it as possible certainly off the way so we're not having to send a lot of trucks on Highway 99 and we can save money on being as close to the site of the levee as possible.

This is a Schema, this is a, actually what the airport is doing on its land that would be similar to what marsh habitat creation we would do with our borrow operation. It's just a pretty picture, it doesn't tell you a lot, except the airport is more acceptant of this kind of use because the channels are narrower and they are less of an attractant to birds.

We've identified about nine sites where channel erosion is a problem and may need to be addressed as part of our 100-year project and they're all along the east levee of the Sacramento River here.

Our plan for addressing these erosion sites is similar to things we've done in the past. It's build up and place a massive amount of rock at the toe to stabilize this bank, fill in with soil material so that the middle portion of the bank can be planted and then place the woody material onto the site to provide fish habitat.

It's all pretty much rebuilding our exterior to the existing bank so you're really building back out into the river and re-establishing that bank.

Here are the significant and unavoidable impacts that we've identified in both EIR's, of course we are converting a fair amount of important agricultural cropland to non-agricultural use where we are building our berms and they will be grassland but they will not be farmed, and as I indicated, there will be a conversion of cropland at the airport from rice to grass or alfalfa, it will still be ag-land, but, nevertheless, our footprint will cause a loss of a fairly significant amount of agricultural cropland. There will certainly be short-term air quality, noise and local traffic impacts. We've talked with you before we're talking about somewhere on the range of 1,000 truck trips per day during the construction season pretty much confined to that western portion of the basin, but still, a lot of truck trip, a lot of air quality, noise and local traffic impacts depending upon where you are in the basin and we've indicated all along the levee there is the

potential to encounter cultural or historical resources that are not yet known, recorded, but we know they are present out there and we're going to have to be able to deal with that if we encounter them.

Here's our timeline for the program. We're hoping that this can be done over the next three years, the 100-year piece in 2008, raise the south levee of the Cross Canal and complete the cutoff wall that we started there this summer. Raise and strengthen the upper five miles of the Sacramento River east levee, relocate the upper reach of the Elkhorn canal and construct the upper reach of the drainage canal, the Garter Snake drainage canal and initiate the bank protection component of the project. Then in 2009, we go down and relocate the Riverside Canal and the lower reach of the Elkhorn canal and complete the Giant Garter Snake drainage canal, raise and strengthen another six miles of the east levee of the Sacramento River and then in 2010, you complete the adjacent levee on the Sacramento River east levee and the seepage remediation there, raise and strengthen the west levee of the Pleasant Grove Creek Canal and we think that gets us to a point where we could certify the restoration of 100-year flood protection in Natomas. Then in 2011 and 2012 we hope is the Corps finally on the scene, after having gotten approval from Congress, complete the 200-year project in those years.

That's it, that's the program. Today is the public hearing. We are going to of course make a record of all the comments that we receive and they will be placed into our final EIR and I'd certainly answer any questions the Board may have before opening the hearing.

Mayor Fargo:

Let me ask you a question for the people in the audience I have three people who have signed up to speak but there may be others that may want to submit comments in writing, how do they do that?

Mr. Washburn:

They submit comments in writing, you can get the address off our website, get the address off the EIR, it's essentially to John Bassett, our Chief of Engineering, 1007 7<sup>th</sup> Street, 7<sup>th</sup> Floor, Sacramento 95814. We have our website, safca.org; anybody can contact us through that means as well.

Mayor Fargo:

Ok, thank you. Mr. Tretheway has a question.

Member Tretheway:

Thank you Mayor. Tim, well one clarification, I think we all know it up here but when you went through the timetable. . .

Mr. Washburn:

Yeah.

Member Tretheway

. . . and you're bringing from this year to two-oh-nine (2009) or two-ten (2010), we're bringing everything up to 100-year protection . . .

Mr. Washburn:  
Yes.

Member Tretheway:  
. . . each of those levees that are not 100-year protection now are being addressed but we're actually going to 200-year protection.

Mr. Washburn:  
That's correct.

Member Tretheway:  
Want to make sure that's cleared up.

Mr. Washburn:  
Yes. I mean, if we touch it, we take it to 200-year.

Mayor Fargo:  
Ok.

Member Tretheway:  
And then, on the underseepage map you had . . .

Mr. Washburn:  
MmHm.

Member Tretheway:  
The purple was to be determined later?

Mr. Washburn:  
Yes.

Member Tretheway:  
A lot of it was obviously on the east main drain canal or Ueda Parkway, some was on the Gardenland Northgate side of the American River, will that be, when will we know about underseepage in those areas?

Mr. Washburn:  
I mean, those investigations are going on; I believe the State is arriving finally on the scene to do the boring and collect the boring data on that portion of the system. I mean, we have a little more confidence on the east side. A: it's not really receiving the same kind of flow as on the north and on the west side of Natomas; B: we did, as we know, a quite a bit of work on that system in the North Area Local Project so we're not anticipating 100-year deficiencies over there but there may be work that's needed to bring it to 200-year. So that should be known in the next year or so and, of course, if 100-year deficiencies should show up, then we'd have to wrap them into our 2010 program.

Member Tretheway:  
So, in the next year or so . . .

Mr. Washburn:  
Yes.

Member Tretheway:  
So it's not actually being postponed, it's actively being worked on.

Mr. Washburn:  
Yeah, I mean we gotta leave ourselves time here that if our estimate of what our problems may be is wrong, we've got time to incorporate those into our program.

Member Tretheway:  
Thank you.

Mayor Fargo:  
K, thank you Ray. Other questions for staff at this point? I know we've heard this several times, so with that, Tim.

Mr. Washburn:  
I know, it's getting kind of . . .

Mayor Fargo:  
That's ok; I know we're going to hear it more as we live through this next couple of years.

Mr. Washburn:  
Right.

Mayor Fargo:  
Tim, why don't you go ahead and have a seat.

Mr. Washburn:  
Ok.

Mayor Fargo:

We may need you to respond from there but both of those microphones can be turned on by pushing the green button. We'll go ahead and hear from the public who would like to speak to us on this item. Roy Dahlberg will be our first, not Roy, Ray, I think it's Roy Dahlberg, then Burton Lauppl, Robert Wallace, and J.F. Schneider and we're going to start by giving you, oh you don't have the timer, or do you have the timer? I was going to start by giving people three minutes, which is the usual, but certainly let us know if you need more time.

Mr. Dahlberg:

I will try to stay within that.

Mayor Fargo:

Ok

Mr. Dahlberg:

My name is Roy Dahlberg, this, first of all, I'd like to place on the record I am one of the 20 householders along the waterside of the Garden Highway between Riego Road and Sankey.

Mayor Fargo:

Ok

Mr. Dahlberg:

So we will be the people most affected by this. There are I believe three other households, one is Mr. Lauppe, who is here, that are on the landside. I would like to place on the record that when I received a copy of the Draft EIR, and meeting with Mr. Buer, perhaps three weeks ago, I'm not sure, I found in it the statement that the landowners and stakeholders in the area had been consulted and had no objections. In fact, of the 20 people who live on the water side, I know of not one who was ever consulted, ever asked if they had any objections, so that was of some significance to us. We are concerned about a number of things, the most immediate of which is the disruption to our lives. There will be, it said in the DEIR, at some point as much as two trucks a minute. These will be, I assume, trucks weighing approximately 80,000 pounds. If past practice has been any indicator, they'll be traveling between 35 and 45 miles an hour on a very narrow stretch of highway. There are, I believe, 11 school age children amongst those 20 homes and it is a very great concern for us. We have essentially, two suggestions as to what would impact mitigation. One is we think SAFCA should make us some offer of relocation so that during the most intense portion of this construction, we have a way to get out. To get away from the noise, from the vibration. Although they're talking now about six, the statement, the item, the agenda item today talks about six 12-hour days. That limitation was not so explicitly spelled out in the Draft EIR, so I'm not positive how much traffic there would be but given our experience with the reconstruction on Cross Canal, it could be very, very serious. It could keep us from getting to our homes, it could certainly keep us awake at night, and indeed the draft EIR speaks, states that it will so we would like that to be considered.

The second consideration as to the construction is we would like SAFCA to do whatever it need do to perform that construction from the landside so that trucks not travel on Garden Highway but on a road constructed below Garden Highway and on the land side so that we not have to

face again that disruption and given our past experience that could be very great. We also would like to have some mechanism to deal with immediate problems. Let me give you an example, although I guess Mr. Silva's not here today, I spoke to him when the Cross Canal construction began and they were able, and I want to thank him, to re-route some of that traffic, it helped us a great deal, but in fact, many of the workers getting to and from those work-sites were driving very fast. The residential section of the Garden Highway where I live is a 35 mile an hour speed limit established by Sutter County. There were people often driving 55, 60 miles an hour getting to and from work. Now it's also true that as these big trucks come by at 20 miles an hour, they feel like there going about 75, so that's a factor but we would like to be able to have a way to resolve that, a mechanism for that. Another example, a couple of weeks ago, at the process of working at the, at a borrow pit or a dump pit, at the corner of Riego and Garden Highway, a construction vehicle knocked down a power line and drove away without telling anybody so we found ourselves without power. Again, it seems to me that there should be some mechanism to address those kinds of things, we can say, hey can you slow your people down, can we have simple consideration for what's going on here. Now, I also, just to very briefly to make a point, again, the agenda item today speaks to shifting traffic to the little used rural highways, west of Highway 99. That happens to be where we live, so it doesn't feel to us like a little used rural highway. My house is approximately 25 feet setback from the Garden Highway and that's true of most of the 20 houses that are there, they're fairly close. The second consideration, and I know I'm probably getting close to my time. . .

Mayor Fargo:

Actually, you're well over you're time, but . . .

Mr. Dahlberg:

Ok, can I briefly mention our second consideration and then I'll sit down and shut up.

Mayor Fargo:

Yes, we'd like to get all the concerns out so I'm trying to be generous.

