Final Environmental Impact Report on the

Natomas Levee Improvement Program
Phase 4a Landside Improvements Project

State Clearinghouse No. 2009032097

Prepared for:

SAFCA
Sacramento
Area Flood
Control
Agency

November 3, 2009

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November 3, 2009

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SAFCA
Sacramento
Area Flood
Control
Agency

November 3, 2009

TO: **Commenting Parties**

FROM: **John Bassett, P.E., Director of Engineering, SAFCA**
(916) 874-7606

SUBJECT: **FINAL ENVIRONMENTAL IMPACT REPORT ON THE NATOMAS LEVEE IMPROVEMENT PROGRAM PHASE 4a LANDSIDE IMPROVEMENTS PROJECT (SCH # 2009032097)**

The Sacramento Area Flood Control Agency (SAFCA), as lead agency pursuant to the California Environmental Quality Act (CEQA), has prepared a final environmental impact report (FEIR) on the Natomas Levee Improvement Program (NLIP) Phase 4a Landside Improvements Project (Phase 4a Project). The FEIR has been prepared in accordance with the requirements of CEQA to respond to comments received on the draft environmental impact statement/draft environmental impact report (DEIS/DEIR) for the Phase 4a Project; and to present corrections, revisions, and other clarifications to the DEIS/DEIR.

The FEIR is being provided to all parties that submitted comments on the DEIS/DEIR. The FEIR can also be reviewed online at SAFCA's Web site at http://www.safca.org or at the SAFCA office, located at 1007 7th Street, 7th Floor, Sacramento, California.

SAFCA will conduct a public hearing to consider certification of the FEIR at the SAFCA Board of Directors meeting scheduled for 3:00 p.m. on November 13, 2009, located in the Sacramento County Board of Supervisors Chambers, Room 1450, at 700 H Street, Sacramento, California. The public is invited to attend in person, or view the meeting on SAFCA's Web site.

Please contact John Bassett at telephone number 916/874-7606, fax number 916/874-8289, or bassettj@saccounty.net with questions regarding the FEIR.

The U.S. Army Corps of Engineers will prepare a separate final environmental impact statement (FEIS) in accordance with the requirements of the National Environmental Policy Act. The FEIS will be circulated for a 30-day review period in early 2010.

Enclosure

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ACRONYMS AND ABBREVIATIONS

Airport	Sacramento International Airport
APN	Assessor Parcel Number
BMPs	best management practices
CCAD	Consolidated Capital Assessment District
CEQ	Council of Environmental Quality
CESA	California Endangered Species Act
Common Features Project	American River Common Features Project
CVFPB	Central Valley Flood Protection Board
DFG	California Department of Fish and Game
EPA	U.S. Environmental Protection Agency
FAA	Federal Aviation Administration
FEIR	Final Environmental Impact Report
FEIS	Final Environmental Impact Statement
GHG	greenhouse gas
I-5	Interstate 5
LTMP	Long-Term Management Plan
MMP	Mitigation and Monitoring Plan
NBHCP	Natomas Basin Habitat Conservation Plan
NCC	Natomas Cross Canal
NCMWC	Natomas Central Mutual Water Company
NEMDC	Natomas East Main Drainage Canal
NEPA	National Environmental Policy Act
NLIP	Natomas Levee Improvement Program
NMFS	National Marine Fisheries Service
NOI	Notice of Intent
NOP	Notice of Preparation
NPDES	National Pollutant Discharge Elimination System
PGCC	Pleasant Grove Creek Canal
Phase 1 Project	NCC South Levee Phase 1 Improvements
Phase 2 Project	NLIP Phase 2 Landside Improvements Project
Phase 3 Project	NLIP Phase 3 Landside Improvements Project
Phase 4a Project	NLIP Phase 4a Landside Improvements Project
RD	Reclamation District
ROD	record of decision
SACDOT	Sacramento Department of Transportation
SACOG	Sacramento Area Council of Governments
SAFCA	Sacramento Area Flood Control Agency
SCAS	Sacramento County Airport System
SMAQMD	Sacramento Metropolitan Air Quality Management District
SRA	shaded riverine aquatic
SRFCP	Sacramento River Flood Control Project
SWPPP	storm water pollution prevention plan
TNBC	The Natomas Basin Conservancy
USACE	U.S. Army Corps of Engineers
USC	United States Code
USFWS	U.S. Fish and Wildlife Service

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1.0 INTRODUCTION

This final environmental impact report (FEIR) has been prepared by the Sacramento Area Flood Control Agency (SAFCA) in accordance with the requirements of the California Environmental Quality Act (CEQA). SAFCA is the lead agency for complying with CEQA.

This FEIR has been prepared to respond to comments received on the draft environmental impact statement/draft environmental impact report (DEIS/DEIR) on the Natomas Levee Improvement Program (NLIP), Phase 4a Landside Improvements Project (Phase 4a Project) that was issued for public review in August 2009. The FEIR consists of the DEIS/DEIR and this document, which includes comments on the DEIS/DEIR, responses to those comments, and revisions to the DEIS/DEIR. Both the DEIS/DEIR and this FEIR should be used as the informational basis for addressing the environmental impacts of implementing the Phase 4a Project.

The Phase 4a Project consists of improvements to a portion of the Natomas Basin's perimeter levee system in Sutter and Sacramento Counties, California, and associated landscape, irrigation/drainage infrastructure modifications, and environmental mitigation, including habitat creation and management. SAFCA has initiated this effort in cooperation with the California Department of Water Resources (DWR) and the Central Valley Flood Protection Board (hereinafter referred to together as "State"), and the U.S. Army Corps of Engineers (USACE), Sacramento District, with the aim of incorporating the NLIP into the Natomas components of the Federally authorized American River Common Features Project (Common Features Project).

The overall purpose of the multi-phase NLIP is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas through a program of proposed levee improvements to address levee height deficiencies, levee seepage potential, and streambank erosion conditions along the Natomas Basin perimeter levee system. The Landside Improvements Project, which is a component of the NLIP, consists of four phases (and the fourth project phase consists of two subphases—the Phase 4a and 4b Projects). The Phase 4a Project includes proposed improvements affecting approximately 6 miles of the levee system in Reaches 10–15 of the Sacramento River east levee and two pump station sites along the Natomas Cross Canal (NCC) south levee.

To implement the Phase 4a Project, SAFCA is requesting permission from USACE pursuant to Section 14 of the Rivers and Harbors Act of 1899 (33 United States Code [USC] 408, hereinafter referred to as "Section 408") for alteration of Federal project levees; Section 404 of the Clean Water Act (33 USC 1344, hereinafter referred to as "Section 404") for the placement of fill in jurisdictional waters of the United States; and Section 10 of the Rivers and Harbors Act of 1899 (33 USC 403, hereinafter referred to as "Section 10") for work performed in, over, or under navigable waters of the United States (such as excavation of material from or deposition of material into navigable waters). SAFCA may also need to obtain several state approvals or permits: Central Valley Flood Protection Board (CVFPB) encroachment permit, California Surface Mining and Reclamation Act permit, Clean Water Act Section 401 water quality certification, Clean Water Act Section 402 National Pollutant Discharge Elimination System permit, California Fish and Game Code Section 2081 incidental-take authorization, California Fish and Game Code Section 1602 streambed alteration agreement, California Department of Transportation (Caltrans) encroachment permit, and authority to construct authorization from the Sacramento Metropolitan Air Quality Management District and the Feather River Air Quality Management District.

1.1 PURPOSE AND INTENDED USES OF THIS DOCUMENT

CEQA requires a lead agency that has prepared a DEIR to consult with and obtain comments from responsible and trustee agencies that have jurisdiction by law with respect to the proposed project, and to provide the general public with an opportunity to comment on the DEIR. The FEIR is the mechanism for responding to these comments. This FEIR has been prepared to respond to comments received on the DEIS/DEIR, which are reproduced in this document; and to present corrections, revisions, and other clarifications and amplifications to

the DEIS/DEIR, including minor project modifications, made in response to these comments and as a result of SAFCA's ongoing planning and engineering efforts. The DEIS/DEIR and this FEIR will be used to support the SAFCA decision regarding whether to approve the Phase 4a Project.

This FEIR will also be used by CEQA responsible agencies, such as the CVFPB and Central Valley Regional Water Quality Control Board, and trustee agencies, such as the California Department of Fish and Game, to ensure that they have met the requirements of CEQA before deciding whether to issue discretionary permits and approvals for the portions of the Phase 4a Project over which they have authority. It may also be used by other state, regional, and local agencies that may have an interest in resources that could be affected by the project or would issue permits and/or other regulatory approvals.

USACE will prepare a separate final environmental impact statement (FEIS) in accordance with the requirements of the National Environmental Policy Act (NEPA). USACE, Sacramento District is the Federal lead agency for complying with NEPA. The FEIS will constitute a reprint of the entire DEIS/DEIR, and will include comment letters, responses to comments, and any text changes/clarifications/modifications, including minor project modifications, made in response to these comments and as a result of SAFCA's ongoing planning and engineering efforts. The FEIS will be circulated for a 30-day public review period after which USACE will consider any comments it receives on the FEIS, make decisions on whether to grant permission for the Phase 4a Project pursuant to Section 408, issue permits pursuant to Sections 404 and 10, and issue a record of decision (ROD).

The Federal Aviation Administration (FAA) is serving as a cooperating Federal agency for NEPA. In the event that SAFCA and USACE select an alternative that requires the Sacramento International Airport (Airport) to change its Airport Layout Plan or seek a release from Federal Airport Improvement Grant assurances, the FAA would use USACE's FEIS in exercising its decision-making authority under 49 USC 47107 regarding whether to approve those actions.

1.1.1 INCORPORATION BY REFERENCE

This FEIR is tiered from, or incorporates by reference, information contained in the following documents:

- *Environmental Impact Report on Local Funding Mechanisms for Comprehensive Flood Control Improvements for the Sacramento Area*, State Clearinghouse No. 2006072098 (Local Funding EIR) (SAFCA 2007a), which evaluated the Phase 1 Project's potential impacts at a project level and the NLIP's potential impacts at a program level;

- *Environmental Impact Report on the Natomas Levee Improvement Program, Landside Improvements Project*, State Clearinghouse No. 2007062016 (Phase 2 EIR) (SAFCA 2007b), which evaluated the Phase 2 Project's potential impacts at a project level and the NLIP's potential impacts at a program level;

- *Environmental Impact Statement for 408 Permission and 404 Permit to Sacramento Area Flood Control Agency for the Natomas Levee Improvement Project* (Phase 2 EIS) (USACE 2008), which evaluated the Phase 2 Project's potential impacts at a project level and the NLIP's potential impacts at a program level;

- *Supplement to the Environmental Impact Report on the Natomas Levee Improvement Program, Landside Improvements Project—Phase 2 Project*, State Clearinghouse No. 2007062016 (Phase 2 SEIR) (SAFCA 2009a), which evaluated the potential impacts of the Phase 2 Project's modifications at a project level; and

- *Environmental Impact Statement/Environmental Impact Report on the Natomas Levee Improvement Program, Phase 3 Landside Improvements Project*, State Clearinghouse No. 2008072060 (Phase 3 DEIS/DEIR) (USACE and SAFCA 2009), which the Phase 3 Project's potential impacts at a project level.[1]

Copies of these documents are available to the public at SAFCA's office at 1007 7th Street, 7th Floor, Sacramento, California, during normal business hours, and are also available on SAFCA's Web site, at http://www.safca.org/Programs_Natomas.html.

1.2 PROJECT LOCATION

The Natomas Basin is located at the confluence of the American and Sacramento Rivers. Encompassing approximately 53,000 acres, the Basin extends northward from the American River and includes portions of the city of Sacramento, Sacramento County, and Sutter County (**Plate 1**). In addition to the American and Sacramento Rivers to the south and west, the Natomas Basin is bordered to the north by the NCC and to the east by the Pleasant Grove Creek Canal (PGCC) and the Natomas East Main Drainage Canal (NEMDC) (**Plate 1**). The NCC diverts the runoff from a large watershed in western Placer and southern Sutter Counties around the Natomas area and is a major contributor to the flows in the upper reach of the Sacramento River channel in SAFCA's jurisdiction. The NEMDC is an engineered channel along the southeastern flank of Natomas. Tributaries to the NEMDC include Dry Creek, Arcade Creek, Rio Linda Creek, Robla Creek, and Magpie Creek Diversion Channel. The Natomas Basin is protected from high flows in these tributaries and in the American and Sacramento Rivers by a Federal perimeter levee system.

The Natomas Basin floodplain is occupied by more than 83,000 residents and over $8.2 billion in damageable property, including the Airport and extensive urban development, primarily in the southern one-third of the Basin. The remaining agricultural lands in the Natomas Basin provide habitat for several important wildlife species. This habitat is protected under Federal and state laws, and expansion of the urban footprint into the remaining agricultural areas is governed by the *Natomas Basin Habitat Conservation Plan* (NBHCP), which is aimed at setting aside and conserving tracts of agricultural land that are needed to sustain the affected species.

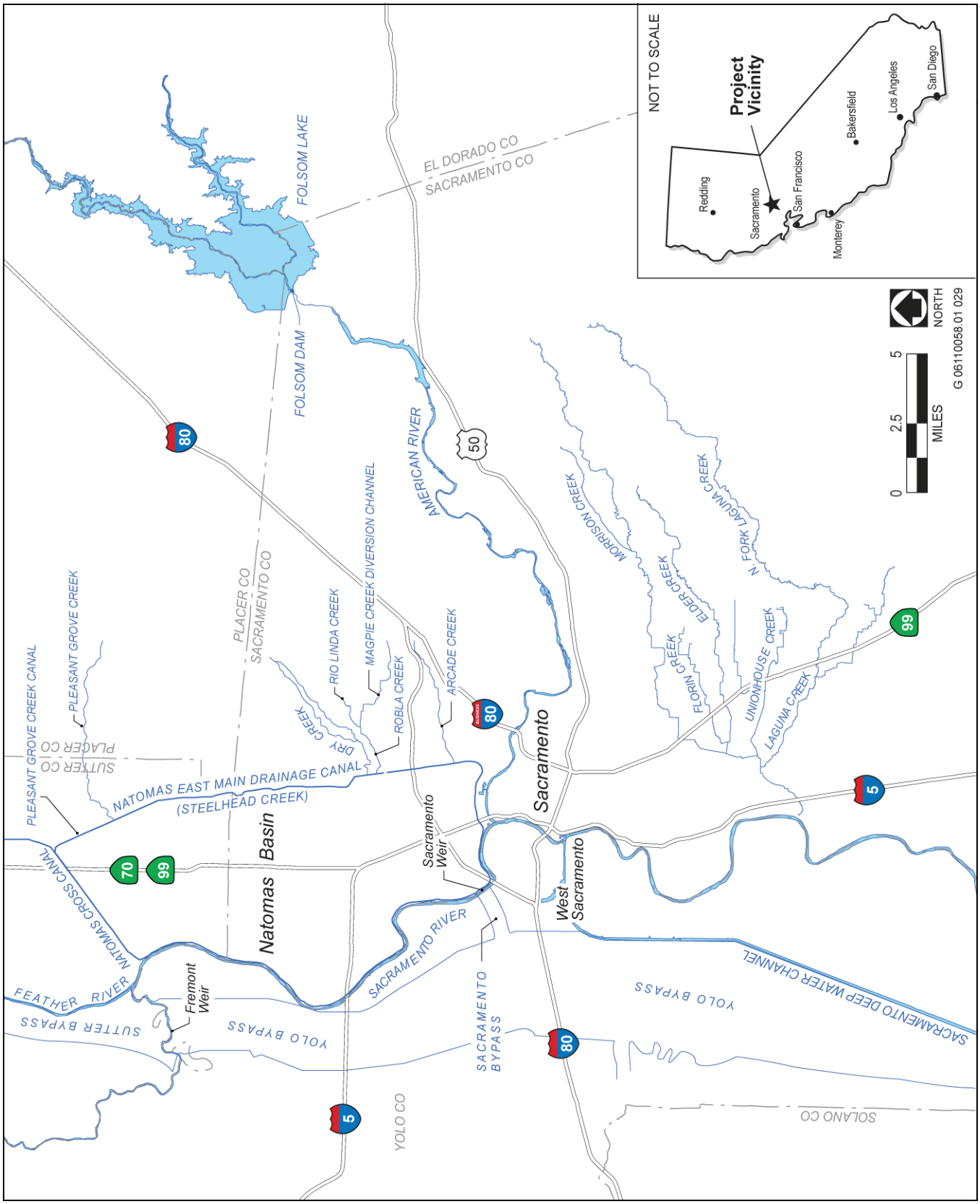
The Phase 4a Project location primarily includes the Sacramento River east levee Reaches 10–15, NCC south levee, Riverside Canal, and various borrow sites within the Natomas Basin (primarily the Fisherman's Lake Borrow Area). These areas are shown in **Plates 3a** through **3d**, later in this chapter.