Mr. Dahlberg:

Thank you. We do not find in the Draft EIR in its modeling any real, any meaningful discussion of how the operations of both Shasta Dam and Oroville Dam will be affected by the fact that they will have an additionally and much, an additional much more robust levee system into which to release water. We are very fearful that that could lead to greater releases, especially under severe flood control situations and that could lead to water levels being higher than they have in the past. Some of us, approximately a half dozen, I include myself, have houses that have flooded in the past or the bottom parts of them have flooded, if the water comes up another couple more feet, we have major problems. Again, that is not, at least that I could find adequately addressed in the EIR. If anyone here has any questions, I'd be glad to try to respond.

Mayor Fargo:

Thank you. Are there any questions for this speaker? No but thank you for being here today and raising your concerns.



Mr. Dahlberg:  
Thank you.

Mayor Fargo:  
Burton, it looks to me like it's Lauppl but is it Lauppe?

Member of audience:  
Lauppe.

Mayor Fargo:  
Lauppe. That's a pretty big "E" at the end. Hello Mr. Lauppe.

Mr. Lauppe:  
It's pronounced Lauppe. Like Frank Loopey (sp) downtown Sacramento, used to be a . . .

Mayor Fargo:  
Yeah, I've heard the name, just didn't recognize the spelling.

Mr. Lauppe:  
Seems to me Tim's going to build a pretty good snake pit out there. I don't know. From whenever that is. I've lived there for 82 years; the Reclamation District has been marvelous in what they've done. They done a pretty good job keeping the water out of there until your environmentalists came along, now they're afraid to dump any rock on the river or anything else. Or on the levee rather, they seem to be dumping it out into the river now which is kind of ridiculous but, to me, raising the levee three feet, I think that's against reclamation law, isn't it? I don't know, if you raise it three feet there, Yolo County's going to have to raise theirs three feet there, 1001's going to have to raise theirs four feet, or whatever, to keep up with you and that's what they did years ago further up the line until they, until they had a kind of evened them out but raising that levee isn't going to, the water never runs over the levee, I never, it always runs underneath with seepage and stuff like that first. All your levee breaks, which were the cause of the EPA the ones with the beetles up in Arboga was strictly underneath the levee but I wished you're, I wish you fellas would stand back there and look. I've been here before and told you, SAFCA, this before, years ago, a couple times and nobody seems to pay any attention because, they're just in this, little arrogant but dangit, if you're engineers would step back and look. The Fremont Weir is five feet too high to my way of thinking and that holds the Sacramento River high. Rather than raising the levee, let's lower the river, which you can do because the State has flowage rights from November to May in the Sacramento Bypass. I wish you'd use them because holding it five feet high is what causes the seepage in all of these levees if they sit there. Didn't much bother before Shasta and Oroville Dam because in two weeks the water was gone. Either it broke someplace or got out. But now at Shasta and Oroville they hold it at the top of Fremont Weir and that's five feet over our ground level and that soaks up the levees in Sutter Basin, the Sacramento and District 1001 and holds the water back from your cross canal and that ought to be, in my view that's where you ought to be spending your money is cleaning that, getting that out. In fact the Sacramento River is concrete lined from the Delta all the way to L.A., so a little rock won't hurt anything up here. And I noticed plans to pile dirt on the side of the levee, which I guess that's the engineer's way of, it's still going to seep underneath because

that seepage doesn't come straight out, it comes from here, up north or south of the levee where ever it is and I see they're going to pile dirt on there but two miles downstream from my house why there you got a, they're going to put dry wells around some oak trees and save them but they want to take our house and I've been there damned near as long as those oak trees so I'd like to see them do something for the, to keep the house there, and I hate to make anybody mad, but this is a flood control agency. To me, I think it's more controlled flooding is what's going to happen if you raise three feet of levee around there and the adjoining areas you'll be looking at a lot of lawsuits or you better pay somebody for dumping the water over on their side of the levee and rather than piling dirt, I think your slurry walls, that's what you used on the Pocket district in Sacramento and you didn't use a 300-foot berm down there, you put slurry walls around and put some rock on the levee and that seemed like it would be a heck of a lot simpler than digging these snake pits out in the river, out in the, you know, you dig down 18 inches in Natomas in the summer time and you're going to hit water anyhow. You don't need to pump any water out. So, I think the safest way would be to put your slurry walls all the way down and forget the rest and you did it in the Pocket district so let's do it in District 1000. Thanks.

Mayor Fargo:

Ok thank you, Mr. Lauppe. Robert Wallace is our next speaker followed by J.F. Schneider and then Ronnie Perry. Hi.

Mr. Wallace:

Thank you Madam, before you punch the clock on me. . .

Mayor Fargo:

Ok, yeah.

Mr. Wallace:

I wondered if we could have the first speaker, he mentioned picking up dirt from various locations. . .

Mayor Fargo:

Yes.

Mr. Wallace:

And I'm wondering how they're going about doing that? Do they dig holes or do they scrape it off and what's left when they finish moving all this dirt from one location to another? Do you scrape it off and leave flat fields or do you dig holes with backhoes and whatever?

Mayor Fargo:

Tim is that a question you can respond to or do we need to call on John?

Mr. Washburn:

Well, it's a combination. If, if we're creating marsh habitat, then it would be reclaimed to that, I showed you that little graphic up there but those are essentially a series of channels cut through with, you know high ground and then a channel winnows its way through the landscape to create the equivalent of some kind of marsh habitat on that land. On the airport lands it may be that we

just reduce the land surface down, take the top soil off, cut it down, put the top soil back and reclaim it to grassland.

Mr. Wallace:

Well some of us are going to be living in that area that you're going to be taking the dirt from and putting it somewhere else. We're wondering what's going to be left when you leave our area where you've removed the dirt.

Mr. Washburn:

Yeah. It will look very similar to many sites where the Conservancy in Natomas already has created this type of habitat.

Mr. Wallace:

Ok, thank you.

Ok madam, Chairman, my name is Robert Wallace.

Mayor Fargo:

Hi.

Mr. Wallace:

And I live in Pleasant Grove and my property is located just adjacent to the Natomas Road Cross Canal area. I'm very concerned about a couple of things, all of which, most of which has happened or not happened in the past. We've been through this program for quite some time now and a number of years ago, the people of Sutter County, through our elected representatives, agreed to not oppose construction of the east west main drain canal, which was necessary to protect Natomas and Sacramento from flooding. We agreed not to oppose that because we were told at the time that that would be step one. Step two would then be to protect Pleasant Grove and they couldn't get to step two before they completed step one. So we did not oppose that project and it was completed. Well step two has never occurred. Nothing, nothing has been done to protect Pleasant Grove from any potential flooding. On the contrary, what has happened through the years is in direct violation of existing court orders. In 1914, there was a court decision that some of you may already know about but some not, I've got a copy right here, which said that when they were to construct the levees parallel with the Natomas Road, the west side of the levee could never ever be higher than the east side of the levee. What you've got out there is a canal with a levee on either side, just like down here in Sacramento where you've got a canal, where you've got a levee on the Sacramento side and you've got a levee on the Yolo County side. In Pleasant Grove, we have the Natomas, the Pleasant Grove Creek Canal, which is bordered on the west by a levee that through the years has been allowed to rise approximately five to six feet higher than the levee on the east side. So you have a levee system with one levee up and the other levee down. Guess where the water goes when we have a flooding situation. Now we had that flooding situation in 1986. I had four feet of water in my living room. We had it again in 1997. Each time it took us a year to recover from that loss; a year out of my wife and our lives, so we sued. As did many other people in that area. Everybody and his brother started pointing fingers at each other as who was responsible for maintaining those levees through the preceding 75 years. The courts eventually held that it didn't matter, that they were all equally responsible. And what happened was that the court ordered that we be compensated for those

losses. Everybody said then that they didn't know about this court order in 1914, which said they cannot allow that to happen. When this bombshell was dropped in the court, we won. I don't want to go through that again and I don't think SAFCA and the tax payers do either because it cost the tax payers of California millions to settle that claim. I didn't get it but it cost the tax payers millions. Now everybody knows about it. Everybody's on record about this court decision that said you cannot raise the levee road on the west side without raising it on the east side. Everybody knows about it now so ignorance will be no excuse the next time and somebody ought to check with the legal side and have them explain what punitive damages mean. Thank you.

Mayor Fargo:

Ok, thank you for your comments. Next speaker is J.F. Schneider and then we'll hear from Ronnie Perry, Donald Fraucob, I believe and then Ed Bianchi.

Mr. Schneider:

Thank you. I'm J.F. Schneider. I live on Garden Highway near Elkhorn Boulevard and have been in the Natomas area for close to 30 years, unlike some of our other esteemed speakers who have been there much longer than I. As quickly as I can because I know we're not going to settle anything here today. The one thing that I noticed on one of the slides that may end up coming back to haunt in the coming time, and is probably why many are speaking here, is on the unavoidable impacts I noticed an obvious lack of a line that would indicate the impact to the 250 or 300 families that live along Garden Highway that are going to have everything from minor impacts to having their homes flooded more frequently to having their homes demolished and maybe some sensitivity by staff of dealing with that as was noted by one of the earlier speakers of talking to the people about that impact might solve some problems. A couple of quick things, on your Environmental Impact Report I note that there's a plan to move the telephone or, excuse me, power lines from one side of the levee to the other and essentially run them through our front yard. Aside from the fact that I don't think that there are currently easements to do that, from an environmental point of view, it was very interesting that there was a line that I believe said something like we'll do minor trimming of the trees to accomplish that. If you notice from the pictures that were up earlier, to run a power line on the waterside of the levee, essentially I believe is where they're going to put that, from my understanding from my reading. You're going to be cutting down and topping and doing some significant trimming to 100-year old Oaks, Sycamores and others, aside from all the other issues relative to the easements and all, so that, I think, that environmental impact was just sort of sloughed off as some minor trimming but I think you're going to have some very significant impacts if you're going to run power lines. Right now they're out in the, principally out in the fields away from the trees and all, if you're going to move them on this side, you're going to tear all the trees down. The big issue that I did want to talk about is the raising the levees and what you're going to do is obviously improve the properties on the inside, in the Natomas Basin, the 70,000 homes that are there currently plus whatever ends up there in the future at the expense of the 250 or 300 people who are going to end up on the wrong side of those raises and over the last two decades we've seen Natomas go from farmland to 70,000 homes that include sidewalks and streets and graded yards all that go down to storm sewers. Rec District 1000 as well as the City has massively increased their pumping capacity for those storm sewers. Water that used to come down and would eventually filter into the aquifer or slowly make it by gravity as you noted to some of the drains and be