1.3 PROJECT BACKGROUND

As stated above, the overall purpose of the multi-phase NLIP is to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas. The Phase 4a Project is one subphase of the fourth project phase of the NLIP Landside Improvements Project, and includes proposed improvements affecting approximately 6 miles of the levee system in Reaches 10–15 of the Sacramento River east levee and two pump station sites along the NCC south levee.

The proposed improvements address identified deficiencies in the Natomas Basin perimeter levee system based on (1) design criteria used to certify levees as providing 100-year flood risk reduction under regulations adopted by the Federal Emergency Management Agency (FEMA), (2) design criteria used by USACE and the State for

[1] Although SAFCA has certified the Phase 3 EIR, USACE has not yet issued its Section 408 ROD for the Phase 3 Project, but is expected to do so in December 2009. USACE has, however, issued its Phase 3a ROD in October 2009, which covers issuance of the Section 404 permit (see Section 1.4.3, "Phase 3 Project," of this FEIR for details regarding the separation of the Phase 3 Project permits and approvals).



Source: Adapted by AECOM in 2007 based on CASIL Layers; SAFCA 2007a

Project Location **Plate 1**

the levees comprising the American River Common Features Project, and (3) design 200-year[2] water surface elevations developed by SAFCA in cooperation with the State using hydrologic modeling data developed by USACE and the State as part of the Sacramento–San Joaquin River Basins Comprehensive Study.

Although SAFCA anticipates that all segments of the Natomas perimeter levee system will eventually be improved to meet all of the above design criteria, SAFCA is partnering with DWR using SAFCA's local capital assessments and grant funding available through DWR's FloodSAFE California Programs to initiate improvements to segments of the Natomas perimeter levee system in advance of full Federal authorization for the constructed improvements. SAFCA proposes to complete this "early implementation project"—which includes the Phase 2, 3, and 4a Projects—by the end of 2011. Phase 2 Project construction is underway and would be complete by the end of 2010; and it is anticipated that construction of the Phase 3 and 4a Projects will be completed by the end of 2011. It is anticipated that the remaining segments of the perimeter levee system (i.e., the Phase 4b Project) would be improved by USACE by 2013. This will require Congressional authorization to expand the scope of the already authorized Common Features Project based on a General Re-evaluation Report (GRR) to be completed by USACE for presentation to Congress in 2010. SAFCA is coordinating with USACE to ensure that the planning and design of the early implementation project are consistent with applicable USACE planning, engineering, and design guidelines. While the GRR will be a separate report with its own environmental documentation, USACE and SAFCA recognize that Federal actions taken in connection with the early implementation project will need to be appropriately reflected in the GRR.

To move forward as quickly as possible to reduce the risk of flooding in the Natomas Basin, SAFCA identified the broad outlines of the early implementation project at a program level of detail and developed an incremental implementation strategy based on carrying out the project in four phases, with each phase contributing independently and cumulatively to reducing flood risk. Each individual project phase would contribute to reduced flood risk for the Natomas Basin, and thus has independent utility. However, no single project phase would achieve the overall flood risk reduction objectives of the NLIP. The NLIP, as a program, has independent utility from the other areas under consideration in the GRR because the NLIP will provide added flood risk reduction to an entire area (similar to a ring levee) and this increased flood risk reduction is not dependent on the outcome of the GRR.

1.4 NATOMAS LEVEE IMPROVEMENT PROGRAM, LANDSIDE IMPROVEMENTS PROJECT PHASING

The relationship of the NLIP Landside Improvement Project phases to one another and their relationship to this FEIR is summarized below. **Table 1-1** presents the NLIP Landside Improvements Project's major components and construction timing of each project phase; these are also shown in **Plate 2**. Years are shown in the table below to identify the anticipated starting point of each NLIP project phase; however, as described in the subsections below, only some components of each project phase would begin in the first year of construction (e.g., while some portions of the Phase 3 Project [Phase 3a] would begin in 2009, proposed levee work [Phases 3b] would not begin until 2010). Further, the project phases, while originally envisioned to be constructed in the order they are numbered, could be constructed out of order (e.g., the Phase 4a Project, or components thereof, could be constructed before major levee construction of the Phase 3 Project) depending on project approvals, permitting, project design, and other factors. Project phasing and construction sequencing of project components are not necessarily dependent upon one another, but are dependent more on the availability and timing of funding and environmental permits and clearances. Because each project is analyzed in the cumulative context of the entire NLIP Landside Improvements Project, there will be no undisclosed impacts if the order of construction is altered.

[2] Design event analysis results, as a measure of system performance, are given as the expected (mean) frequency of the maximum event that can be safely passed through the reservoir, spillway, and downstream leveed system with a set (e.g., 3 feet) "freeboard" above the computed (expected) water surface profile. Design event analysis is not the same as the analysis procedure used by USACE as a basis for determining Federal interest in a project or for USACE certification for FEMA's National Flood Insurance Program. USACE defines system performance as containing a specified frequency event (e.g., 1% event) with a high level of assurance (i.e., Conditional Non-exceedance Probability = 90%) and includes consideration of system uncertainties.

Table 1-1
Major Components and Construction Timing of the Landside Improvements Project Phases

Project Phase and Construction Timing	Project Component
Phase 1 Project 2007–2008	Natomas Cross Canal south levee improvements (westernmost 12,500 feet): Through-seepage and underseepage remediation
Phase 2 Project 2009–2010	Natomas Cross Canal south levee improvements: Levee raising and seepage remediation Sacramento River east levee (Reaches 1–4B): Levee raising and seepage remediation Relocation of the Upper Elkhorn Canal (North Drainage Canal to Elkhorn Reservoir) Construction of the Upper Giant Garter Snake (GGS)/Drainage Canal (North Drainage Canal to just south of Elkhorn Reservoir) Removal of a deep culvert at the location of Reclamation District (RD) 1000 Pumping Plant No. 2 Borrow and reclamation at: Airport north bufferlands; Brookfield; Dunmore; RD 1001; and Sutter Pointe Habitat creation and management Right-of-way acquisition Infrastructure relocation and realignment
Phase 3 Project 2009–2011	Sacramento River east levee (Reaches 5A–9B): Levee raising and seepage remediation Pleasant Grove Creek Canal west levee: Levee raising, slope flattening, and widening; and seepage remediation Natomas East Main Drainage Canal west levee (Elkhorn Boulevard to NEMDC Stormwater Pumping Station): Levee widening and flattening and seepage remediation Natomas East Main Drainage Canal west levee (NEMDC Stormwater Pumping Station to Northgate Boulevard): Seepage remediation and slope stability remediation Relocation of approximately 9,400 feet of the Elkhorn Canal (highline irrigation canal) downstream of Elkhorn Reservoir Construction of a new GGS/Drainage Canal downstream of Elkhorn Reservoir Reconstruction of RD 1000 Pumping Plant No. 2 Habitat creation and management Infrastructure relocation and realignment Landside vegetation removal Right-of-way acquisition Encroachment management Borrow and reclamation at Airport north bufferlands; Brookfield; Dunmore; Elkhorn Borrow Area; Lower Woodland Corridor; Krumenacher; Novak; Pacific Terrace; private property (in Reaches 5A, 6B, and 7); RD 1001; South Sutter, LLC; Sutter Pointe; and Twin Rivers Unified School District stockpile Reconfiguration of Airport West Ditch
Phase 4a Project 2010–2011	Sacramento River east levee (Reaches 10–15): Levee raising and seepage remediation Sacramento River east levee Reach 4B: Seepage remediation Natomas Cross Canal south levee: Levee raising and seepage remediation at two locations Replacement of South Lauppe Pump Riverside Canal (highline irrigation canal) relocation and extension Modifications to Natomas Central Mutual Water Company's Riverside Pumping Plant and RD 1000's Pumping Plants Nos. 3 and 5 Development of new and replacement groundwater wells Borrow site excavation and reclamation at Fisherman's Lake Borrow Area (including Novak); I-5 Borrow Area; Elkhorn Borrow Area; South Sutter, LLC; Krumenacher; Twin Rivers Unified School District stockpile; and Airport north bufferlands Habitat creation and management Infrastructure relocation and realignment Landside and waterside vegetation removal Landside vegetation removal in Sacramento River east levee Reaches 12A–15 Right-of-way acquisition
	Encroachment management Exchange of properties between SAFCA and the Sacramento County Airport System in Reaches 4A, 5B, and 6 of the Sacramento River east levee

Table 1-1
Major Components and Construction Timing of the Landside Improvements Project Phases

Project Phase and Construction Timing	Project Component
Phase 4b Project 2011–2013	Sacramento River east levee (Reaches 16–20): Levee widening, slope flattening, and seepage remediation American River north levee (Reaches 1–4): Slope flattening and seepage remediation Pleasant Grove Creek Canal west levee: Levee raising, slope flattening, culvert remediation, and waterside erosion control Natomas East Main Drainage Canal west levee (Sankey Road to Elkhorn Boulevard): Levee raising and slope flattening Natomas East Main Drainage Canal west levee (Elkhorn Boulevard to Northgate Boulevard): Levee raising and waterside erosion control. Natomas Cross Canal: State Route 99 bridge remediation and ditch relocations Pumping Plants: Modifications to RD 1000 pumping plants and City of Sacramento sump pumps to accommodate levee improvements West Drainage Canal: Improvements south of I-5 Borrow site excavation and reclamation Habitat creation and management Infrastructure relocation and realignment Landside vegetation removal Right-of-way acquisition Encroachment management

Notes: Airport = Sacramento International Airport; GGS = Giant Garter Snake; NEMDC = Natomas East Main Drainage Canal; RD = Reclamation District; I-5 = Interstate 5

Source: Data compiled by AECOM in 2009, based on information provided by SAFCA

Each of the project phases discussed below also includes associated habitat, drainage, irrigation, and related infrastructure improvements.

1.4.1 PHASE 1 PROJECT

In February 2007, the SAFCA Board of Directors certified the Local Funding EIR (SAFCA 2007a), which examined the physical environmental effects associated with the program of flood damage reduction measures and related mitigation and habitat enhancements that the local funding mechanisms would be used to finance. The Local Funding EIR covered the NLIP Landside Improvements Project Phases 1–4 at a program level of detail and the Phase 1 Project (NCC South Levee Phase 1 Improvements) at a project-specific level of detail. The Phase 1 Project, consisting of improvements to address through-seepage and underseepage in the westernmost 12,500 feet of the NCC south levee, was constructed in 2007 and 2008.

1.4.2 PHASE 2 PROJECT

In November 2007, the SAFCA Board of Directors certified the Phase 2 EIR (State Clearinghouse No. 2007062016), which covered the three additional phases of "landside" components of the NLIP that were proposed for construction in 2008 (Phase 2 Project), 2009 (Phase 3 Project), and 2010 (Phase 4 Project). The Phase 2 EIR was tiered from the analysis in the Local Funding EIR, consistent with Section 15152 of the State CEQA Guidelines. The 2008 construction phase (now referred to as the Phase 2 Project) was analyzed at a project level, and the 2009–2010 construction phases (now referred to as the Phase 3 Project and Phase 4 Project, or the remainder of the Landside Improvements Project) were analyzed at a program level. The Phase 2 Project was approved for implementation by the SAFCA Board of Directors on November 29, 2007.

To implement the Phase 2 Project, SAFCA required permission from USACE pursuant to Section 408 for alteration of a Federal project levee and Section 404 for the discharge of fill into jurisdictional waters of the United States. Therefore, following completion of the Phase 2 EIR and local approval of the Phase 2 Project, USACE prepared the Phase 2 EIS (USACE 2008). A ROD was issued in January 2009, at which time USACE also issued the 408 permission and 404 permit for the Phase 2 Project.

The Phase 2 Project as presented in the Phase 2 EIS differs from the Phase 2 Project as evaluated in the 2007 Phase 2 EIR for the reasons described as follows. By the time the Phase 2 EIS began, SAFCA's engineering consultants had determined that cutoff walls could be used instead of seepage berms along several of the Sacramento River east levee reaches. Thus, the Phase 2 EIS includes proposed cutoff walls in some Sacramento River east levee reaches and a discussion of the impacts of the cutoff walls on groundwater recharge. Additionally, it became clear during the EIS process that much of the 2008 construction phase (or Phase 2 Project) would actually have to be conducted in 2009. The Phase 2 EIS therefore acknowledges that possibly all of the Phase 2 Project construction could be concurrent with construction of the Phase 3 Project, and discusses the consequences to haul truck traffic, noise, air quality, and other construction-related effects accordingly. These differences were considered in the Phase 2 SEIR (SAFCA 2009a), prepared by SAFCA, which was certified by the SAFCA Board of Directors in January 2009, at which time the Board also approved the modifications to the Phase 2 Project.

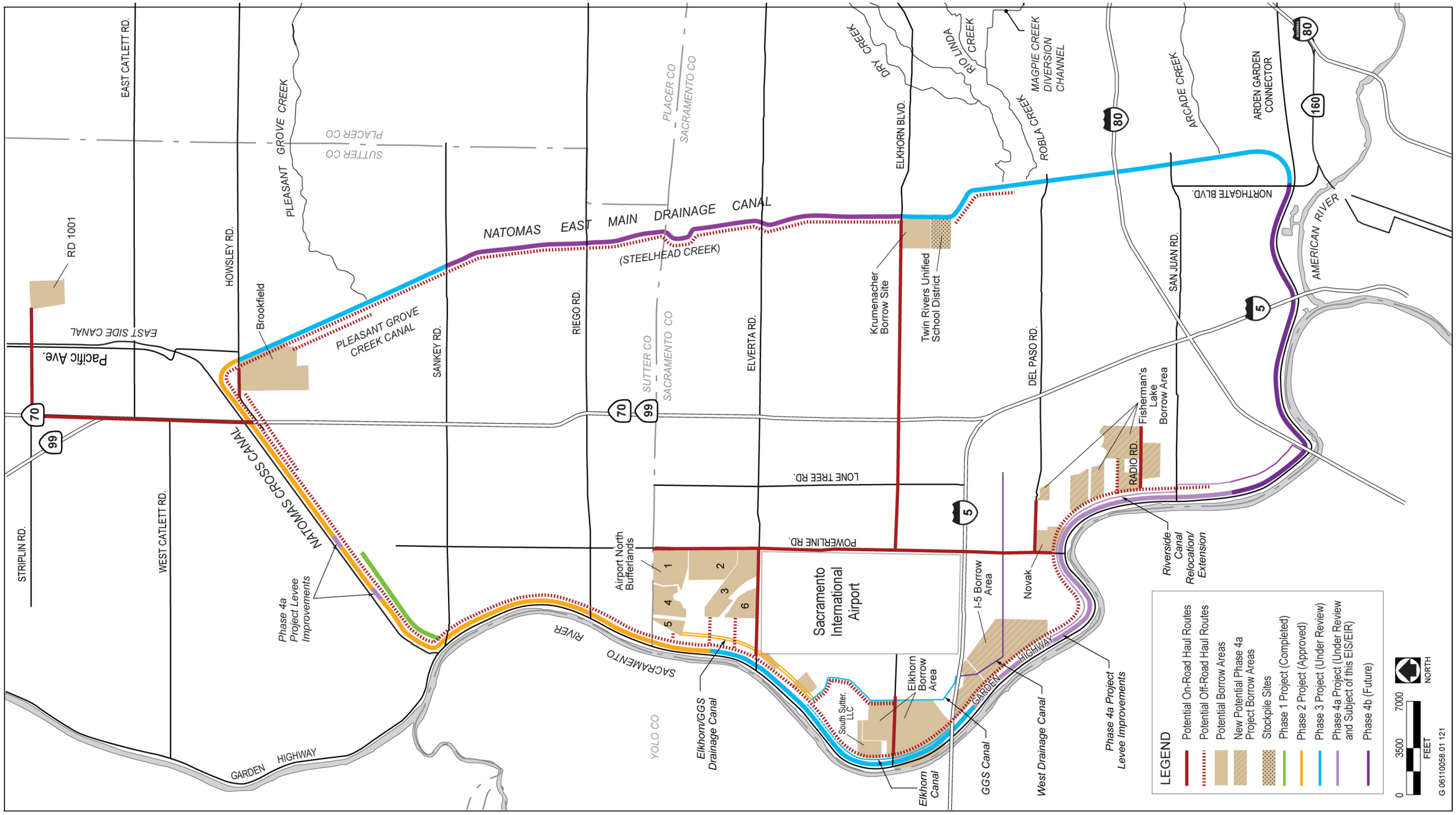
Construction of the Phase 2 Project began in May 2009 and is anticipated to be completed in 2010, assuming receipt of all required environmental clearances and permits. The Phase 2 Project can be constructed on a stand-alone basis, assuming no further action on the balance of the NLIP is taken. It is clear that a portion of Phase 2 Project construction would be complete prior to construction of the Phase 3 Project. However, it is still likely that there would be some overlap in construction schedules between these two phases (see below).

1.4.3 PHASE 3 PROJECT

The Phase 3 Project addresses underseepage, riverbank erosion, encroachment, and levee height deficiencies along the Sacramento River east levee Reaches 5A–9B, the PGCC west levee, and a portion of the NEMDC west levee (between Elkhorn and Northgate Boulevards).

In February 2009, USACE and SAFCA issued the Phase 3 DEIS/DEIR (State Clearinghouse No. 2008072060) for public review and comment. Following public review, SAFCA prepared an FEIR (SAFCA 2009b) to provide responses to comments on the Phase 3 DEIS/DEIR. The SAFCA Board of Directors certified the FEIR and approved the Phase 3 Project in May 2009. Separately, USACE prepared an FEIS to provide responses to comments received on the Phase 3 DEIS/DEIR; the Phase 3 FEIS was issued for public review in August 2009. USACE will consider whether to grant Section 408 permission, which will be documented in the ROD, in December 2009.

To construct the Phase 3 Project with minimal interruption of and conflict with drainage/irrigation services and wildlife habitat (specifically, giant garter snake habitat), some Phase 3 Project components need to be constructed in 2009 in advance of the Phase 3 Project's major levee construction that would occur in 2010. To facilitate this staged construction, a staged permitting approach was developed for the Phase 3 Project. Specifically, irrigation and drainage infrastructure (termed the Phase 3a Project) was permitted by USACE and the Central Valley Regional Water Quality Control Board (Central Valley RWQCB) under Sections 404 and 401, respectively, of the Clean Water Act, in October 2009; this work would occur in late 2009 and early 2010, in advance of Phase 3 Project levee construction. Some vegetation encroachments will also occur during the non-nesting season for raptors and other bird species. A separate, but related, set of permits for the Phase 3 Project's Sacramento River east levee construction and related pumping plant improvements (termed the Phase 3b Project) is anticipated in late 2009; this work would occur in 2010. Finally, because of cost constraints and priorities for various improvements in the flood damage reduction system, the Phase 3 Project's PGCC and NEMDC west levee improvements (termed the Phase 3c Project) will, if necessary, be permitted separately and may be built by USACE at a later time.



Source: Base map from CASIL Layers and Sacramento Area Council of Governments (SACOG) 2007; adapted by AECOM in 2008 and 2009 based on data from MBK Engineers and Mead & Hunt

Natomas Levee Improvement Program Construction Phasing and Anticipated Haul Routes from Soil Borrow Areas **Plate 2**

As noted above, preliminary construction (canal work, utility relocation, vegetation removal, and demolition of structures) of the Phase 3 Project (known as the Phase 3a Project) began in fall 2009; however, major levee construction (known as the Phase 3b Project) would not begin until 2010, assuming receipt of all required environmental clearances and permits. The potential exists for up to 30% of the Phase 2 Project to also be constructed in 2010, concurrent with Phase 3 Project's major levee construction, or even potentially concurrently with the Phase 4a Project, depending on the timing and availability of funding.

1.4.4 PHASE 4a PROJECT

The Phase 4 Project consists of two subphases (4a and 4b) to provide the flexibility to construct the Phase 4 Project over more than one construction season. Each of the subphases has its own independent utility, can be accomplished with or without the other subphase, and provides additional flood risk reduction benefits to the Natomas Basin whether implemented individually or collectively.

The Phase 4a Project, which is the subject of this FEIR, includes levee raising and seepage remediation along the Sacramento River east levee (Reaches 10–15) and in two locations of the NCC south levee, relocation and extension of the Riverside Canal, and modifications to the Riverside Pumping Plant and Reclamation District (RD) 1000's Pumping Plant Nos. 3 and 5. Landside and waterside vegetation removal in Reaches 10–15, as needed, to accommodate these elements would be completed ahead of Phase 4a Project construction. Parcels within the Fisherman's Lake Borrow Area (including Novak) would be the primary source of soil borrow for Phase 4a Project construction. Additional borrow could be obtained from the Interstate 5 (I-5) Borrow Area, and borrow areas previously addressed in the Phase 3 DEIS/DEIR; those areas excavated for borrow material would be reclaimed as agricultural land, grassland, or managed marsh depending on their location and existing land use. Upon completion of borrow activities within the Fisherman's Lake Area, agricultural upland habitat, managed seasonal and perennial marsh, and woodland corridors would be created and managed as the Fisherman's Lake Habitat Complex.

In August 2009, USACE and SAFCA issued the Phase 4a DEIS/DEIR (USACE and SAFCA 2009) for public review and comment. SAFCA has prepared this FEIR to provide responses to comments on the DEIS/DEIR. Subsequently, the SAFCA Board of Directors will consider whether to certify the Phase 4a EIR and approve the Phase 4a Project. As noted above, USACE will prepare a separate FEIS to provide responses to comments on the DEIS/DEIR in accordance with NEPA. Subsequently, USACE will consider whether to grant Section 408 permission and issue permits under Sections 404 and 10.

If permitted, the Phase 4a Project could be constructed at the same time as portions of the Phase 2 and 3 Projects. Construction of the Phase 4a Project is planned to begin in 2010 and anticipated to be completed in 2011, assuming receipt of all required environmental clearances and permits.

1.4.5 PHASE 4b PROJECT

The Phase 4b Project will include improvements along the Sacramento River east levee (Reaches 16–20), American River north levee (Reaches 1–4), NEMDC and PGCC west levee, and NCC south levee; pumping plant modifications; and habitat improvements along the West Drainage Canal south of I-5. The environmental impacts of these improvements were evaluated at a program level in the Local Funding EIR, Phase 2 EIR, and Phase 2 EIS. The project-specific impacts of the Phase 4b Project will be evaluated in a separate, project-level EIS/EIR in 2010. Construction of the Phase 4b Project is planned to begin in 2011 and anticipated to be completed in 2013, assuming receipt of all required environmental clearances and permits.

1.5 RESOURCE AGENCY COORDINATION AND STATUS OF NATOMAS LEVEE IMPROVEMENT PROGRAM PERMITS, AUTHORIZATIONS, AND APPROVALS

Over the course of project planning and environmental review for the NLIP Landside Improvements Project, USACE and SAFCA have coordinated informally with the U.S. Fish and Wildlife Service (USFWS), the National Marine Fisheries Service (NMFS), the California Department of Fish and Game (DFG), and The Natomas Basin Conservancy (TNBC). **Table 1-2** includes the status of permits, authorizations, and approvals for the NLIP project phases.

Table 1-2
NLIP Resource Agency Coordination[1]

Agency	Permit/Authorization/Approval	Status
Programmatic		
USFWS	Programmatic Biological Opinion	Issued October 2008 Amendment issued May 2009, Appendage issued September 2009
DFG, Central Valley RWQCB, USACE, and USFWS	Long Term Management Plan Approval	Granted May 2009
Phase 2 Project		
USACE	Section 408 Permission	Granted January 2009
USACE	Section 404 Permit	Issued January 2009 Amendment issued May 2009[2] 2nd Amendment anticipated August 2009
Central Valley RWQCB	Section 401 Water Quality Certification	Issued January 2009
DFG	Section 2081 Incidental Take Authorization	Issued May 2009
NMFS	Concurrence of Determination of Not Likely to Adversely Affect	January 2009
DFG	Section 1602 Streambed Alteration Agreement	Issued January 2009
USFWS	Biological Opinion	Issued October 2008 Amendment issued May 2009
USFWS	Fish and Wildlife Coordination Act Report	October 2008
Sacramento County	SMARA Exemption	Granted February 2009
Sutter County	SMARA Exemption	Granted February 2009
DFG, Central Valley RWQCB, USACE, and USFWS	MMP	Approval granted May 2009
SWRCB	Section 402 NPDES General Construction Permit	Notice of Intent filed March 2009
Phase 3 Project[3]		
USACE	Section 408 Permission	Under review, permission anticipated late summer/fall 2009
USACE	Section 404 Permits[3]	Under review, Phase 3a permit received October 2009, Phase 3b permit anticipated winter 2009
USACE	Section 10 Permit	In preparation, permit anticipated late summer/fall 2009
Central Valley RWQCB	Section 401 Water Quality Certifications[3]	In preparation, Phase 3a certification received September 2009, late summer/fall for Phase 3b, and 2011 for Phase 3c
DFG	Section 2081 Incidental Take Authorization	In preparation, authorization anticipated November 2009

Table 1-2
NLIP Resource Agency Coordination[1]

Agency	Permit/Authorization/Approval	Status
DFG	Section 1602 Streambed Alteration Agreement[4]	In preparation, landside canal footprint agreement received September 2009, later stages anticipated winter 2009
USFWS	Biological Opinion	Biological Opinion received September 2009
NMFS	Biological Opinion (Phase 3b and 4a combined)	Anticipated October 2009
USFWS	Fish and Wildlife Service Coordination Act Report	Draft received June 2009, final received October 2009
Sacramento County	SMARA Permit or Exemption	In preparation, permit or exemption anticipated winter 2009
Sutter County	SMARA Permit or Exemption	In preparation, permit or exemption anticipated winter 2009 (if needed)
DFG, Central Valley RWQCB, USACE, and USFWS	MMP	Submitted to agencies for review, approval from USACE received September 2009, all other agencies anticipated October 2009
SWRCB	Section 402 NPDES General Construction Permit	In preparation, permit anticipated fall 2009
Phase 4a Project		
USACE	Section 408 Permission	Anticipated Spring 2010
USACE	Section 404 Permit	Anticipated Spring 2010
USACE	Section 10 Permit	Anticipated Spring 2010
Central Valley RWQCB	Section 401 Water Quality Certification	Anticipated Spring 2010
DFG	Section 2081 Incidental Take Authorization	Anticipated Spring 2010
DFG	Section 1602 Streambed Alteration Agreement	Anticipated Spring 2010
USFWS/NMFS	Biological Opinion	Anticipated Spring 2010
USFWS	Fish and Wildlife Service Coordination Act Report	Anticipated Spring 2010
Sacramento County	SMARA Permit or Exemption	In preparation, permit or exemption anticipated winter 2010 or spring 2011
DFG, RWQCB, USACE, and USFWS	MMP	Anticipated Spring 2010
SWRCB	Section 402 NPDES Permit	Anticipated Spring 2010
Phase 4b Project – Anticipated 2010–2011[5]		

Notes: USFWS = U.S. Fish and Wildlife Service; NMFS = National Marine Fisheries Service; DFG = California Department of Fish and Game; RWQCB = Regional Water Quality Control Board; USACE = U.S. Army Corps of Engineers; SMARA = Surface Mining and Reclamation Act; MMP = Mitigation and Monitoring Plan; SWRCB = State Water Resources Control Board; NPDES = National Pollutant Discharge Elimination System

[1] Although Phase 1 Project permitting and regulatory requirements were fulfilled, they are not included in this table because construction is complete.

[2] The Phase 2 Project Section 404 permit was amended based on the Amended Phase 2 Biological Opinion.

[3] The Phase 3 Project Section 404 permit has been separated into 3 subphases (a, b, and c).

[4] The Phase 3 Project DFG 1602 Streambed Alteration Agreement will be separated into (at least) 3 subphases.

[5] The Phase 4b Project will require similar permits and regulatory approvals/authorizations as the Phase 2, 3, and 4a Projects.

Source: Data compiled by AECOM in 2009

1.6 PROJECT PURPOSE/PROJECT OBJECTIVES

SAFCA's project objectives adopted in connection with the NLIP are: (1) provide at least a 100-year level of flood risk reduction to the Natomas Basin as quickly as possible, (2) provide 200-year flood risk reduction to the Basin over time, and (3) avoid any substantial increase in expected annual damages as new development occurs in the Basin. The first two project objectives would reduce the residual risk of flooding sufficiently to meet the minimum requirements of Federal and state law for urban areas like the Natomas Basin. The third project objective is a long-term objective of SAFCA's.

Additional project objectives that have informed SAFCA's project design are to:

(1) use flood damage reduction projects in the vicinity of the Airport to facilitate management of Airport lands in accordance with the Airport's *Wildlife Hazard Management Plan* (Sacramento County Airport System [SCAS] 2007); and

(2) use flood damage reduction projects to increase the extent and connectivity of the lands in the Natomas Basin being managed to provide habitat for giant garter snake, Swainson's hawk, and other special-status species.