pumped slowly into the river with a much lower pumping capacity, now doesn't go into the aquifer. It runs into a storm sewer and is rapidly pumped into the river and all of these small incremental changes to the hydrology; if you go back, the State has data that you can even get online that shows the river levels for decades and if you pick, for example, Verona or any places along the Sacramento River and plot them out, you can see some of the storms from before we had 70,000 homes in Natomas and essentially the chart from your direction would go like this, the river level would go like this and now if you look at 97 and on, what happens is it goes like this, and what happens is, all these homes that used to never get flooded now continually get flooded so this incremental taking essentially of the property rights of the people on the water side have never been addressed and this is only going to make it worse. I mean we're not even talking about building some homes in a street and how do you measure the increment of that water that's not going into the aquifer but going to be pumped rapidly in. Now we're talking about putting my property three feet deeper under water every time the water comes up and nowhere did I see anywhere in any of the plans was that addressed and earlier this year I went to a meeting and your staff advised me that that was, oh there's insignificant impact to the people on the river, you know on Garden Highway and the river side. Well, if you've ever had to pump out your house with three additional feet of water, you probably wouldn't consider it to be insignificant. So I think that that's something that you're going to have to address in the future and one last thing that maybe staff could do at another time, I've never had a really good answer as to why we don't raise the levees, why we don't dredge the river. You know, if the issue is freeboard, if you drop the bottom of the river, you can gain freeboard just the same as raising the levees and Butch tried to explain it to me and he was an engineer and probably we didn't, I didn't get it because I'm not an engineer. But I do know that the prior several County Executives ago started his career with the Corps of Engineers, continually dredging the Sacramento River. It's a man made ditch, it needs to be maintained, and at some point we stopped doing it probably for environmental reasons, but the irony that Butch wasn't able to answer, and maybe your staff can at some point in the future when we have more time, is that if as the river continues to silt in, if we have to gain freeboard by raising the levees at what point do we stop and at what point in the future is the river in an aqueduct above us because we continue to raise it's bottom and it's sides rather than dredging it out to make it stay where it should be when it, how it was designed. Thank you.

Mayor Fargo:

Ok thank you. Good to see you again John. Ronnie Perry is our next speaker.

Mr. Perry:

Hi.

Mayor Fargo:

Hi there.

Mr. Perry:

My idea about the Natomas Levee Situation is to . . . this is a rough draft on a pipeline design for Sacramento and surrounding areas for flood situation. I have a pipeline design that I would like to, you know, present to you to help the levee situation, take pressure off the levee. This is to help the levee, take pressure off of the levee. The pipeline design takes pressure off of the levee

and slows down the flood levels in storm weather situations. The pipeline, stations, or uh, different, different sections of the river, banks like designed to um, an 80 inch pipeline to transfer the water from the river to another location and to store it or put it into the Delta area. This pipeline, I mean, it's a station, it's a pump station that's operated by hydroelectric pumps and it sits at a flood level, it sits at flood level, it sits in the river and it plays a part, sort of like a oil rig or something like that, It sits in the water like a oil rig and what it does is when the water raises to flood stage, it comes on and it takes the water out of that area and pumps it into a different area and stores it or dumps it into the Delta area into the ocean and the pipelines go from 80 inch to whatever size, you know whatever takes care of the situation. I thought this design, I got it all written down right here, I thought that might be a good idea to take pressure off of the levee and control the water situation the flood situation. It can be on different sizes being that it's designed like a oil rig, it sits in the water at flood levels at flood level, and when the water comes to a flood level the hydro pumps will pump it out into a location where it could be stored or put into the ocean area. The pipeline can be ran under the ground or on top of the ground and pipes can be, you know, ran in different places under the ground or on top of the surface where if there is a house or tress or something like that, it could be, it could be you know. . . It's hard to explain this on here. I'm not a engineer but

Mayor Fargo:

Well in a way, part of what you're describing is like how the causeway system works now with the Weir.

Mr. Perry:

Yes.

Mayor Fargo:

If the river gets to a certain height then water's released through that weir and goes into the causeway and on down to the Delta.

Mr. Perry:

Right. Yeah and I figure if it was, if they're spaced and like a half a mile apart or a mile apart then it would play a part on each, on both sides of the levee you know, cause it runs, it would be designed on the side of the, right by the levee instead of right in the middle of the river, you know you got boats running in, you know up and down the river and you have recreation so the flood stations would run on the perimeter on the water side of the levee. Maybe a mile or you know apart. Gapped a mile apart so that it can work as planned on both sides of the river. It's a eyesore, it looks really um, it's a eyesore but it, you know I think it'll take a lot of pressure off of the levee, being that when the release from the dam, when the dam is at capacity, all that has to go down to the river, the river swells, the levee is going to erode eventually no matter what kind of material you put on it, it's always constantly, water is always eroding. The pipeline design never erodes it just plays the part, every time comes to that flood level it acts as a, it takes pressure off of the levee. His design, it's actually helping his design because there's still a lot of pressure on the levee no matter what you do to it unless you put like a floodwall there on, you know the whole entire part of the levee.

Mayor Fargo:

Ok, well I think we understand the concept thank you Mr. Perry.

Mr. Perry:

Ok thank you.

Mayor Fargo:

Ok, Donald is our next speaker, I'm having, I think its Fraucob.

Member of the Audience:

Fraulob.

Mayor Fargo:

Oh, that's an L, Fraulob.

Mr. Fraulob:

That's an L, not a C.

Mayor Fargo:

Thank you, I get it now. Welcome, thank you.

Mr. Fraulob:

My name is Donald Fraulob, I'm a resident on Garden Highway and, I don't have a lot to say, I have kind of come to this a little bit late and I just wanted to pass along kind of my experiences with the incidental and impact that is being viewed as inconsequential just from the minor project that we had in terms of putting in the slurry. The, the, I came home one day to find the vineyard across the street from me had been converted to a batch plant and from that moment on my life was made pretty much miserable for the duration of that in that, you know, the truck action, the you know, the extent to which there was rapid trucks up and down and that was no where near a truck every 30 seconds but it certainly created havoc for the neighbors to the point to where I had to find other ways home through fields and often had to walk home from neighbors as much as a quarter of a mile away because of the impact of what was going on and the promise then too was that this would be minimal in its impact and yet when that particular construction company left, they left major damages behind. In the field across the street from me, they buried, with heavy equipment, significant amounts of asphalt, just covered it up, let it there to seep into the aquifer and off they went back to Texas leaving behind damages to property, my property where they ran into, you know, wiped out the mailboxes, took down the ornamental lamps and various other things with no thank you, nevermind, I'll see you later, it was just gone. And so when we discuss, you know, incidental impact, it is really going to be so much more than that. At that time, I thought well I will certainly be a good neighbor to Sacramento and I still want to be and I think everybody, every speaker here, we recognize the threat and we certainly want to be good neighbors but we've assumed the risk of where we live and continually we're the ones that, that suffer the consequence of the impact for the other homes. I support the other speakers that, you know have indicated their, what they have said here today and ask that you seriously consider our interests and the extent to which it will be interrupted. Thank you for your time.

Mayor Fargo:

Thank you very much and we certainly hope to be good neighbors back so I think we're taking all these comments very seriously. Is Ed Bianchi here? And that's the last speaker slip I have, so if anyone else wants to speak at this public hearing, now would be the time to fill out your slip and turn it in.

Member of the audience:

Where do I get the slip?

Mayor Fargo:

There are some right down here in the front and there should be some in the back as well.

Mr. Bianchi:

Hello, I'm Ed Bianchi.

Mayor Fargo:

Hi.

Mr. Bianchi:

One of the endangered species out there in the North Natomas, a farmer and landowner . .

Mayor Fargo:

Yeah.

Mr. Bianchi:

And, I'm totally against what they're planning to do on piling all that dirt against the levee, the way they're going to do it. After 86, that fix was significant and I think something along that same line would probably be more appropriate than rather than going out three to 600 feet. When this was done with the buffer zone being a one mile buffer, agriculture was supposed to be a significant part of that. With this type of construction, and I farmed up and down that river for a long time, and it's going to make some of those parcels un-farmable, with added seepage, cause you're not going to stop the seepage with that berm. I'm not a engineer but I am a hands on irrigator.

Mayor Fargo:

Yeah.

Mr. Bianchi:

So I think something else can be done, it's not going to be such a land grab. The other point, thought, item is that if that goes to habitat, habitat and what agriculture is left is not always compatible. I've got some other parcels adjacent to the Nature Conservancy and we have a real problem with the birds coming into the fields and that type of thing.

Mayor Fargo:

Ok, thank you.



Mr. Bianchi:  
So I'm against it.

Mayor Fargo:  
Ok. Thank you, I think there was one other speaker slip. Ok, next we'll hear from Fred Novak.

Mr. Novak:  
I'm concerned how this is going to be paid for. I'm also concerned about who's going to do the work and I'm concerned about how these contracts are going to go out. I'm also concerned about, if we have a wet winter how that's going to affect the timeline and also when 1993 when they had the last thing that they, I guess they were talking about all this was doing all the levee work out there then, which they put a slurry wall down from approximately Powerline Road all the way down to Garden Highway, all the way to the roughly, I-5 or so or somewhere right through there and they said that was going to stop the seepage then, it didn't make one bit of difference. I even talked to one of the engineers up there as they were doing it and he said yes it should, didn't make any difference at all, got as much seepage today. They even have well sights out there, I know right near my place and I'm on Powerline Road and Garden Highway and I got as much seepage now as I ever did and I wonder, this was Halliburton was the one that did that, did that work . . .