SAFCA's approach to defining flood risk reduction accomplishments level of protection (system performance) differs from that of USACE. References in this document to levels of flood protection are based on SAFCA's "best estimate" approach (FEMA's and the state's current method) and should not be taken as USACE concurrence that such levels would be achieved based on USACE's approach of incorporating risk and uncertainty in the estimate of system performance. In any case, flood risk to the Natomas Basin would be considerably reduced by the project.

1.7 SUMMARY DESCRIPTION OF THE PHASE 4a PROJECT

The Phase 4a Project addresses underseepage, stability, erosion, encroachment, and levee height deficiencies along approximately 6 miles of the Sacramento River east levee in Reaches 10–15 and two pump station sites along the NCC south levee. If permitted, these improvements could be constructed at the same time as the Phase 3 Project and with up to 30% of the Phase 2 Project. Construction of the Phase 4a Project is scheduled to begin in 2010 and is expected to be completed in 2011, assuming receipt of all required environmental clearances, permits, and approvals for project implementation. **Plates 3a** through **3d** provide an overview of the elements of the Proposed Action.

The Proposed Action has the following major elements:

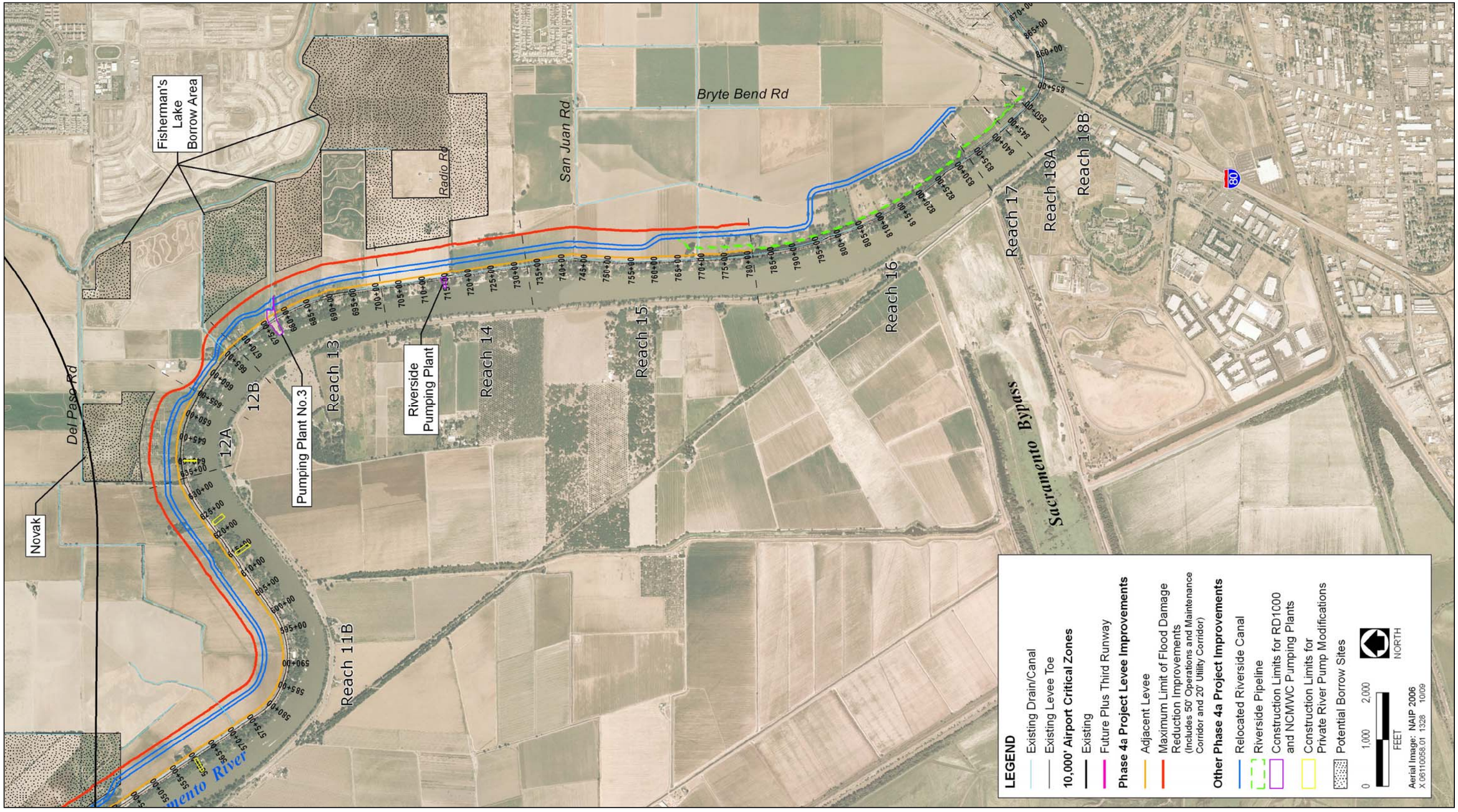
- **Sacramento River east levee Reaches 10–15: Levee raising/rehabilitation and seepage remediation** (**Plates 3a** and **3b**)—Construct an adjacent levee, raised in Reaches 10–11B, with cutoff walls, seepage berms, and relief wells, where required, to reduce seepage potential. Cutoff wall construction would be conducted 24 hours per day, seven days per week (24/7).

- **Sacramento River east levee Reach 4B: Seepage remediation**—Install cutoff wall in the adjacent levee from Stations 190+00 to 214+00 to provide additional seepage remediation (**Plate 3c**).

- **NCC south levee: Levee raising and seepage remediation at two locations**—At the Natomas Central Mutual Water Company (NCMWC) Bennett Pump Station and Northern Main Pump Station, raise the NCC south levee, flatten levee side slopes, install cutoff wall, and modify or replace the existing pumps and motors to reflect raising the discharge pipes above the 200-year design flood elevation. Cutoff wall construction would be conducted 24/7.

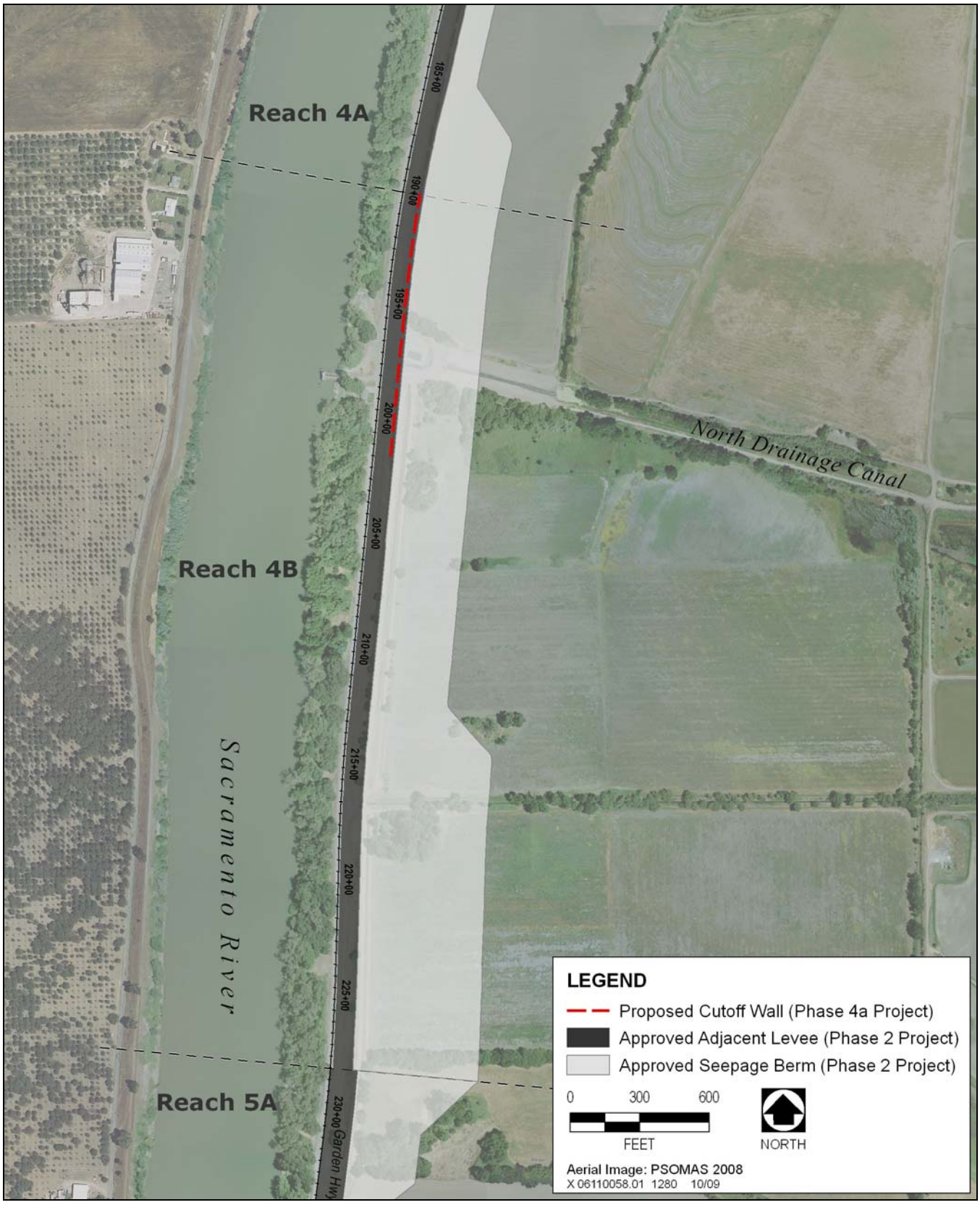
Source: SACOG 2004

Proposed Phase 4a Project Features – Sacramento River East Levee **Plate 3a**



Source: SACOG 2004

Proposed Phase 4a Project Features – Sacramento River East Levee and Fisherman's Lake Borrow Area **Plate 3b**



Source: SACOG 2004

Proposed Cutoff Wall in Sacramento River East Levee Reach 4B **Plate 3c**

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Source: SACOG 2004

Proposed Phase 4a Project Features – Natomas Cross Canal and Brookfield Borrow Site **Plate 3d**

- **Replacement of South Lauppe Pump**—At Sacramento River Mile 77.2 (left bank), remove the pump, intake, and support structure prior to initiation of a separate USACE project to construct bank protection at the site. Following completion of USACE's bank protection project, SAFCA would reconstruct the pump, intake, and support structure.

- **Riverside Canal (highline irrigation canal) relocation and extension**—Extend the relocated canal upstream of Powerline Road in Reaches 11B–12B of the Sacramento River east levee; relocate the canal east of the adjacent levee in Reaches 13–15 and east of the adjacent levee, residences, and tree groves in Reaches 15–17; and construct a piped section in Reaches 15–18B at the toe of the new adjacent levee.

- **Modifications to NCMWC Riverside Pumping Plant**—Raise the pumping plant's discharge pipes above the 200-year design water surface and modify or replace the plant's existing pumps and motors to accommodate the raised discharge pipes. In-water construction would include use of dredge pumps to remove sediment so that new pumps could be installed, but no dewatering involving use of a cofferdam is anticipated.

- **Modifications to RD 1000 Pumping Plants Nos. 3 and 5**—Raise the pumping plants' discharge pipes above the 200-year design water surface, extend the pipes to tie into existing discharge pipes within the waterside bench, replace or modify pumps and motors, and perform other seepage remediation, including relocating the landside stations away from the levee to accommodate the raised discharge pipes. Most of these modifications would take place above the Sacramento River's normal summer and fall water surface elevations; however, reconstruction of the Pumping Plant No. 3 outfall and the removal of a deep culvert at Pumping Plant No. 3 would require dewatering.

- **Development of new and replacement groundwater wells**—Abandon approximately 13 agricultural wells and replace the wells in locations outside the footprint of the levee improvements. Additionally, construct 5 new wells to provide a water supply for habitat mitigation features. Drilling of the wells would require construction to continue 24 hours per day for up to 3 days to avoid collapse or seizing of drill equipment within the hole.

- **Borrow site excavation and reclamation**—Excavate earthen material at the borrow sites and then return the sites to preconstruction uses or suitable replacement habitat. For the Phase 4a Project levee and canal improvements along the Sacramento River east levee, the Fisherman's Lake Borrow Area is anticipated to be the primary source of soil borrow material (see **Plate 2**). However, additional borrow sites may be needed for Phase 4a Project work along the Sacramento River; these include the I-5 Borrow Area, the Elkhorn Borrow Area, South Sutter, LLC, Krumenacher, the Airport north bufferlands, and the Twin Rivers Unified School District stockpile site. For the Phase 4a Project construction on the NCC south levee, the Brookfield borrow site is anticipated to be the primary source of soil borrow material. Some of these borrow sites (Elkhorn Borrow Area, Airport north bufferlands, Krumenacher, Twin Rivers Unified School District stockpile site, and South Sutter, LLC) have been fully analyzed in previous environmental documents; therefore, their potential impacts are incorporated by reference into the Phase 4a DEIS/DEIR. The Fisherman's Lake and I-5 Borrow Areas are fully analyzed in the Phase 4a DEIS/DEIR.

- **Habitat creation and management**—Establish a habitat complex in the Fisherman's Lake Borrow Area (Fisherman's Lake Habitat Complex) through the creation of approximately 140 acres of agricultural upland habitat; establishment of perennial native grasses on levee slopes, seepage berms, and access and maintenance areas; creation of up to 120 acres of managed seasonal and perennial marsh; and establishment of woodlands consisting of native riparian and woodland species at locations along the landside of the Sacramento River east levee.

- **Infrastructure relocation and realignment**—Realign and relocate private irrigation and drainage infrastructure (wells, pumps, canals, and pipes); and relocate utility infrastructure (power poles) as needed to accommodate the levee improvements and canal relocations.

- **Landside vegetation removal**—In Reaches 12B–15 of the Sacramento River east levee, clear landside vegetation in a corridor up to 660 feet wide to prepare for Phase 4a Project levee and canal improvement work.

- **Waterside vegetation removal**—Up to 4 acres of waterside vegetation would be removed due to replacement of pumping plants and construction of outfalls in Reaches 10–15 of the Sacramento River east levee.

- **Right-of-way acquisition**—Acquire lands within the Phase 4a Project footprint along the Sacramento River east levee, NCC south levee, and at associated borrow sites.

- **Encroachment management**—Remove encroachments as required to meet the criteria of USACE, CVFPB, and FEMA.

- **Exchange of properties between SAFCA and SCAS in Reaches 4A, 5B, and 6 of the Sacramento River east levee—**SAFCA and SCAS would carry out a land exchange that would support expansion of Airport bufferlands along the eastern edge of the new Elkhorn Irrigation Canal and provide SAFCA additional habitat mitigation land along the upper portion of the Sacramento River east levee outside of the 10,000-foot Airport Critical Zone.

1.8 MAJOR CONCLUSIONS OF THE ENVIRONMENTAL ANALYSIS

The following impacts of the Proposed Action were found to be significant and unavoidable. Most of these impacts would be temporary and short-term and related to construction activities. Where feasible mitigation exists, it has been included to reduce these impacts; however, the mitigation would not be sufficient to fully reduce the impacts to a less-than-significant level. The following impacts are presented in the order they appear in Chapter 4.0, "Environmental Consequences and Mitigation Measures," of the Phase 4a DEIS/DEIR.