Mayor Fargo:  
Oh gosh.

Mr. Novak:  
And they had a big machine out there that was a big chain trencher and that was going to speed up the process, it never did and they ended up doing it all by excavators, which took a lot more time and I'm also concerned about who's going to run the, to oversee this budget and if there're going to be cost constraints, if there's going to be penalties and if stuff goes over line, who's going to pay for that and then suddenly get half way through the project and people are going to say we're supposed to have money coming in, the money doesn't show up, who pays for all these things and that's a major concern I have, who pays and who gets taxed and all that. And I'm also concerned, one of the fellows here said about the water being run down the river that's another concern because I see the river really as a conduit to send the water down to Southern California because the north has the water; the South has more of the population, we have subsidized water for much of Southern California, especially a lot of the big farms down there and they want water, water is a big issue now and the dams are not really being used for flood control, they're being more used for water storage and that is an issue that I think that water now is being run higher. Will this be the effect of trying to run more water higher down through the rivers in the wintertime? And the worst part about it is they run the water down late in the springtime, which affects our operation as far as being able to farm on the land.

Mayor Fargo:  
Yeah, ok thank you. Gibson Howell is our next speaker and after Mr. Howell we'll hear from Alan Galbreath.

Mr. Howell:

Hello Gibson Howell, I'm a Garden Highway resident on the river side. Just wondering, are we only allowed to make comments or can we ask questions?

Mayor Fargo:

Sure, you could ask questions.

Mr. Howell:

Oh ok. As far as a comment, it would be really nice . . .

Mayor Fargo:

Just to interrupt, usually what we do is if you have questions, we'll ask our staff to respond at the end so you can get your statement out, ok?

Mr. Howell:

Ok.

Ok, one thing I think would be very nice, I'm not sure if it was mentioned in the earlier part of the meeting, I had trouble with parking due to the construction around here. If there's going to be a hotline reporting number so that. . .

Mayor Fargo:

I think we will do that again but the questions we'll get them to respond to later.

Mr. Howell:

Ok. Because that way if the trucks are going too fast or if the drivers are going too fast that there's a way we can report problems.

Mayor Fargo:

Right.

Mr. Howell:

The next would be a question as to whether the slurry walls were actually looked into as opposed to widening the levees by as wide as they're going to be doing that. The other thing is the power poles, it's the first I've heard is that the power poles are now going to be on the river side where there are a ton of trees and just wondering if the power poles can just be moved back from where they currently are further onto the lower side. The next question would be if is dredging just out of the option? I mean, have the environmentalists just made it so you can't dredge anymore even though that is what used to be done and it made for a much better river and it, like everyone said, it does basically the same thing if you dredge three feet, it's almost like raising the levee three feet. I'm sure in engineering it's not quite the same but the process is there. And then, last but not least, if all this is inevitable and it's going to be done, can we get something, a benefit out of it on top of just the flood protection. Like have they thought about either making that extra 11 feet of new levee a bike path or a walking path or you know something so that the bicyclists can use it, the walkers can use it. Something so that it could be seen as more of a bonus than just flood protection. If it could be paved for parking or bike path or anything like that. If it's going to be there anyway, might as well be able to use it. Thank you.

Mayor Fargo:

Thank you for your questions. Mr. Buer, do you want to respond now or you want me, we have two more speakers to hear from but if you want to go ahead and respond now while the questions are. . .

Mr. Buer:

I'd like to respond now. . .

Mayor Fargo:

That'd be great.

Mr. Buer:

. . .while the question is on everyone's minds. First of all, with regard to hotline number, we will certainly make sure that we have a number well displayed and someone that you can call and if you have questions about truck traffic or speed or safety violations or dust or anything else, we want to be on that, we certainly want to be in full compliance with all the construction best management practices. Secondly, the question was why can't you just do slurry walls. Of course we're looking at various combinations of slurry walls and berms and seepage wells depending on geologic conditions and other constraints, you have to remember that if we do a slurry wall in the existing levee, we have to cut the levee down by about a third and so it's very disruptive as well, and in a lot of cases we have to go very deep, we have to go down to 80, sometimes 110 feet and current technology doesn't allow us to go down that deep unless it's very expensive. The technology we used this summer, deep soil mixing, is very expensive technology so it's kind of a balancing act. Trying to do what accomplishes the best good for the region and minimize impacts as best we can. So we will take, and we are taking all those things into consideration as we design. The question of the power poles, I think our designers will take another hard look at that. I think the comments about impacts on homeowners and trees are very good points and we'll see what we can do to minimize those impacts. Maybe there's another option that we should look at further. We have to keep in mind that the environmental documentation is intended to disclose worse case impacts, in other words, it creates an envelope in which we can operate. We certainly want to minimize our impacts and if we can do that, we'll try to do that. The other question was, is dredging completely out of the option, I think a combination; two comments here, one is as the river continues to gain in elevation with siltation, eventually the river will be sort of towering over the community. The information that we have does not indicate that the river is gaining in elevation, quite the contrary. We did have a great deal of sediment deposited into the river a hundred years ago from hydraulic mining and since that time, there has been very gradual down cutting and movement. There's still a lot of sediment coming down through the Feather River system, but in general, our problem in this reach of the river is erosion, not sedimentation. We do get pulses of sediment coming through but they do move through and the bed of the river is not rising over time. And you're right, dredging in the river is not feasible in the current regulatory environment. The way to dredge would either be to use clam shell or hydraulic dredging and it's very expensive, very difficult to find a place to put the sediment there are often issues with toxic issues, return water concerns and so on. The last major dredging program that was executed in this region was along the deep water ship channel and that was stopped in about 93 or 94 so I don't see it as a feasible option. Even dredging in the Delta is virtually out of the question. It's just very difficult, very expensive, under current

constraints. And let's see, was there, the last point I believe I heard was can we build some benefits for the local community and the region into this by including bike path or walking path on top of the new levee. I would say that is certainly a possibility, certainly for walking. Because what we'll have on top there will be a levee patrol road, probably a gravel surface and that certainly would be appropriate for walking and maybe mountain biking. If there is a, the thought of having a asphalt bike path, that certainly would not be precluded in the future, so I think those comments will be taken to heart and we'll have responses to those in the final document.

Mayor Fargo:

Ok.

Mr. Howell from audience:

Can I add one more quick thing?

Mayor Fargo:

If you come back to the microphone so we can record it. Please.

Mr. Howell:

Just as far as adding benefit to the Garden Highway. We're five minutes from downtown but we're in the boondocks when it's considered technology. All you get is a modem; you can't get cable and because, the levee, they won't let them build anything there, but if they're going to add all this additional dirt and infrastructure, can they run fiber optics, new phone lines, cable, things like that so that we can maybe get some added benefit out of all this.

Mr. Buer:

Duly noted.

Mayor Fargo:

We'll look into that, thank you.

Ok, Alan Galbreath and then we'll hear from Matt Breese and Michael Barosso.

Mr. Galbreath:

Thank you.

Mayor Fargo:

Hi.

Mr. Galbreath:

And I want you to know that you have my admiration and sympathy for handling all these serious problems.

Mayor Fargo:

Thank you.

Mr. Galbreath:

My problem is that I bought a piece of land on the Garden Highway to build a house some 12 years ago and I wrote to the Mayor about this. At any rate, because of what you have done, I can no longer build a house there and so all of the money and time that I have invested over the years in this piece of property, it is now worth zero and all the other people on the Garden Highway who have undeveloped land, their value will be zero. All I could say is the least you could do for us is to stop us having to pay taxes.

Mayor Fargo:

Ok, thank you. Matt Breese?

Mr. Breese:

Hi, thank you for letting me speak up here today. I like the tax idea. To start off with, I'm a, I live on Garden Highway, 6598, one mile north of Elkhorn and I'm pretty ignorant to this whole process here. I've been building a business in Sacramento for 12 years and it's pretty much all I do. Every once in a while, I get a chance to read the Bee. I don't pay too much attention to the politics and what's going on here but this gentleman showed a slide that kind of concerns me, cause well, I guess my, I'm a little nervous so let me have a minute. . .

Mayor Fargo:

That's alright

Mr. Breese:

. . . I guess my house is gone. You know, my kids, I've raised, I have a four year old, a six year old, and a ten year old and, you know, this is where we live, you know, cause I was reflecting the other day on how I have the perfect life. I've got a successful business, I've got great children and a house that is in the country, five minutes from or 11 minutes from work, I sit on my back deck and I watch these planes come in and I don't hear a sound. It really is one of the few places that I could say is perfect. Along with the lifestyle that I live, I've got great employees, I live in a wonderful town, my children are great and now I'm looking at this gentleman's slide and thinking to myself, where am I going to go? That's pretty much it, so I guess the question I have is this, is this for sure? I mean, is this, are we, we are absolutely going forward with this or is this, what are we doing here? Are we talking about what we are going to do or are we actually implementing a plan right now? That, that . . .

Mayor Fargo:

Well let me go ahead and take a stab at that, we're taking comments on our Environmental Impact Reports and on the plans that we have. We, we're looking at several different options at how we can provide a higher level of flood protection to the people who live in the Natomas Basin and we have limited options, and so we've looked at the slurry wall, we've looked at the, at the larger levee adjacent to the levee that exists now and we're taking comments on that, so we need to do something. We're trying to come up with a solution which works for the most people. Do you want to add anything to that, Stein?

Mr. Buer:

Are you on the land side or water side?

Mr. Breese:  
I'm on the land side.

Mr. Buer:  
Ok, well we'd like to look at the specific situation you face. If the house is within the profile of the new levee, we have a lot of options we can talk to you about, as we will with other land owners, the possibility of moving the house back or compensating you for the house so that you can relocate very close near by, certainly a possibility, so our goal is to work with each land owner to see what we can do to minimize impacts.

Mr. Breese:  
Ok, how soon are we talking cause this looked like this was going to be happening really soon here, within the next year to two years.