- conversion of Important Farmland to nonagricultural uses;

- conflicts with lands under Williamson Act contracts;

- potential to temporarily physically divide or disrupt an established community;

- potential loss of mineral resources;

- loss of woodland habitats (10–15 years until maturity);

- impacts on Swainson's hawk and other special-status birds;

- potential damage or disturbance to known prehistoric resources from ground-disturbance or other construction-related activities;

- potential damage to or destruction of previously undiscovered cultural resources from ground-disturbance or other construction-related activities;

- potential discovery of human remains during construction;

- temporary increase in traffic on local roadways;

- temporary emissions of reactive organic gases (ROG), oxides of nitrogen (NO_X), and respirable particulate matter less than 10 microns in diameter (PM_{10}) during construction;

- generation of temporary, short-term construction noise;
- temporary, short-term exposure of residents to increased traffic noise levels from hauling activity;
- alteration of scenic vistas, scenic resources, and existing visual character of the project area; and
- new sources of light and glare that adversely affect views.

1.9 REQUIREMENTS FOR DOCUMENT CERTIFICATION AND FUTURE STEPS IN PROJECT APPROVAL

On August 28, 2009, USACE and SAFCA announced the release of the Phase 4a DEIS/DEIR for a 45-day public review and comment period that ended October 13, 2009. The DEIS/DEIR was submitted to the State Clearinghouse for distribution to reviewing agencies. A notice of availability was published in the *Sacramento Bee* and distributed to a broad mailing list.

A public hearing to receive comments on the DEIS/DEIR was held at the Sacramento County Board of Supervisors Chambers on September 17, 2009 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; tribal government; organizations; businesses, and individuals on the content of the DEIS/DEIR. Chapter 3.0, "Responses to Comments on the DEIS/DEIR," 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 (State CEQA Guidelines CCR Section 15088.5).

SAFCA will hold a public hearing as part of its Board of Directors meeting on November 13, 2009, to consider certification of the EIR and to decide whether to approve the Phase 4a Project, at which time the public and interested agencies may comment on the project.

1.10 ORGANIZATION AND FORMAT OF THIS DOCUMENT

This document is organized as follows:

Chapter 1.0, "Introduction," presents a summary of the Proposed Action, summarizes the major conclusions of the DEIS/DEIR, describes the purpose of the FEIR, provides an overview of the environmental review process, and describes the content of the FEIR.

Chapter 2.0, "Minor Modifications to the Phase 4a Project," presents minor modifications to the Phase 4a Project as a result of ongoing engineering refinements since release of the Phase 4a DEIS/DEIR.

Chapter 3.0, "Responses to Comments on the DEIS/DEIR," contains a list of all parties who submitted comments on the DEIS/DEIR during the public review period, copies of the comment letters received, a copy of the transcript from the September 17 public hearing, and responses to the comments.

Chapter 4.0, "Revisions to the DEIS/DEIR," presents revisions to the DEIS/DEIR text made in response to comments, or to amplify, clarify or make minor modifications or corrections. Changes in the text are signified by ~~strikeouts~~ where text is removed and by <u>underline</u> where text is added.

Chapter 5.0, "References," includes the references to documents used to support the comment responses.

Chapter 6.0, "List of Preparers," lists the individuals who assisted in the preparation of this document.

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2.0 MINOR MODIFICATIONS TO THE PHASE 4A PROJECT

2.1 INTRODUCTION

CEQA requires recirculation of an EIR when the lead agency adds "significant new information" to an EIR, regarding changes to the project description or the environmental setting, after public notice is given of the availability of a draft EIR for public review under State CEQA Guidelines California Code of Regulations (CCR) Section 15087, but before EIR certification (State CEQA Guidelines CCR Section 15088.5[a]). Recirculation is not required unless the EIR is changed in a way that would deprive the public of the opportunity to comment on significant new information, including a new significant impact in which no feasible mitigation is available to fully mitigate the impact (thus resulting in a significant and unavoidable impact), a substantial increase in the severity of a disclosed environmental impact, or development of a new feasible alternative or mitigation measures that would clearly lessen environmental impacts but which the project proponent declines to adopt (State CEQA Guidelines CCR Section 15088.5[a]). Recirculation is not required where the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR (State CEQA Guidelines CCR Section 15088.5[b]).

Since release of the DEIS/DEIR, SAFCA has continued to refine the features of the Phase 4a Project. As a result of these engineering refinements, the Phase 4a Project has undergone minor modifications that are identified in the following discussion. These modifications would not substantially increase the intensity or severity of an impact or create a new significant impact, as discussed further below.

2.2 DESIGN REFINEMENTS IN FISHERMAN'S LAKE HABITAT COMPLEX

2.2.1 MODIFIED LOCATIONS OF WOODLAND CORRIDORS

As part of ongoing engineering refinements, the footprint of the proposed flood damage reduction improvements in Reaches 12A–15 of the Sacramento River east levee has been narrowed, making room for the alignment of the relocated Riverside Canal to shift closer to the levee. The revised canal realignment is shown on **Plate 3b**. Based on the revised Riverside Canal alignment, SAFCA has determined that woodland corridors originally planned for the area between the levee and canal could now be located to the landside of the canal, adjacent to the Novak and Fisherman's Lake Borrow Areas. These corridors, which would be planted with native riparian species, would be 200 feet wide, except in Reach 12B where the corridor width would range 100–200 feet. The proposed woodland corridor locations are shown on **Plate 4**, along with the locations of other habitat types that would be created and preserved as part of the Phase 4a Project. Where the woodland corridor crosses The Natomas Basin Conservancy (TNBC) Cummings preserve (southern end of Reach 13), the woodland corridor would be designed in consultation with TNBC to ensure that it enhances the land in a way that is consistent with the requirements of the Natomas Basin Habitat Conservation Plan (NBHCP).

These proposed corridors would support about 30 acres of woodland in the Fisherman's Lake Habitat Complex. The balance of the proposed 58 acres of woodland that would be planted or preserved would be located in Reach 4a of the Sacramento River east levee on the Rio Ramaza North and South sites (as shown in Plate 2-14 in the Phase 4a DEIS/DEIR). The realigned Riverside Canal and woodland corridors are located within the worst-case footprint—up to 660 feet from the centerline of Garden Highway—that was analyzed in the Phase 4a DEIS/DEIR. No additional farmland conversion or habitat loss would occur as a result of these refinements. The amount of groundwater that would be pumped to irrigate the woodland during the 3- to5-year establishment period would not change. These project changes do not constitute significant new information that would require recirculation of the document because no new significant or substantially more severe environmental impacts have been identified.

2.2.2 MARSH WATER SUPPLY DESIGN REFINEMENTS

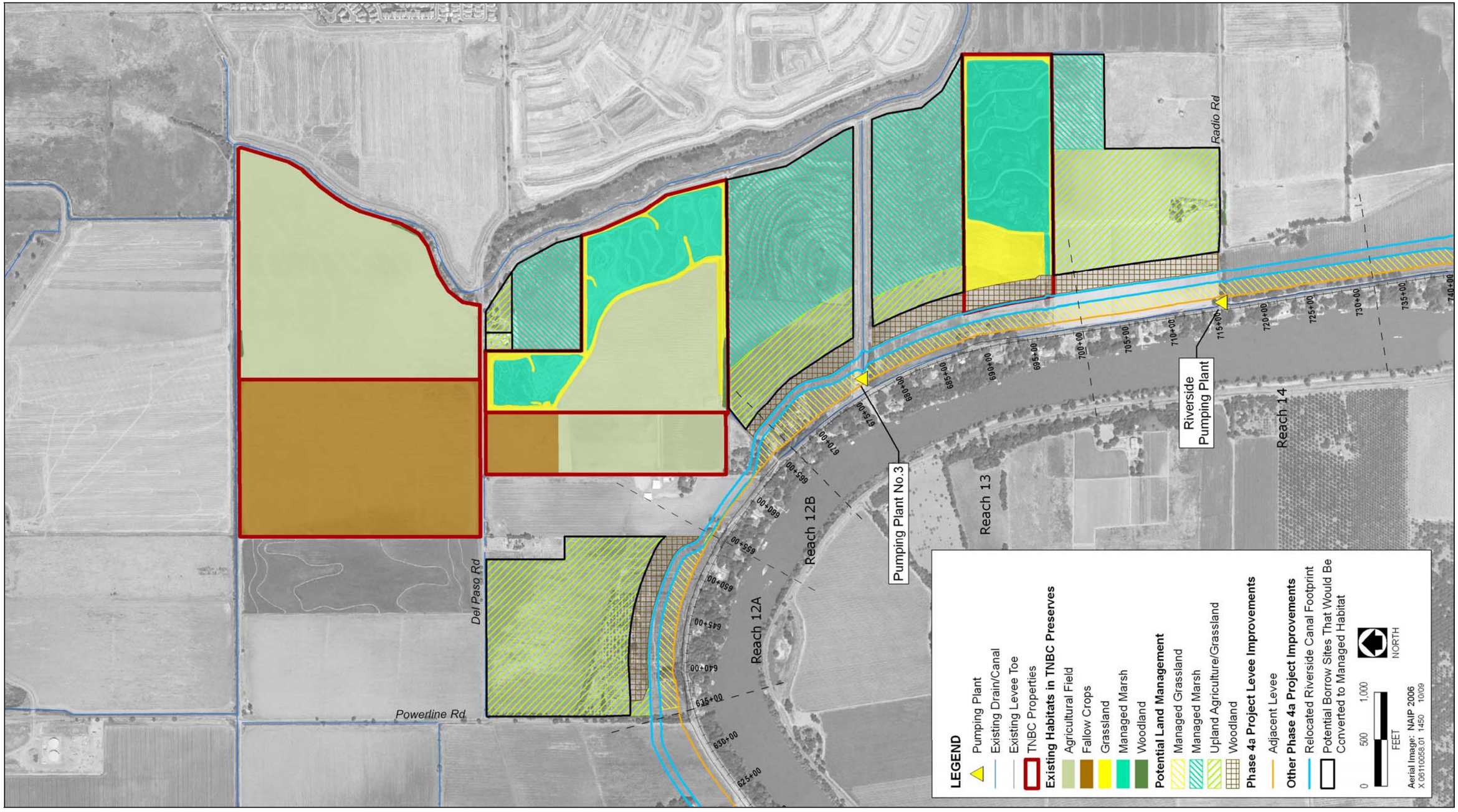
The Phase 4a DEIS/DEIR described and evaluated the potential impacts of groundwater wells that would provide a supplemental water supply to the proposed managed marshes in Reaches 12–13 of the Sacramento River east levee (**Plate 4**). As the design of the Fisherman's Lake Habitat Complex has been refined, the locations and pumping rates of the proposed wells have been modified based on new estimates of water supply requirements (**Plate 5**). Luhdorff & Scalmanini Consulting Engineers (LSCE) analyzed the potential impacts of the proposed Phase 4a Project habitat wells; the analysis is provided in a technical memorandum dated August 5, 2009 contained in Appendix C2 of the Phase 4a DEIS/DEIR. The August 5 analysis concluded that modeling of simulated well drawdowns demonstrated that the proposed wells would not significantly reduce the yield of existing wells along the Sacramento River east levee in Reaches 12A–14. The proposed modifications to the Fisherman's Lake Habitat Complex described in this FEIR have also been modeled by LSCE. The results of this modeling effort are described in a supplemental technical memorandum dated October 30, 2009. Both memoranda are contained in **Appendix A** of this FEIR. The supplemental analysis concluded that the project modifications would not change the conclusion that operation of the proposed wells would not significantly reduce the yield of existing wells in the study area. These changes do not constitute significant new information that would require recirculation of the document because no new significant or substantially more severe environmental impacts have been identified. Impact 4.5-c, "Effects on Groundwater," identified in the Phase 4a DEIS/DEIR, would remain less than significant.

2.3 PUMPING PLANT CONSTRUCTION ADDITIONS AND MODIFICATIONS

2.3.1 ADDITION OF NINE PRIVATE RIVER PUMP UPGRADES

The Phase 4a DEIS/DEIR analyzed modifications to the South Lauppe Pump, a private river pump in Reach 2 of the Sacramento River east levee. The construction limits of this pump are shown at the southernmost location in **Plate 5**. Nine other private river pumps along the Natomas Cross Canal (NCC) south levee and Sacramento River east levee have been identified as also requiring modifications, including raising discharge pipes and upgrading motors and pumps to be compatible with approved and proposed levee improvements:

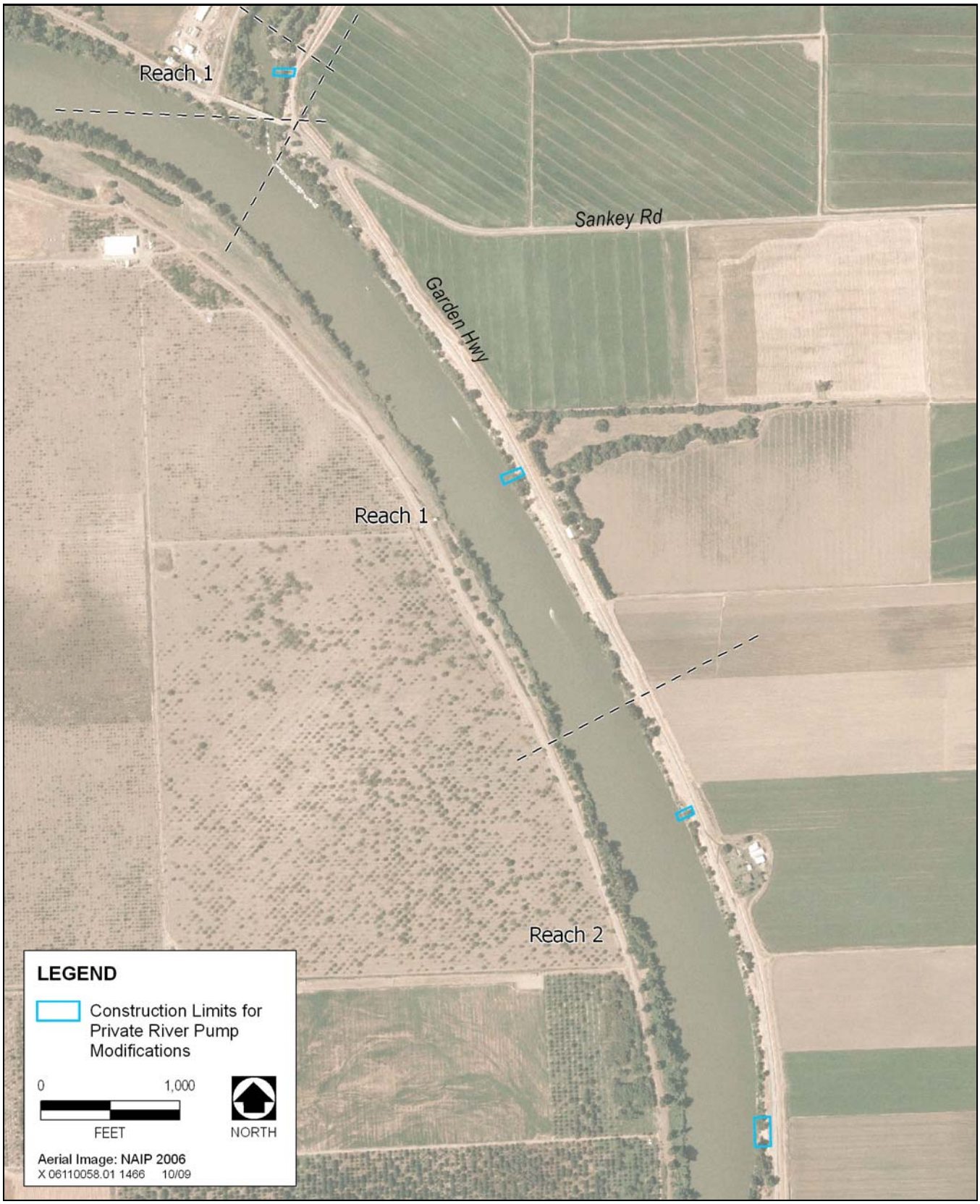
- **NCC South Levee Reach 1/Sacramento River East Levee Reaches 1 and 2. Plate 5** shows the locations of three of the private river pumps (Odysseus, Cummings, and North Lauppe Pump), which are located in the NCC south levee Reach 1 and in Sacramento River east levee Reaches 1 and 2, respectively. As part of the Phase 4a Project, the pump discharge pipes would be raised above the 200-year (0.005 AEP) water surface elevation to comply with current levee standards. Pipe installations at the Cummings and North Lauppe pump locations would require Garden Highway to be closed for up to 4 weeks with traffic control measures, including detours for through traffic. The modified pipe configuration would require upgrades to the pump motors and pump bowls. The capacity of the facilities would be unchanged, but the higher pumping levels would require more power input to maintain existing capacity. These modifications would be constructed in winter 2010, after the irrigation season, and would be completed by April 1, 2011 to minimize irrigation service disruptions. The pumping facility rehabilitation would require removal and replacement of existing pumps using a crane from the bench area above the top of the NCC and Sacramento River bank. A barge could also be employed for removal and replacement of pumps. Motor upgrades would most likely require an upgrade of electrical equipment, as well as overhead electrical service. New conduits from the power pole to the pump platform would be constructed by open trenching. New power poles and guy wires could also be required. Steel members on the pumping plant superstructure may be replaced or upgraded on existing foundations. Where foundations are inadequate, additional and/or replacement supports would be constructed. Minor vegetation trimming and/or clearing may be required.



Source: Footprints (EDAW 2009, Riverside Canal (Mead & Hunt 2009), Borrow Sites (Mead & Hunt 2009), Woodland Corridor (EDAW 2009), Proposed Habitats (EDAW 2009)

Potential Fisherman's Lake Habitat Elements

Plate 4



Source: Mead & Hunt 2009

Phase 4a Project – Private River Pumps **Plate 5**

At the Odysseus Pump in the NCC south levee Reach 1, cast-in-place concrete drilled piers or slab foundations would be constructed. New steel H-piles would be driven to support the pump and platform upgrades at the Cummings Pump in Sacramento River east levee Reach 1. To remove and reinstall the pumps, some localized minor maintenance dredging under the pump house may be required to clear sediment buildup, if any, around the pump bowls. Dredging would be performed by divers with dredging hoses. The sites would generally be accessed off of the adjacent NCC levee patrol road and Garden Highway, along existing access roads. Temporary fencing would be installed around any sensitive habitat to be protected adjacent to work areas. Storm water pollution prevention best management practices would be implemented. No dewatering would be required. Work within the NCC and Sacramento River would be limited to removal and replacement of pumps by crane and any required repairs to steel pump platform superstructure. No fill placement or bank hardening is anticipated. Upon completion, disturbed overbank areas would be restored with native seed mix.

- **Sacramento River East Levee Reaches 11A–12A. Plates 3a and 3b** show the locations of six private river pumps south of Interstate 5 (I-5) that would be modified as part of the Phase 4a Project. The Siddiqui and Hewitt private river pumps are located in Reach 11A. The three Sacramento International Airport (Airport) river pumps are located in Reach 11B. The SAFCA pump for the Novak property is located in Reach 12A. Following completion of the proposed levee improvements in these reaches, the pipes at each private pumping plant would be raised above the 200-year (0.005 AEP) water surface elevation. Pipe installations would require Garden Highway to be closed for up to 4 weeks with traffic control measures, including detours for through traffic. The existing discharge pipes would be extended landward through the new levee footprint to adjacent agricultural fields and would be reconnected to irrigation distribution systems (pipes and/or ditches to match existing) that were relocated to make room for the expanded levee footprint.

  For waterside pipe replacement, vegetation would be avoided to the extent feasible, but generally an approximately 15-foot-wide corridor would be required for excavation, removal, and replacement of pipes. The modified pipe configuration would require upgrades to the pump motors and pump bowls. The capacity of the facilities would be unchanged, but the higher pumping levels would require more power input to maintain existing pumping capacity. The pumping facility rehabilitation would require removal and replacement of existing pumps using a crane from the bench area above the top of the Sacramento River bank. A barge could also be employed for removal and replacement of pumps. Motor upgrades would most likely require upgrade of electrical equipment, as well as overhead electrical service. New conduits from power poles to pump platforms would be constructed by open trenching. New power poles and guy wires might also be required. Steel members on the pumping plant superstructure may require replacement or upgrade. Where foundations are inadequate, additional and/or replacement supports would need to be constructed. Improvements to the foundations could include cast-in-place concrete drilled piers or slab foundations and/or driving new or replacement steel H-piles. Some minor tree trimming and clearing of undergrowth would be required to provide access for the work. Because relocation of the platforms is not anticipated, tree removal would be minimal (less than 1 acre).

  Pipe replacement would occur within the normal levee construction window between April 15 and October 30, and would require temporary piping around the construction area. Pump replacement would likely occur during winter to minimize irrigation service disruptions. Replacement of the pumps would be completed no later than April. To remove and reinstall the pumps, some localized minor maintenance dredging under the pump house might be required to clear sediment buildup, if any, around the pump bowls. Dredging would be performed by divers with dredging hoses. Construction equipment would generally reach sites from Garden Highway. Temporary protective fencing would be installed around any sensitive habitat adjacent to work areas. Storm water pollution prevention best management practices would be implemented. No dewatering would be required. In-water work would be limited to removal and replacement of pumps by crane and any required repairs to steel pump platform superstructure. No fill placement or bank hardening is anticipated. Upon completion, disturbed overbank areas would be restored with native seed mix.

Modifications to these nine private river pumps would result in less than 1 acre of vegetation removal (Impact 4.7-a). In-water work, including maintenance dredging and pile driving, could disturb or injure fish and aquatic habitats (Impact 4.7-i). Closure of Garden Highway for pipe installations would contribute to a temporary, short-term increase in traffic and traffic hazards on local roadways and potential disruption of emergency service response times and access (Impacts 4.10-a through 4.10-c). Construction activities, including pile driving, would generate temporary, short-term and intermittent noise near noise-sensitive receptors (Impact 4.12-a). These impacts were previously identified in the Phase 4a DEIS/DEIR and the following mitigation measures would apply to the proposed project modifications and would be implemented:

- Mitigation Measure 4.7-a, "Minimize Effects on Woodland Habitat; Implement all Woodland Habitat Improvements and Management Agreements; Compensate for Loss of Habitat; and Comply with Section 7 of the Federal Endangered Species Act, Section 1602 of the California Fish and Game Code, and Section 2081 of the California Endangered Species Act Permit Conditions"

- Mitigation Measure 4.7-i, "Implement Mitigation Measure 4.6-a, "Implement Standard Best Management Practices, Prepare and Implement a Stormwater Pollution Prevention Plan, Prepare and Implement a Spill Containment Plan, and Comply with National Pollutant Discharge Elimination System Permit Conditions," Implement a Feasible Construction Work Window that Minimizes Impacts to Special-Status Fish Species for Any In-Water Activities, and Implement Operational Controls and a Fish Rescue Plan that Minimizes Impacts to Fish Associated with Cofferdam Construction and Dewatering";

- Mitigation Measure 4.10-a, "Prepare and Implement a Traffic Safety and Control Plan for Construction-Related Truck Trips"; and

- Mitigation Measure 4.12-a, "Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise Near Sensitive Receptors."

Table 2-1 shows the significance conclusions after mitigation for the relevant impacts for the DEIS/DEIR and with the addition of the project modifications. No significance conclusions would change as a result of the project modifications.

Table 2-1
Significance Conclusions Before and After Proposed Project Modifications

Impact	Mitigation	Phase 4a DEIS/DEIR Significance Conclusion After Mitigation	Significance Conclusion After Application of Mitigation to Project Modification
Impact 4.7-a: Loss of Woodland Habitats	Mitigation Measure 4.7-a	Significant and Unavoidable	Significant and Unavoidable
Impact 4.7-i: Temporary Construction-related Impacts to Fish and Aquatic Habitats	Mitigation Measure 4.7-i	Significant and Unavoidable	Significant and Unavoidable
Impact 4.10-a: Temporary Increase in Traffic on Local Roadways	Mitigation Measure 4.10-a	Significant and Unavoidable	Significant and Unavoidable
Impact 4.10-b: Temporary Increase in Traffic Hazards on Local Roadways	Mitigation Measure 4.10-a	Less than significant	Less than significant
Impact 4.10-c: Temporary Disruption of Emergency Service Response Times and Access	Mitigation Measure 4.10-a	Less than significant	Less than significant
Impact 4.12-a: Generation of Temporary, Short-Term Construction Noise	Mitigation Measure 4.12-a	Significant and Unavoidable	Significant and Unavoidable

These changes do not constitute significant new information that would require recirculation of the DEIS/DEIR because no new significant or substantially more severe environmental impacts have been identified.

2.3.2 MODIFICATIONS OF CONSTRUCTION ACTIVITIES AT PUMPING PLANT NOS. 3 AND 5

The Phase 4a DEIS/DEIR addressed 24 hours per day, 7 days per week (24/7) for construction of cutoff walls and groundwater wells (including up to two weeks of continuous pump testing for each well). Construction of modifications to Pumping Plant Nos. 3 and 5 would also be conducted on a 24/7 schedule. The construction limits for Pumping Plant Nos. 3 and 5 are shown on **Plates 3b and 3a**, respectively. Once dewatering of excavation areas has begun, groundwater pumping would need to be continuous to maintain the groundwater at levels low enough so as not to interfere with construction activities. Installation of sheet pile coffer dams, excavation, culvert removal, pump reconfiguration, and construction of new concrete outfall structures would also be conducted on a 24/7 schedule to ensure that these activities are completed within the allowable construction window. Discharge from dewatering would either be dispersed on farmland or released to adjacent canals or the Sacramento River, potentially degrading water quality in these water bodies (Impact 4.6-a). It has been determined that closure of Garden Highway to install pipes could be up to 120 days, compared to the 60 days disclosed in the Phase 4a DEIS/DEIR (Impacts 4.10-a through 4.10-c). Traffic control measures, including detours for through traffic on North Bayou, Powerline, and San Juan Roads, would be used. Pumping Plant No. 3 is located in Reach 13 of the Sacramento River east levee, where a cutoff wall would also be constructed on a 24/7 schedule. The pumping plant and cutoff wall construction activities would not overlap; therefore, 24/7 construction in this reach could take place throughout the entire 6-month construction season (Impact 4.12-a). See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR for revisions to Mitigation Measure 4.12-a concerning 24/7 construction of pumping plant modifications. These impacts were previously identified for other proposed Phase 4a Project elements, and the following Phase 4a DEIS/DEIR mitigation measures would apply to the proposed project modifications and would be implemented:

- Mitigation Measure 4.6-a, "Implement Standard Best Management Practices, Prepare and Implement a Stormwater Pollution Prevention Plan, and Comply with National Pollutant Discharge Elimination System Permit Conditions";
- Mitigation Measure 4.10-a, "Prepare and Implement a Traffic Safety and Control Plan for Construction-Related Truck Trips"; and
- Mitigation Measure 4.12-a, "Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise Near Sensitive Receptors."

Table 2-2 shows the significance conclusions after mitigation for the relevant impacts for the DEIS/DEIR and with the addition of the project modifications. No significance conclusions would change as a result of the project modifications.

These changes do not constitute significant new information that would require recirculation of the document because no new significant or substantially more severe environmental impacts have been identified.

Table 2-2 Significance Conclusions Before and After Proposed Project Modifications			
Impact	Mitigation	Phase 4a DEIS/DEIR Significance Conclusion After Mitigation	Significance Conclusion After Application of Mitigation to Project Modification
Impact 4.6-a: Temporary Impacts on Water Quality from Stormwater Runoff, Erosion, or Spills	Mitigation Measure 4.6-a	Less than significant	Less than significant
Impact 4.10-a: Temporary Increase in Traffic on Local Roadways	Mitigation Measure 4.10-a	Significant and Unavoidable	Significant and Unavoidable
Impact 4.10-b: Temporary Increase in Traffic Hazards on Local Roadways	Mitigation Measure 4.10-a	Less than significant	Less than significant
Impact 4.10-c: Temporary Disruption of Emergency Service Response Times and Access	Mitigation Measure 4.10-a	Less than significant	Less than significant
Impact 4.12-a: Generation of Temporary, Short-Term Construction Noise	Mitigation Measure 4.12-a	Significant and Unavoidable	Significant and Unavoidable

2.4 OTHER PROJECT MODIFICATIONS

Additional modifications to the Phase 4a Project are as follows.

2.4.1 ROAD CLOSURES REQUIRED DURING RELOCATION OF RIVERSIDE CANAL

The relocation of Riverside Canal (**Plate 3b**), which was analyzed in the Phase 4a DEIS/DEIR, would require road closures at San Juan, Powerline, and Radio Roads for up to 2 weeks at each crossing as culverts are installed under these roads. Traffic control measures, including detours, would be employed. Phase 4a DEIS/DEIR Mitigation Measure 4.10-a, "Prepare and Implement a Traffic Safety and Control Plan for Construction-Related Truck Trips," would be applicable to this modification and would be implemented to reduce impacts related to temporary increases in traffic and traffic hazards on local roadways and potential disruption of emergency service response times and access. These road closures do not constitute significant new information that would require recirculation of the document because no new significant or substantially more severe environmental impacts have been identified. Impact 4.10-a would remain significant and unavoidable as disclosed in the Phase 4a DEIS/DEIR.