Mr. Buer:  
That's correct. We're anticipating to begin construction on the northern five miles of the Sacramento River levee from the Natomas Cross Canal southward this coming year, so that would be about from the Cross Canal down to the Pritchard Lake Pumping Station. We'll also be working on the Natomas Cross Canal, completing that whole canal, which is about another four miles. We did another mile this summer so we're more than happy to sit down with you even this coming week.

Mr. Breese:  
Ok, just a side note. We talk about the levees, fixing levees. I get squirrels, I've got a major rodent squirrel problem and you can go right in front of my house right now and see two big fat holes you know, that squirrels just love to play in and I've called the City, they sent me to the trapper, some State trapper office, I've left messages. I just gave up. I, you know, I take care of it on my own out there but you guys, I mean as something as simple as a squirrel hole that isn't being taken care of but we're talking about spending millions and millions of dollars and taking peoples homes from them, I think that's something that needs to be looked at. And then, as far as the valuation, how do you plan to compensate these people for their homes? I mean, you're going to take my home from me, is there a method to this? Where can I find out how this is going to fit my, how this is going to affect my family?

Mayor Fargo:  
Probably what would make sense would be to sit down with our staff and go over all of your concerns and questions. There is a process for doing the valuation, there are options too that can be considered for your situation and it sounds like probably, I don't, can't tell if you're actually in the City limits or not where you are, I have a feeling you're probably not in the City limits but there, in any case it wouldn't be the City who would be handling the maintenance on the levees so we need to make sure you know the right people to contact. But Stein and his staff at SAFCA would be happy to meet with you, guide you in the right direction and take your individual situation into consideration and I'm assuming that, Stein, that is true for every one of the individuals here. That if they haven't had a chance yet to meet and understand how this could impact them on an individual basis that option is open to them and we're willing to do that. We

recognize this is a disruptive process. It's one that we would rather not go through as well but we're trying to take care of people as best we can.

Mr. Breese:  
Ok thank you guys.

Mayor Fargo:  
You're welcome.

Mr. Buer:  
If I could. . .

Mayor Fargo:  
Ok, yea.

Mr. Buer:  
. . . just the short answer in response to the question Matthew raised is that we use commercial appraisal services. We basically have an appraiser on contract selected through the normal contracting process to identify the current market value for the properties that we would acquire and then there's also the options of negotiation that goes into that.

Mayor Fargo:  
Stein, let me ask you a question before I call the next speaker. I guess my assumption was that obviously people knew about the meeting to come to this today but has, haven't there been meetings with both property owners and both organizations as well as individuals along the Garden Highway leading up to this meeting?

Mr. Buer:  
Yes, we've had informal meetings with the Sacramento River Property Owners Association, with the Valley View Acres Property Owners Association, with the Natomas, North Natomas Community Association and others so we're more than happy to meet with any group that wishes to sit down with us to learn more about what we're doing.

Mayor Fargo:  
Sounds like we need. . .

Mr. Buer:  
Course there are a lot of people here . . .

Mayor Fargo:  
Right.

Mr. Buer  
. . . so we certainly haven't reached everyone.

Mayor Fargo:

Ok, sounds probably what we need to do is send out another letter to the actual property owners along the Garden Highway to keep them informed and make sure they're aware of, not only of our meetings but of what kind of services and assistance we can provide them. Even if it's just information, that would be helpful.

Mr. Buer:

K.

Mayor Fargo:

Ok, is Michael Barosso here?

Mr. Barosso:

Well it's been awhile. You no doubt don't remember me.

Mayor Fargo:

Welcome back.

Mr. Barosso:

I was flooded twice and I stood here trying to basic hydrology to this body years ago but apparently to no avail and some of the previous speakers have done a very fine job of pointing out some of the obvious problems here. I have a letter here, that the letterhead's kind of cute. Goodwin J Knight was the Governor and Edmond G. Pat Brown was the legal advisor, well actually yeah, to the Attorney General and it says, shortly that describing the levee project up around Natomas and in Sutter County, "... these levees on the east side of the Natomas East borrow pit are as vital to this flood control system as the back levees themselves. The opening of the Cross Canal into the Sacramento River permitted the backwater of the river to reach these lands, which under natural conditions, would not have been flooded from that source." What that says is you diverted water on the upstream land owners and I know your in-house counsel has a different interpretation of what that means. I've heard him speak about it many times but thankfully for those of us in Sutter and Yuba Counties, the good justices of the Appellate Court and the State Supreme Court, differ from his interpretation. The liability that was incurred by the taxpayers of the State, stem from this kind of information that apparently, you all have ignored. Your in-house counsel knew this ten years ago yet where are we? We're no closer to addressing the impacts on Sutter County than we were then. The resolution that Mr. Wallace mentioned is Sutter County Resolution No. 96-47 and if you'll allow me, I'll read you paragraph three that says "Sutter County is adopting this resolution with the understanding that SAFCA will not proceed with Phase 2 or any other future project in the Natomas Basin, which when completed could provide differing levels of flood protection within the different parent agency jurisdictions in the Basin until a mitigation agreement regarding flood impacts on the lands east of the Pleasant Grove Creek Canal, within Sutter County has been agreed to by Sutter County." Where is it? I was there and the other strange part about this is I'm the past Chairman of the Sutter County Resource Conservation Board. I'm still on the Board. We haven't been contacted about any of this project. We make wetlands determinations. We're very involved with what happens in Sutter County. Where you been?



Mr. Washburn:

I . . .

Mayor Fargo:

Could staff respond, I don't know the answer to the question.

Mr. Washburn:

Yes, I'd be happy to. We, the issue, and the Board is familiar with this, is the compromise we reached back in 1994, 95, was that we would not alter the elevation of the Sankey Road crossing through the levee and we're not going to do that. It's not in the project, it's not part of our project and, you know, that is the essential relief point in those areas east of Natomas and we're basically preserving the status quo. It doesn't mean that we can't continue to pursue and perhaps at some point think about what could be done in those lands to the east but essentially our project is maintaining status quo with those lands.

Mr. Barosso:

Raising the north and west banks of the Cross Canal is not maintaining status quo.

Mr. Washburn:

Well, if, in our view the relief point is through the Sankey Gap, and that's what's being maintained.

Mr. Barosso:

Well, as Mr. Wallace already pointed out there's already a five or six foot disparity between the west levee and the east and if you exacerbate that by raising it another foot, it's already, we've got the proof of the past flooding. . .

Mr. Washburn:

I understand.

Mr. Barosso:

And you're not doing anything as this resolution says you won't proceed with anything else, of any kind, until you address Pleasant Grove. I haven't been contacted and I got a message from someone that said that we should be in touch. Well, we're not so I'm really puzzled as a official Sutter County agency why we've been left out of the loop. But, more for the audience here, you might want to check out something on PBS, it appeared years ago and it gives you an idea of some of the financial boondoggle projects that have been proposed over the years. It's called "Secrets of a Master Builder" you can get it online and what it tells is about 150 years ago, what the Army Corps of Engineers was proposing on the Mississippi River and were it not for one, probably the most famous engineer of his times, James B. Eads, they would have prevailed but through his perseverance he showed genuine expertise in hydrology and developed systems on the Mississippi River that are with us today. But my only reason of mentioning this is, you know, boondoggles have been with us for a long time and the public needs to understand that this is just another example of that. Thank you for your hearing me.

Mayor Fargo:

Could I ask you one question about that resolution? Is that a resolution that we passed or a resolution that Sutter County.

Mr. Barosso:

This is the Sutter County Board that SAFCA was in attendance of that meeting and they were in agreement with the provisions of it.

Mayor Fargo:

Ok, thank you.

Mr. Washburn:

If I just, I mean our view, our project is not solving that problem but neither is it worsening it from our point of view.

Mayor Fargo:

I remember the long discussions about Sankey Gap so . . .

Mr. Barosso:

Any more questions?

Mayor Fargo:

Not at this time, thank you sir.

Mr. Barosso:

Thank you.

Mayor Fargo:

Dennis James will be our last speaker.

Mr. James:

Thank you for your time.

Mayor Fargo:

Of course

Mr. James:

I live north of the Cross Canal. I'm not in the Natomas area. I happen to hear about this meeting kind of by accident. I learned about it about noon today, thought that I should come and kind of find out what's going on because as you folks raise the levee on the south side of the Cross Canal that makes my area that I live in a flood plain, which we're not in right now, a bad flood plain, we'll be in a very bad flood plain. But one question I have, and I haven't heard it addressed and maybe you've addressed and I just haven't been in any of the meetings or anything is what about 99/70. As you raise this levee on the south side of the Cross Canal three feet, it's going to flood to the north. It's going to flood Highway 99/70 and you're going to shut down a main highway going through there? Not talking about probably damage you're going to do to people, all the

business effects you're going to have on people like myself but what about the highway? Is that just going to shut down? Are we going to shut down a main corridor in California?

Mayor Fargo:

If you'd be so kind as to make your entire statement, I'll have staff respond at the end to all your questions.

Mr. James:

I suppose that's my statement mostly. Thank you.

Mayor Fargo:

Pardon me?

Mr. James:

That's the end of my statement.

Mayor Fargo:

Oh. Ok.

Mr. James:

Thank you.

Mayor Fargo:

Does staff want to respond to these, what happens to 99/70?

Mr. Buer:

Certainly we have no intention of flooding Highway 99 and 70 between the Natomas Basin and RD 1001, which I believe Dennis James was referring to. There is the Natomas Cross Canal so there is no direct effect of raising the levee in Natomas on RD 1001. The threats from 1001 are typically the Bear River and the Yuba River and the Sacramento River and certainly there's a potential for flooding in RD 1001. We don't believe that we will be exacerbating that threat by raising the levee on the south side of the Natomas Cross Canal.

Mayor Fargo:

Ok, I know that's certainly not our intent to do so, so I think that we've been looking at this very carefully and hoping that, that we're able to maintain the status quo in other areas as we improve flood protection for the Natomas Basin. That concludes the public portion of this.

## **APPENDIX B**

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Presentation by Friends of the Swainson's Hawk  
(Attachment to Comment Letter 14)

# The Distribution, Abundance, and Habitat Associations of Swainson's Hawk (*Buteo swainsoni*) in South Sacramento County

presented to City of Elk Grove  
by Jim Estep

# Goals and Objectives

Provide baseline information for long-term monitoring and to assist Elk Grove with the development of its conservation strategy

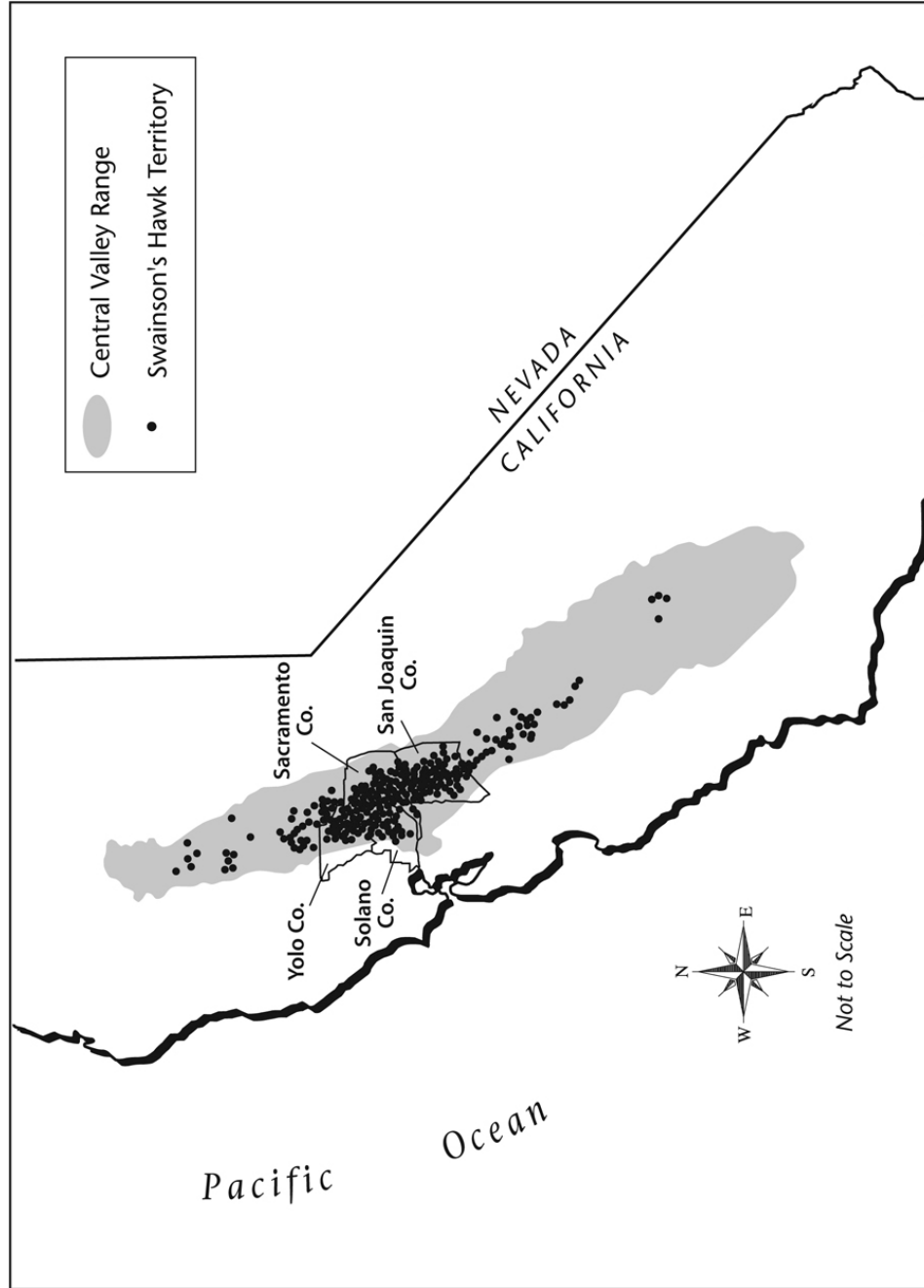
- Determine distribution and abundance
- Determine nesting and foraging habitat associations
- Determine reproductive performance