2.4.2 REDUCED LENGTH OF PROPOSED CUTOFF WALL IN SACRAMENTO RIVER EAST LEVEE REACH 4B

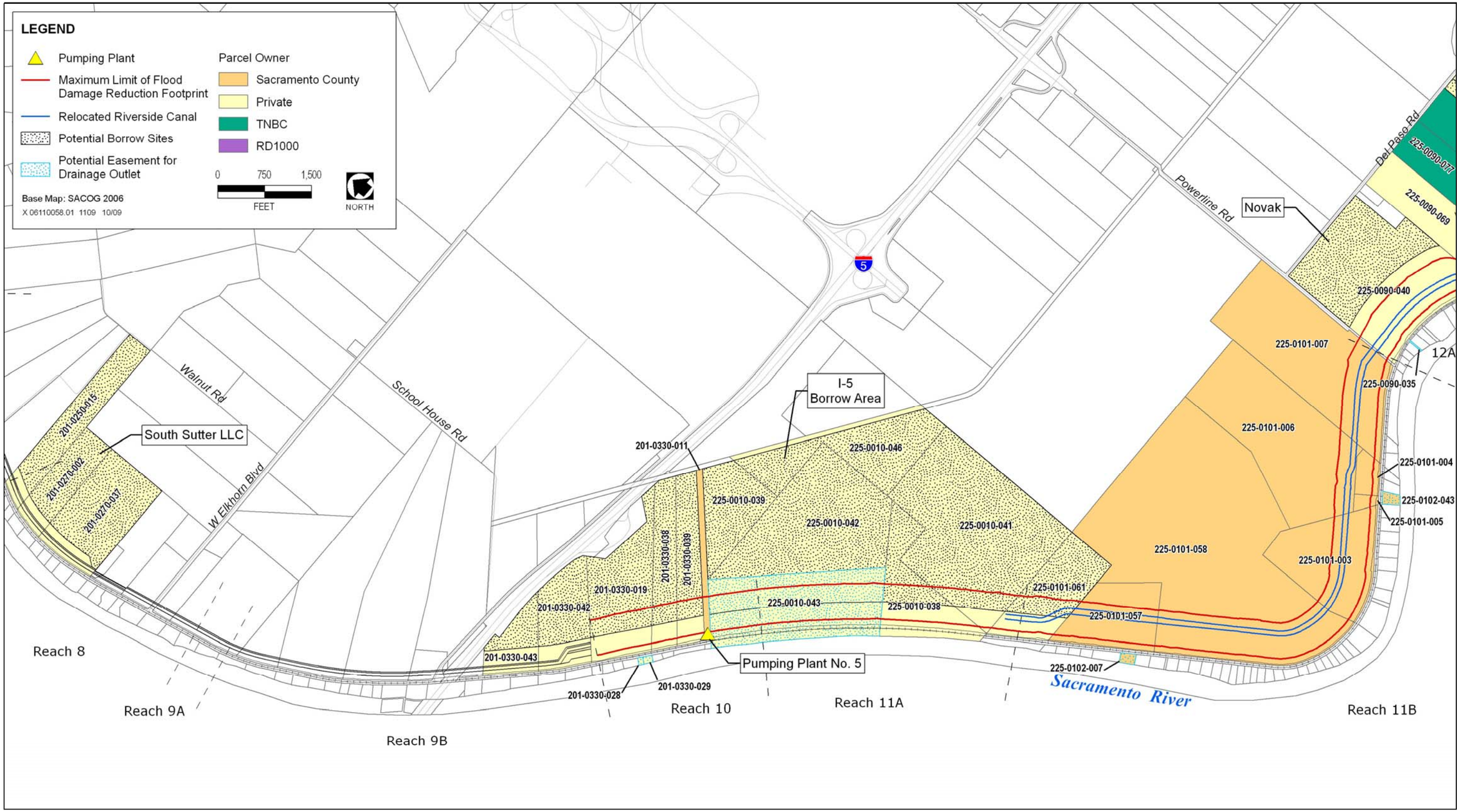
The Phase 4a DEIS/DEIR described a proposed cutoff wall for Reach 4B of the Sacramento River east levee (Stations 190+00 to 214+00) to provide additional seepage remediation to the 300-foot-wide berm in the same location. The linear extent of this cutoff wall has been reduced by approximately 11,000 feet, with the southern terminus of the wall now located at Station 201+50. **Plate 3c** shows the new location of the proposed cutoff wall. Under Impact 4.5-c, "Effects on Groundwater," the Phase 4a DEIS/DEIR concluded that the use of cutoff walls along the Sacramento River would be have a less-than-significant impact on groundwater levels and well yields. The reduction in the length of the cutoff wall in Reach 4B would decrease a potential obstruction to the movement of groundwater to and from the river in Reach 4B, further reducing this already less-than-significant impact. Thus, this change in the project does not constitute significant new information that would require recirculation of the document because no new significant or substantially more severe environmental impacts have been identified.

2.4.3 CHANGED LOCATIONS OF WATERSIDE DRAINAGE OUTLETS

The Phase 4a DEIS/DEIR analyzed the construction and operation of up to 10 waterside drainage outlets in Sacramento River east levee Reaches 10–13. As the design of the drainage system has been further refined, the locations have changed, with no outlets required south of Reach 12A. **Plates 6a and 6b** show the parcels that have been identified as possible locations for easements under the revised design. Rights-of-way for these easements would be up to 30 feet wide. No increase in vegetation removal (Impact 4.7-a), impacts to water quality (Impact 4.6-a), or disturbance or injury to fish and aquatic habitats (Impact. 4.7-i) would result from these design changes. Therefore, these changes do not constitute significant new information that would require recirculation of the document because no new significant or substantially more severe environmental impacts have been identified. Impacts 4.6-a, 4.7-a, and 4.7-i would remain significant and unavoidable as disclosed in the Phase 4a DEIS/DEIR.

2.4.4 ADDITIONAL PROPERTY TO BE ACQUIRED IN THE FISHERMAN'S LAKE BORROW AREA

An additional property in the northeast corner of the Fisherman's Lake Borrow Area would be acquired as part of the Phase 4a Project. The parcel, which is approximately 3.5 acres, is shown on **Plate 6b** as Assessor's Parcel Number 225-0090-008. The property contains an unoccupied single-family home, trees, an outbuilding, and scattered debris. The land cover is classified as "developed/low density" on the western half, and "nonnative annual grassland" on the eastern half (Jones and Stokes 2007). The property would be cleared of structures and debris and converted to "upland agriculture/grassland", as shown on **Plate 4**. No loss of Important Farmland would occur (Impact 4.2-a), and the property would be converted to habitat, with native oaks on the property preserved to the extent feasible. Therefore, the addition of this parcel does not constitute significant new information that would require recirculation of the document because no new significant or substantially more severe environmental impacts have been identified. Impact 4.2-a would remain significant and unavoidable as disclosed in the Phase 4a DEIS/DEIR.



Source: Parcels (Mead & Hunt 2008), Alignments (EDAW 2009), Riverside Canal (2009)

Phase 4a Parcel Ownership Map 1 of 2 **Plate 6a**

Source: Parcels (Mead & Hunt 2008), Alignments (EDAW 2009), Riverside Canal (2009)

Phase 4a Parcel Ownership Map 2 of 2 **Plate 6b**

3 RESPONSES TO COMMENTS ON THE DEIS/DEIR

This chapter contains the comment letters received on the Phase 4a DEIS/DEIR, including transcribed comments received during the September 17, 2009 public hearing, and USACE's and SAFCA's individual responses to significant 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. **Table 3-1** lists all parties who submitted comments on the Phase 4a DEIS/DEIR during the public review period.

Table 3-1
List of Commenters

Letter #	Commenter	Date of Comment	Page Number
Federal Agencies (F)			
F1	U.S. Department of the Interior, Office of the Secretary, Office of Environmental Policy and Compliance, Pacific Southwest Region	October 9, 2009	F1-1
F2	U.S. Environmental Protection Agency, Region IX	October 13, 2009	F2-1
Tribal Government (T)			
T1	Shingle Springs Rancheria	October 16, 2009	T1-1
State Agencies (S)			
S1	State of California – The Resources Agency, Central Valley Flood Protection Board	October 13, 2009	S1-1
S2	California Environmental Protection Agency – Office of Environmental Health Hazard Assessment	October 1, 2009	S2-1
Local Agencies (L)			
L1	Sacramento County Airport System	October 6, 2009	L1-1
L2	Sacramento Metropolitan Air Quality Management District	October 7, 2009	L2-1
L3	Sutter County, Neal P. Hay PE, Associate Civil Engineer	September 21, 2009	L3-1
L4	Sacramento County Department of Transportation	September 21, 2009	L4-1
L5	Rio Linda Elverta Recreation and Parks District	September 1, 2009	L5-1
Organizations (O)			
O1	Garden Highway Community Association	October 13, 2009	O1-1
O2	Association for the Environmental Preservation of the Garden Highway	October 14, 2009	O2-1
Businesses (B)			
B1	Wickland Pipelines, LLC	October 13, 2009	B1-1
Individuals (I)			
I1	Frances Tennant	September 17, 2009	I1-1
I2	Ann Amioka	September 28, 2009	I2-1
I3	The MKG Trust/Chris. J. Rufer	October 12, 2009	I3-1
I4	Roland Candee	September 30, 2009	I4-1
Public Hearing (PH)			
PH	September 17, 2009 Public Hearing	September 17, 2009	PH-1

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F1

United States Department of the Interior

OFFICE OF THE SECRETARY
Office of Environmental Policy and Compliance
Pacific Southwest Region
1111 Jackson Street, Suite 520
Oakland, California 94607

IN REPLY REFER TO:
ER09/933

Electronically Filed

09 October 2009

Elizabeth Holland, Planning Division
U.S. Army Corps of Engineers, Sacramento Division
1325 J Street
Sacramento, CA 95814

Subject: Review of the Draft Environmental Impact Statement (DEIS) for the Natomas Levee Improvement Program, **Phase 4a Landslide Improvement Project**. Sutter and Sacramento Counties, CA

Dear Ms. Holland:

The Department of the Interior has received and reviewed the subject document and has no comments to offer. F1-1

Thank you for the opportunity to review this project.

Sincerely,

Patricia Sanderson Port
Regional Environmental Officer

cc:
Director, OEPC

F1-1 Comment noted.

F2

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105-3901

OCT 13 2009

Ms. Elizabeth Holland
Environmental Resources Branch
U.S. Army Corps of Engineers
Sacramento District
1325 J Street, 10th Floor
Sacramento, California 95814-2922

Subject: Draft Environmental Impact Statement (DEIS) Natomas Levee Improvement Program Phase 4a Landside Improvements Project (CEQ# 20090298)

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and our NEPA review authority under Section 309 of the Clean Air Act.

EPA's primary concern is that the DEIS analysis of conformity applicability shows mitigated nitrogen oxide (NO_x) emissions exceeding the conformity threshold. Prior to completing the Final EIS, the Corps should either revise the project so that the emissions no longer exceed the threshold, or complete a conformity determination for the project. Whichever the case, EPA is ready to coordinate with the Corps to avoid project delays. To clarify a point of apparent confusion, off-site mitigation (or offsets) may be included in a conformity determination, but may not be considered in an analysis to determine the applicability of conformity. F2-1

We are pleased to learn of the cooperation of the Corps and the Sacramento Area Flood Control Agency (SAFCA) with the US Fish and Wildlife Service, California Department of Fish and Game, and the Natomas Basin Conservancy to ensure this project and future development adhere to, and do not undermine, the underlying assumptions, goals, and objectives of the Natomas Basin Habitat Conservation Plan. F2-2

While we acknowledge the urgent need for the levee improvements and the benefits of the Proposed Action, we have rated the DEIS as Environmental Concerns – Insufficient Information (EC-2) (see enclosed "*Summary of Rating Definitions*") due to our concerns regarding the conformity analysis, described above, and the management of the residual flood risk, discussed in our enclosed detailed comments. F2-3

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We appreciate the opportunity to review this DEIS. When the FEIS is released for public review, please send one hard copy and one CD ROM to the address above (mail code: CED-2). If you have any questions, please contact Tom Kelly, the lead reviewer for this project, at (415) 972-3856 or kelly.thomasp@epa.gov, or me at (415) 972-3521.

Sincerely,

Kathleen M. Goforth, Manager
Environmental Review Office

Enclosures:
Summary of EPA Rating Definitions
Detailed Comments

cc: Ken Sanchez, U.S. Fish and wildlife Service
Robert Solecki, Central Valley RWQCB
Jeff Drongesen, California Department of Fish and Game
John Bassett, Sacramento Area Flood Control Agency
Helen Thomson, Sacramento Area Council of Governments
Larry Greene, Sacramento Metropolitan Air Quality Management District
David A. Valler Jr., Feather River Air Quality Management District
John Roberts, The Natomas Basin Conservancy

Incorporate Residual Flood Risk into Land Use Planning

In our letters on earlier phases of this project, dated August 4, 2008 and April 3, 2009, respectively, we raised concerns about residual flood risk to future development in a floodplain protected by the project's improved levees. The Corps responded in the Final EISs, dated November 14, 2008 and August 21, 2009, by describing county flood safety plans and Sacramento Area Flood Control Agency (SAFCA) development impact fees to avoid any substantial increase in the expected damage due to an uncontrolled flood. While we are pleased to learn of these steps, we remained concerned.

In 1995, the National Research Council published "Flood Risk Management and the American River Basin; an Evaluation." After acknowledging that specific improvements were planned or foreseeable to alleviate flood risk, the report suggested, "[d]evelopment within the Natomas Basin thus should be subject to prudent flood-plain management requirements under *federal*, state and local authority" (emphasis added). We concur and suggest the Corps take a more active role to ensure adequate safeguards are in place to manage the area's residual risk. F2-4

As the National Research Council report noted, the risk of flooding over a 50 year period, even for systems designed to withstand 200-year flood, is 22% or 1 in 5. It also stated, "[p]erhaps the worst thing that might be done is to create a false sense of security or to encourage people to think that any proposed project provides complete protection from flooding."

EPA is not opposed to development in the Natomas Basin. Development close to urban centers is a tenet of EPA's Smart Growth Program, but such development must adequately address residual flood risk. Section 2.5.1 of the DEIS contains many prudent measures to manage residual risk, including some land use planning measures. EPA suggests the Corps consider additional measures, contained in the SAFCA white paper titled, "Legislative Framework for Flood Control Flood Risk Management in the Sacramento Valley (Endorsed by SACOG [Sacramento Area Council of Governments] – 4/20/06)." As SAFCA acknowledges, many measures are beyond their authority to implement. EPA notes that the Corps brought this document to our attention in the previously mentioned responses to comments.

Recommendation:
The Corps should request local implementation of land use controls suggested in the white paper, or suitable alternatives. EPA noted the following land use measures from the white paper, which were not discussed in the DEIS:

- require property owners to obtain flood insurance (page 2 and 7)
- ensure that occupants of areas protected by levees have adequate notice or disclosure about the risk of flooding (page 6)
- outline a comprehensive flood risk management program that promotes appropriate land use planning (page 9),
- design urbanizing areas to ensure that there is no net increase in the peak flow of stormwater (e.g. low impact development, see http://www.epa.gov/nps/lid/) discharged from the floodplain (page 5).

F2-4
(Con't)

SUMMARY OF EPA RATING DEFINITIONS*

This rating system was developed as a means to summarize the U.S. Environmental Protection Agency's (EPA) level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the Environmental Impact Statement (EIS).

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that should be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the Council on Environmental Quality (CEQ).

ADEQUACY OF THE IMPACT STATEMENT

"Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, Policy and Procedures for the Review of Federal Actions Impacting the Environment.

F2-1 The Phase 4a DEIS/DEIR includes a CEQA-compliant air quality analysis as well as mitigation measures (see Section 4.11, "Air Quality," of the Phase 4a DEIS/DEIR). If the Phase 4a Project is approved, these mitigation measures will be adopted and incorporated into the project, and compliance will be monitored pursuant to SAFCA's mitigation monitoring and reporting program (MMRP) that also will be adopted following EIR certification as part of the project approval. A conformity determination is not required for CEQA compliance; therefore, SAFCA is proceeding with this FEIR. Under NEPA, however, such a determination is required to complete the NEPA process and before a record of decision (ROD) can be issued. USACE and SAFCA are coordinating with the U.S. Environmental Protection Agency (EPA) to resolve this issue in conjunction with USACE's FEIS. USACE and SAFCA appreciate EPA's sensitivity to avoiding project delays.

F2-2 Comment noted.

F2-3 See Response to Comment F2-1 regarding the conformity analysis and Response to Comment F2-4 regarding the management of residual flood risk.