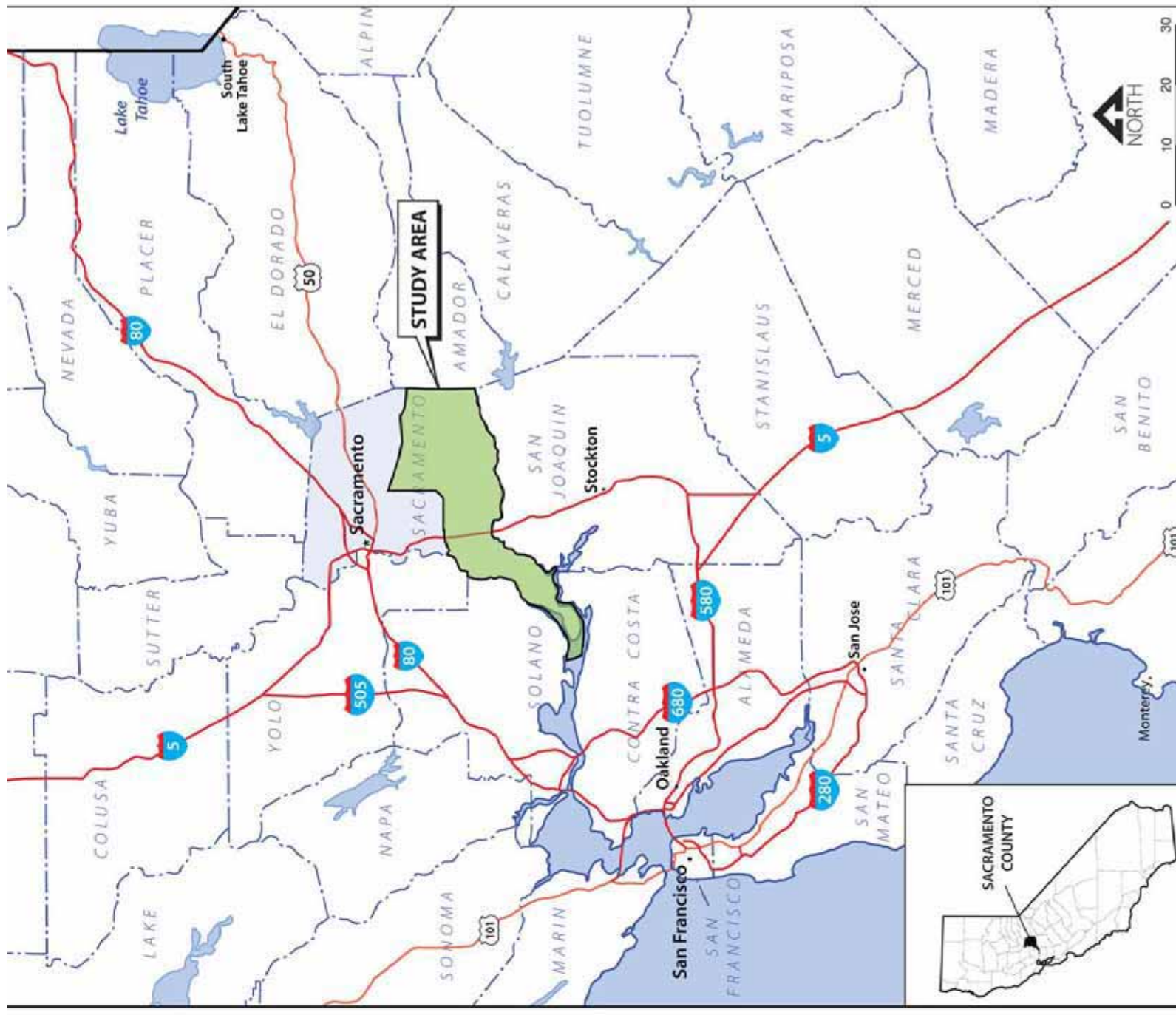










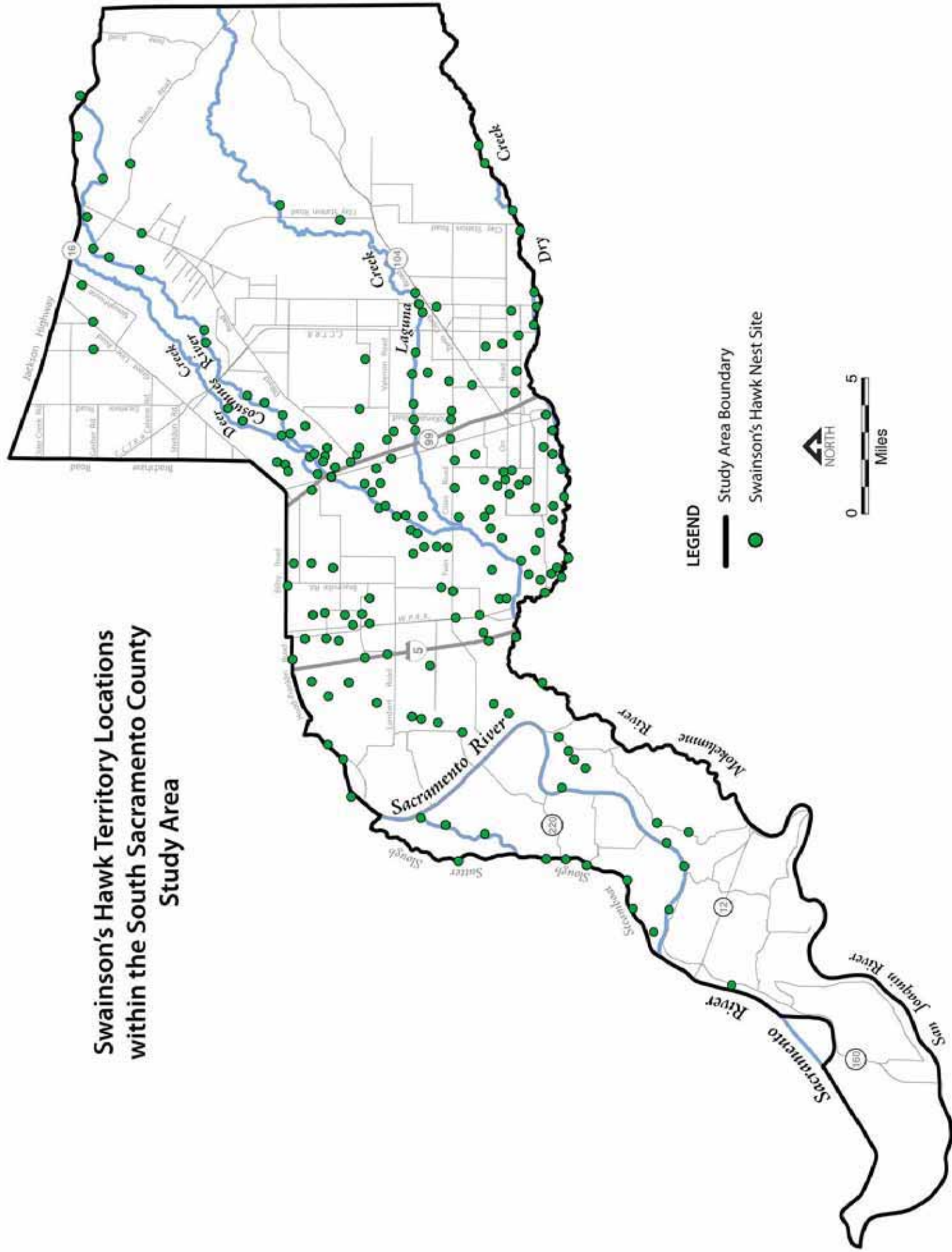


# Swainson's Hawk Activity Data

- Active Territories = 188
- Active Nests = 126
- Successful Nests = 57



# Swainson's Hawk Territory Locations within the South Sacramento County Study Area



# Number of Territories within Geographic Zones

- Delta Zone 38 (20.2%)
- Interior Zone 140 (74.5%)
- Eastern Foothill Zone 10 (5.3%)

# Land Use within the South Sacramento County Study Area

## LEGEND

Study Area Boundary

Irrigated Cropland/Irrigated Pasture

Irrigated Cropland

Uncultivated Grassland

Rural Residential

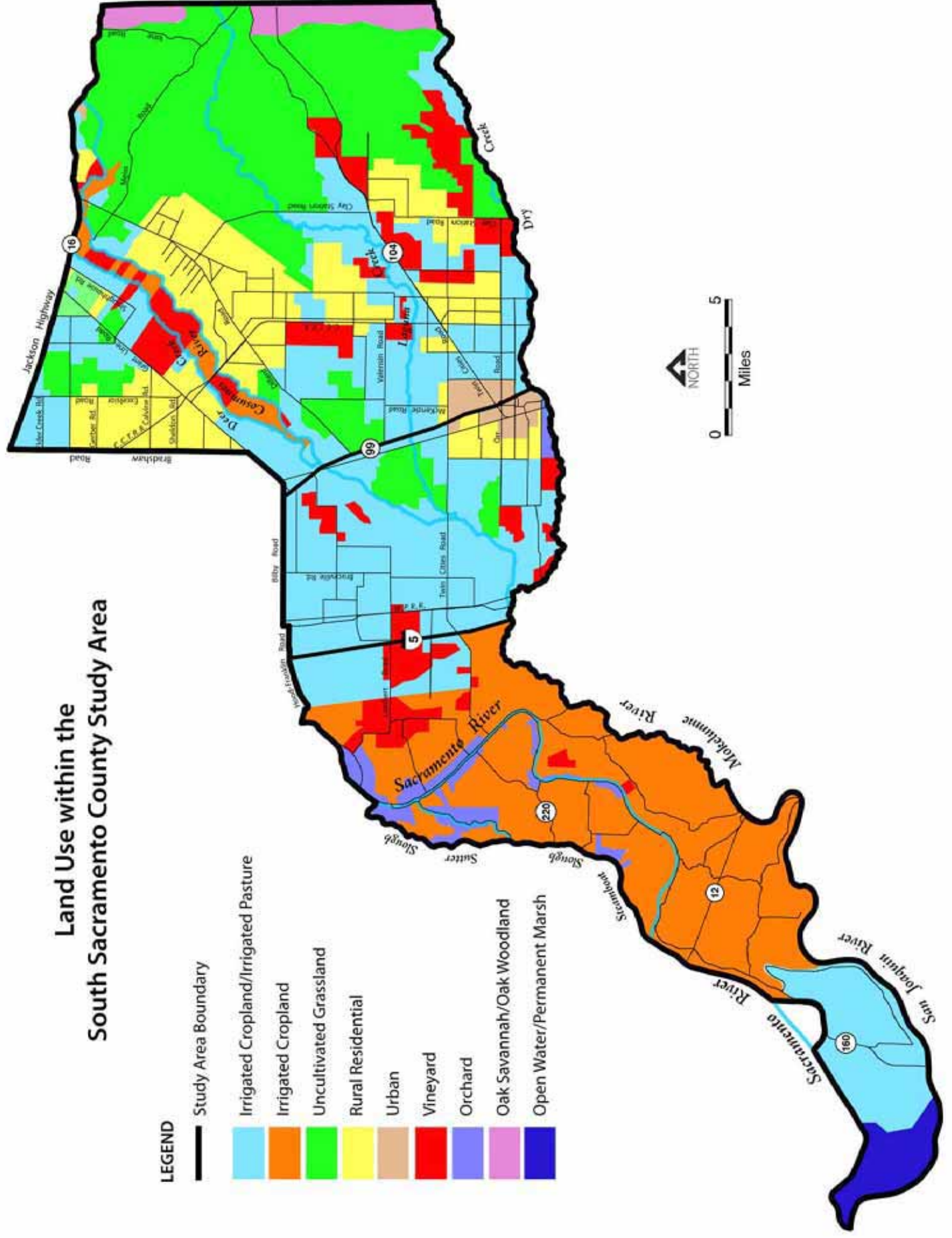
Urban

Vineyard

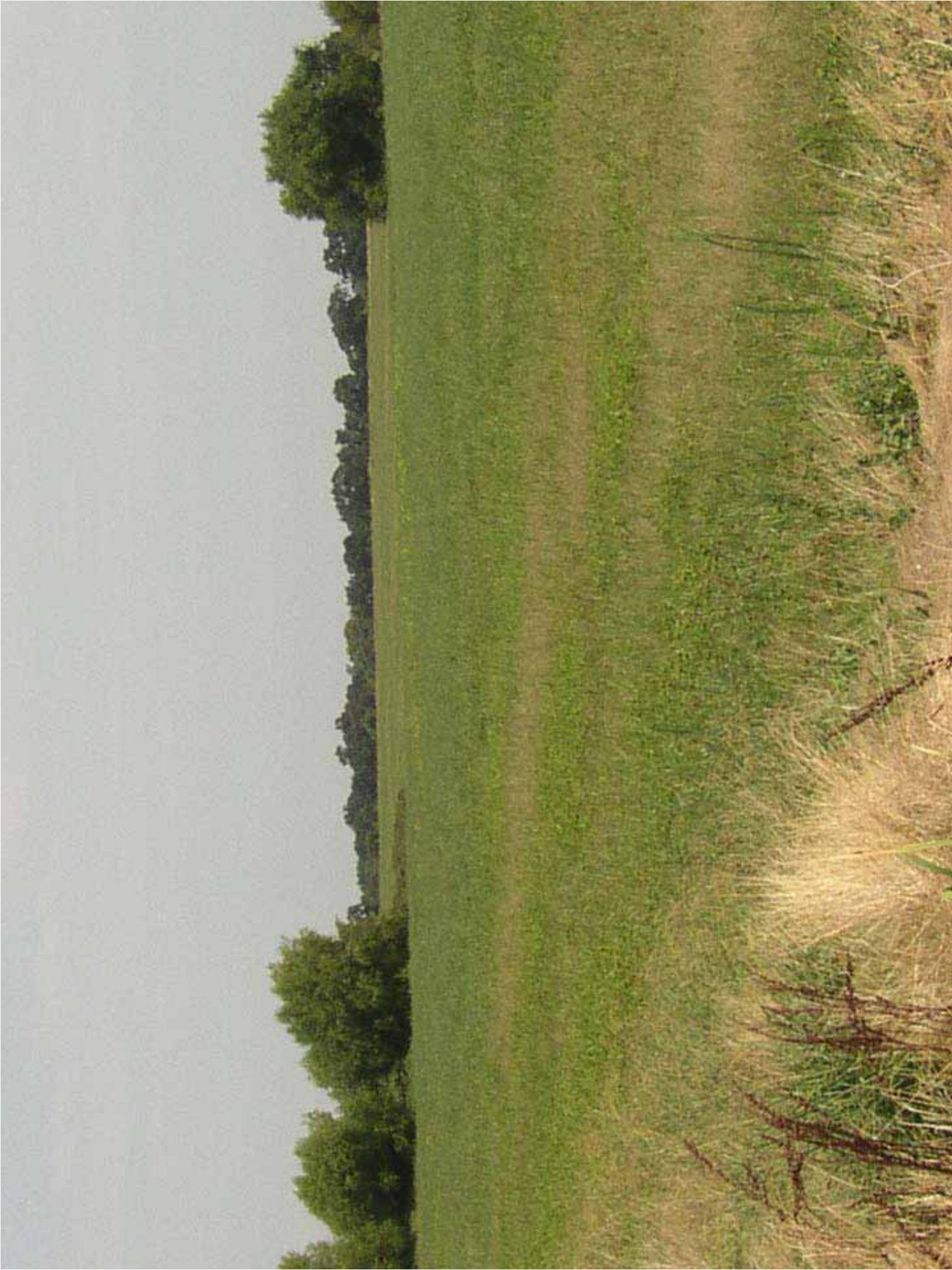
Orchard

Oak Savannah/Oak Woodland

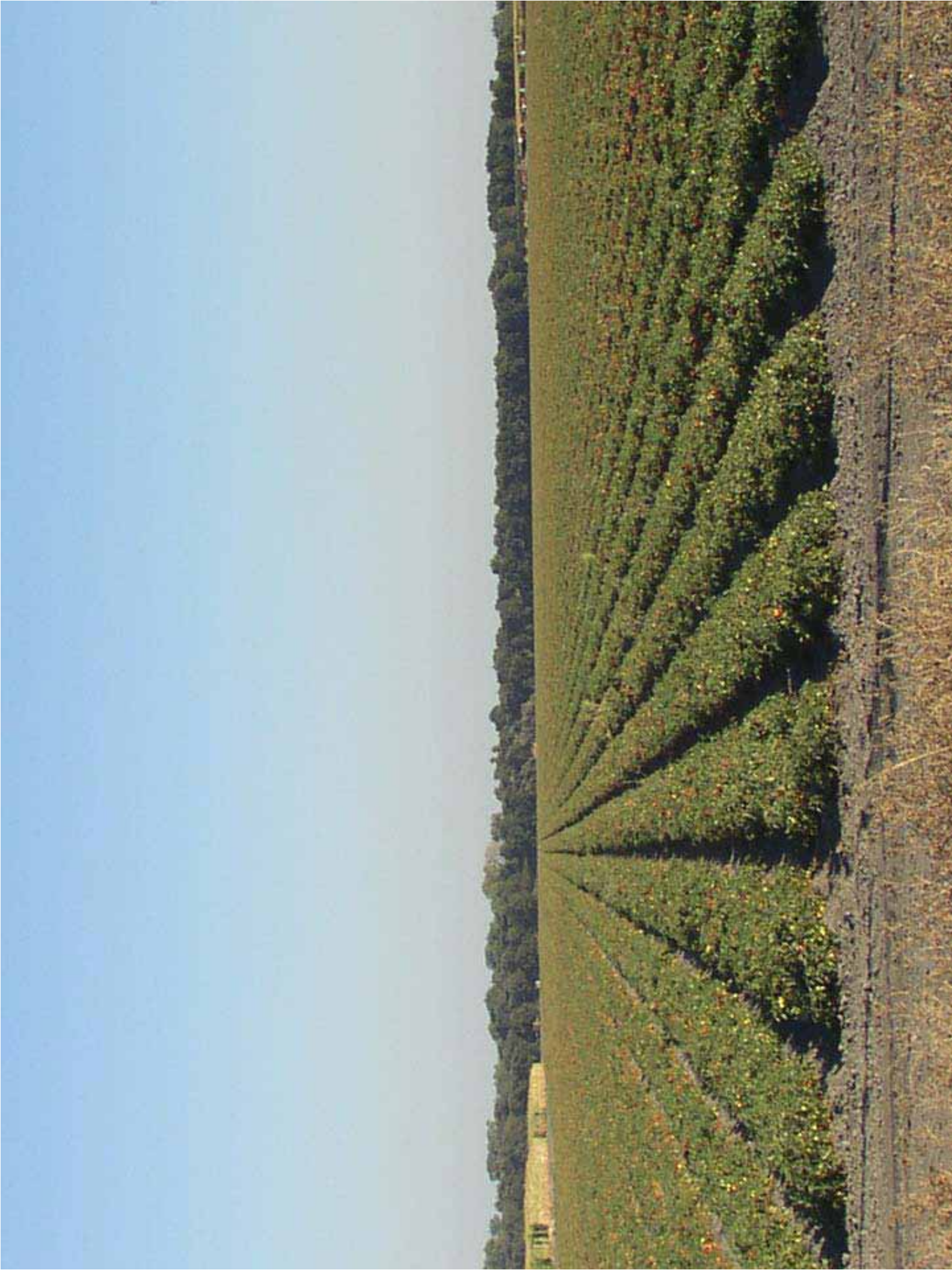
Open Water/Permanent Marsh



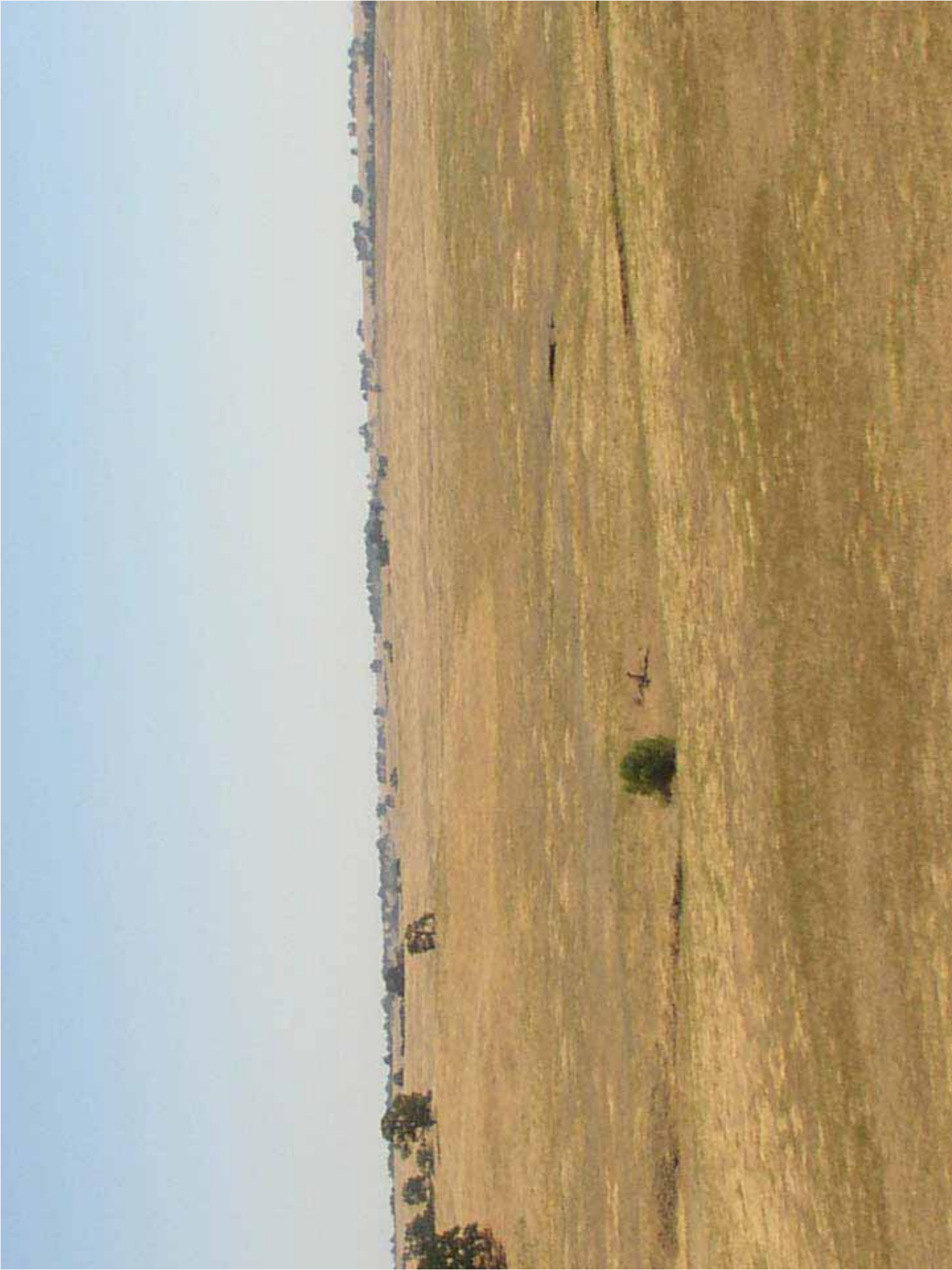












# Relative Abundance of Land Cover Types

• Irrigated Cropland/Pasture	34.0%
• Uncultivated Grassland	24.5%
• Irrigated Cropland	24.1%
• Rural Residential	12.4%
• Urban	1.5%
• Open Water/marsh	1.5%
• Oak Woodland	0.9%
• Vineyard	0.6%
• Orchard	0.3%

# Land Use/Habitat Associations of Swainson's Hawk Territories

- Irr. Cropland/pasture 55.3%
- Irr. Cropland 20.7%
- Irr. Cropland/Grassland 9.0%
- Irr. Cropland/pasture/rural res. 7.4%
- Uncultivated grassland 2.7%
- Irr. Cropland/pasture/grassland 2.7%



# Nesting Habitat Associations

• Riparian	62.8%
• Farmyard	11.2%
• Isolated Tree	9.0%
• Channelized Riparian	5.9%
• Tree Row	5.3%
• Eucalyptus Grove	3.2%
• Oak Grove	1.1%
• Cottonwood Grove	0.5%













# Nest Tree Species

• Valley Oak	32.5%
• Cottonwood	32.5%
• Eucalyptus	15.1%
• Willow	11.1%
• Walnut	2.4%
• Locust	1.6%
• Ornamental Pine	1.6%
• Deodor Cedar	0.8%
• Redwood	0.8%
• Sycamore	0.8%
• Alder	0.8%





# Reproduction







- Total number of young 83
- # of young/nesting attempt 0.76
- # of young/successful nest 1.46

# Raptor Nesting Territories Recorded During the Survey

• Swainson's Hawk	188
• Red-tailed Hawk	150
• Red-shouldered Hawk	40
• Great-horned Owl	12
• White-tailed Kite	8

# Raptor Territory Locations within the South Sacramento County Study Area

## LEGEND

-  Study Area Boundary
-  Swainson's Hawk Nest Site
-  Red-Tailed Hawk Nest Site
-  Red-Shouldered Hawk Nest Site
-  Great-Horned Owl Nest Site
-  White-Tailed Kite Nest Site