F2-4 Neither USACE nor SAFCA have authority over local land use planning; therefore, neither agency can require implementation of the types of land use controls listed by the commenter. However, it should be noted that in 2007, the State Legislature adopted Senate Bill 5 (Machado) and Assembly Bill 5 (Wolk) enacting many of the recommendations contained in the SAFCA white paper referenced in the comment. As a result, the state's planning, subdivision, and flood management laws have been amended to incorporate important new flood risk management requirements. These requirements include a heightened standard of flood protection (200-year or greater) for urban areas that is likely to result in restricting future development to the flood basins that are already substantially developed and excluding new development from flood basins that are currently rural in nature; new levee operation and maintenance reporting requirements; new flood risk notice and disclosure requirements for occupants of floodplains; new building code requirements for structures in floodplain areas; and new flood emergency response requirements for local agencies with jurisdiction over floodplain lands. These requirements will be incorporated in a comprehensive update of the plan of flood protection for the Sacramento and San Joaquin River Basins that the Legislature has directed the California Department of Water Resources (DWR) to prepare by the end of 2010.

The full text of Senate Bill 5 can be viewed at the following Web site: http://www.leginfo.ca.gov/pub/07-08/bill/sen/sb_0001-0050/sb_5_bill_20071010_chaptered.pdf.

T1

SHINGLE SPRINGS RANCHERIA

Shingle Springs Band of Miwok Indians,
Shingle Springs Rancheria
(Verona Tract), California
5281 Honpie Road, Placerville, CA 95667
P.O. Box 1340, Shingle Springs, CA 95682
(530) 676-8010 Office, (530) 676-8033 Fax

October 16, 2009

Mr. John Basset, Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, California 95814

Re: Natomas Levee Improvement Project Phase 4a Draft EIS/EIR August 28, 2009

Dear Mr. Bassett:

The Shingle Springs Band of Miwok Indians has reviewed the Draft Environmental Impact Statement ("EIS") and Draft Environmental Impact Report ("EIR") for Phase 4a of the Natomas Levee Improvement Project ("Project"). In general, the Tribe feels that the Draft EIS/EIR ("Draft") is a well-written articulation of the Project's potential environmental impacts. The Tribe would like to comment however, on the following: T1-1

Cultural Significance of the Project Site to the Shingle Springs Band of Miwok Indians

Page 3-55 provides an overview of the "Environmental Setting" of the Project site and states that the Project area is situated "within the lands traditionally occupied by the Nisenan, or Southern Maidu." The Tribe recommends that a sentence be added, explaining that the Shingle Springs Band of Miwok Indians ("Tribe") is descended from the Nisenan and Maidu people, and that Project area is of special cultural significance to the Tribe because of its location in the Tribe's aboriginal territory. T1-2

Similarly, section 4.8, entitled "Cultural Resources," on page 4.8-1 of the Draft states that Mr. John Tayaba, of the Shingle Springs Band of Miwok Indians, has been designated the Most Likely Descendant ("MLD") for the Project by the Native American Heritage Commission ("NAHC"). The Tribe would like to add a sentence stating that the reason for Mr. Tayaba's designation as MLD is that the Tribe's aboriginal territory is in the area of the Project site.

The Tribe strongly supports the pre-construction training session discussed on page 4.8-10, given by a qualified professional archaeologist, to all construction personnel so that they may assist with the identification of undiscovered cultural resource materials and avoid them where possible. In addition to training on recognition of cultural resource material, the T1-3

Tribe recommends that such training also note the importance of cultural resource materials to modern Tribal members.

T1-3 (Cont.)

Preferred Mitigation Measures

It is the Tribe's view that human burials should always be avoided, to the greatest extent feasible. Therefore, the Tribe takes issue with the mitigation measure proposed on page 4.8-10 of the Draft. In particular, the Tribe objects to the use of a backhoe excavator "to increase the sample of information at depths below 6 feet that cannot be reached with conventional shovel test methods." The Tribe believes that backhoe excavators should be reserved for use only after other less invasive methods have proven unsuitable. Unlike canine forensic investigations, which are minimally invasive and also discussed in this section, the use of a backhoe excavator has the potential to destroy culturally-sensitive burials and artifacts of importance to the Tribe. Therefore, the Tribe requests that a distinction be made between these two mitigation measures (canine forensics and backhoe excavators) for clarification. Furthermore, the Tribe would like the Draft to reflect the Tribe's preference for the use of canine forensic investigations where possible, rather than more invasive mitigation methods.

T1-4

Consultation

The "Impacts and Mitigation Measures" section on page 4.8-5 of the Draft states: "These measures would be implemented by the Sacramento Area Flood Control Agency ("SAFCA") and the United States Army Corps of Engineers ("USACE"), in consultation with the State Historic Preservation Officer ("SHPO")." The Tribe recommends that this sentence instead state, "…implemented by USACE and SAFCA, in consultation with the SHPO, *the Native American most likely descendant ("MLD"), and other appropriate parties*."

Similarly, on page 4.8-8, the Draft states, "The evaluation of eligibility and determination of effects on all eligible and listed sites will be made in consultation with USACE and the SHPO." The next sentence of the Draft states "The sites that require evaluation may be significant both for their data potential and for their importance to local Native American groups, and may have the integrity to convey this significance." Given the impact such a decision will have on Native American groups, and in particular the Tribe, it is recommended that consultation include USACE, the SHPO, *and the MLD*.

T1-5

On page 4.8-11, the Draft discusses the procedure after the discovery of a previously unidentified archaeological resource. Currently, the Draft states "…construction activities shall be halted in the vicinity of the find and the construction contractor, SAFCA, USACE, and other appropriate parties shall be notified regarding the discovery." The Tribe recommends that this portion instead state "…construction activities shall be halted in the vicinity of the find and the construction contractor, SAFCA, USACE, *the MLD, the Native American Heritage Commission ("NAHC"), if proper*, and other appropriate parties shall be notified regarding the discovery."

Likewise, on page 4.8-8 under 4.8-b, the Draft EIS/EIR states that "under either the proposed action or the RSLIP Alternative, SAFCA shall implement the following measures… Consult with USACE, the SHPO, and other consulting parties such as Native American individuals and organizations, to develop appropriate treatment or mitigation in an HPTP, per Stipulation V (A) of the Programmatic Agreement ("PA") if the project would

result in adverse effects on eligible resources." Instead, the Tribe recommends that this portion of the Draft EIS/EIR state "…Consult with USACE, the SHPO, *the Native American most likely descendant ("MLD")*, and other consulting parties such as Native American individuals and organizations…"

T1-5 (Cont.)

Other Comments

The next paragraph on 4.8-9 contains a small typographical error. It currently states "…further mitigation may required." This paragraph should instead state "further mitigation may *be* required."

T1-6

Conclusion

We appreciate this opportunity to comment on the Draft and look forward to our continued collaboration as the Project moves forth. If you have any questions, please do not hesitate to contact our Attorney, Michelle LaPena, at (916) 442-9906.

Sincerely,

Nicholas Fonseca
Tribal Chairman

T1-1 Comment noted.

T1-2 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

T1-3 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

T1-4 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

T1-5 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

T1-6 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

S1

STATE OF CALIFORNIA – THE RESOURCES AGENCY ARNOLD SCHWARZENEGGER, GOVERN

CENTRAL VALLEY FLOOD PROTECTION BOARD
3310 El Camino Ave., Rm. LL40
SACRAMENTO, CA 95821
(916) 574-0609 FAX: (916) 574-0682
PERMITS: (916) 574-0685 FAX: (916) 574-0682

October 13, 2009

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

Dear Mr. Bassett:

State Clearinghouse (SCH) Number: 2009032097
Draft Environmental Impact Report Natomas Levee Improvement Program Phase 4a Landside Improvements Project

Staff for the Central Valley Flood Protection Board has reviewed the subject document and provides the following comments:

The proposed project is located within the jurisdiction of the Central Valley Flood Protection Board (Formerly known as The Reclamation Board). The Board is required to enforce standards for the construction, maintenance and protection of adopted flood control plans that will protect public lands from floods. The jurisdiction of the Board includes the Central Valley, including all tributaries and distributaries of the Sacramento River and the San Joaquin River, and designated floodways (Title 23 California Code of Regulations (CCR), Section 2).

A Board permit is required prior to starting the work within the Board's jurisdiction for the following:

- The placement, construction, reconstruction, removal, or abandonment of any landscaping, culvert, bridge, conduit, fence, projection, fill, embankment, building, structure, obstruction, encroachment, excavation, the planting, or removal of vegetation, and any repair or maintenance that involves cutting into the levee (CCR Section 6);
- Existing structures that predate permitting or where it is necessary to establish the conditions normally imposed by permitting. The circumstances include those where responsibility for the encroachment has not been clearly established or ownership and use have been revised (CCR Section 6);
- An acceptable vegetation plan including, the detailed design drawings, vegetation type and the plant names (i.e. common name and scientific name), total number of each plant, planting spacing and irrigation method that will be within the project area (Title 23, California Code of Regulations CCR Section 131).

S1-1

The permit application and Title 23 CCR can be found on the Central Valley Flood Protection Board's website at http://www.cvfpb.ca.gov/. Contact your local, federal and state agencies, as other permits may apply.

If you have any questions please contact me at (916) 574-0651 or by email jherota@water.ca.gov.

Sincerely,

James Herota

James Herota
Staff Environmental Scientist
Floodway Protection Section

cc:

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

S1-1 SAFCA recognizes that the Phase 4a Project would involve alterations of levees under the jurisdiction of the Central Valley Flood Protection Board (CVFPB) and would therefore require an encroachment permit from the CVFPB to construct those alterations. (See also Section 1.7.3.2, "State Actions/Permits," in the Phase 4a DEIS/EIR.) SAFCA would obtain all necessary permits and approvals before project construction.

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S2

Office of Environmental Health Hazard Assessment

Joan E. Denton, Ph.D., Director
Headquarters • 1001 I Street • Sacramento, California 95814
Mailing Address: P.O. Box 4010 • Sacramento, California 95812-4010
Oakland Office • Mailing Address: 1515 Clay Street, 16th Floor • Oakland, California 94612

Linda S. Adams
Secretary for Environmental Protection

Arnold Schwarzenegger
Governor

October 1, 2009

Mr. John Bassett
Sacramento Area Flood Control Agency
1007 7th Street, 7th floor
Sacramento, CA 95814

Dear Mr. Basssett:

Following is OEHHA's review of the Natomas Levee Improvement Program Borrow Site Environmental Conditions prepared by Kleinfelder, Inc. dated August 12, 2009:

Introduction

As part of the Natomas Levee Improvement Program (NLIP), levee improvements are proposed to be constructed on three properties: the South Sutter/Thornton (South Sutter), Novak, and Huffstutler / Johnson Trust (Huffstutler) properties. Kleinfelder assessed the environmental conditions at the three properties and reported their findings in the document entitled "Borrow Site Environmental Conditions South Sutter/Thornton Property (APN 201-0250-015, 201-0270-002, -037) Novak Property (APN 225-0090-040) Huffstutler/Johnson Trust Property (APN 225-0110-019, -020, -037), Sacramento County, California, August 12, 200". We reviewed this document for the Sacramento Area Flood Control Agency (SAFCA).

S2-1

The properties are also proposed for use as sources of borrow soil during construction of the NLIP improvements. The NLIP encompasses approximately 45 perimeter miles of terrain with some interior reach. The Garden Highway is at the western and southern borders, the Natomas Cross Canal is at the northern border, and the East Levee Road and Natomas Road form the eastern border.

Organochlorine pesticides (OCPs) and arsenic, lead, and copper were detected in soil samples from the properties (based on the report text; no laboratory data sheets are provided). Some soil samples contained concentrations that exceed some default environmental and human health risk screening levels. Where the default assumptions incorporated into development of published regulatory screening levels were inappropriate for site conditions, the default assumptions were modified to more accurately reflect site-specific conditions, where possible. No details of these modifications were provided.

Kleinfelder further evaluated the detected pesticide residues considering existing site conditions, proposed NLIP construction activities, and post-improvement land use. Based on these factors, Kleinfelder concluded the following:

- Concentrations of the OCP toxaphene that were detected in soil samples from the South Sutter and Novak properties do not currently pose ecological or human health risks requiring mitigation
- It is unlikely that these conditions pose a threat to neighboring properties.
- Ordinary dust control and worker personal hygiene practices required during construction activities will mitigate exposure of on-site construction workers, consistent with usual occupational health and safety requirements, and prevent undue exposure of nearby off-site receptors.
- Evaluation of levee improvement construction activities, including use of the South Sutter and Novak properties for borrow soil, indicates that the work will not create health risks requiring mitigation or exacerbate existing environmental conditions, and may improve upon existing environmental conditions.
- The proposed post-construction land use for the South Sutter and Novak properties is expected to reduce ecological or human health risks relative to current conditions.
- Concentrations of arsenic and the OCP dieldrin detected in soil samples from the Huffstutler property do not currently pose human health risks on the site requiring mitigation or remediation.
- It is unlikely that current conditions threaten neighboring properties.
- The detected pesticide residue concentrations on the site are not inconsistent with accepted agricultural practices.
- Detected residues may present a long-term potential for ecological risk and are not appropriate for land uses that provide habitat for ecological receptors.
- With appropriate controls, levee improvement construction activities (which include use of the Huffstutler property for borrow soil) are not expected to pose risks requiring mitigation or remediation or exacerbate existing environmental conditions, and may improve environmental conditions.
- Because the proposed land use for the Huffstutler property after construction will provide habitat for ecological receptors, the pesticide residues in the topsoil likely would pose excess ecological risks. The ecological risk posed by arsenic and dieldrin could be mitigated through removal and encapsulation by using the soil to construct the proposed seepage berm.

S2-1
(Cont.)

Human Health Risk Assessment

Kleinfelder compared average and maximum detected concentrations of arsenic, dieldrin and toxaphene to human-health-based screening levels. All three chemicals of potential concern exceed one or more screening levels (indicated by **bold** font in Table 1).

Table 1: Soil screening evaluation for ingestion and dermal uptake (mg/kg)

	Arsenic	Dieldrin	Toxaphene
Huffstutler mean	**18.5**	**0.025**	ND
Huffstutler maximum	**43**	**0.1**	ND
Novak mean	8.2	ND	**0.12**
Novak maximum	10	ND	**0.22**
South Sutter mean	7.6	0.001	**0.035**
South Sutter maximum	11	**0.006**	**0.19**
Residential CHHSL*	0.07	0.034	0.46
Commercial CHHSL	0.24	0.35	1.8
Residential ESL**	0.39	0.0023	0.00042
Commercial ESL	1.6	0.0023	0.00042
Construction ESL	15	1.6	22

* California human health screening level
** San Francisco Bay Regional Water Quality Control environmental screening level

S2-1 (Cont.)

There is some ambiguity in the report about the airborne dust level anticipated during the work. The table on page 19 shows airborne concentrations of arsenic, dieldrin and toxaphene based on the DTSC particle emission factor (PEF) which predicts an ambient air dust concentrations of 1 mg/m^3, while the paragraph under the table on page 19 discusses an air standard of 5 mg/m^3 based on the OSHA permissible exposure level (PEL) for dust. We therefore analyzed the airborne soil exposure pathway and corresponding human health risk estimates (results in Table 2).

Table 2: On-site concentrations of airborne soil particles & health-based limits

	Maximum soil concentration (mg/kg)	Predicted airborne concentration (ug/m^3) based on		OEHHA REL	RWQCB ESL
		DTSC PEF	OSHA PEL for dust	(ug/m^3)	(ug/m^3)
Arsenic	43	0.043*	0.215	0.015	0.00057
Dieldrin	0.1	0.0001	0.0005		0.00053

oxaphene	0.22	0.00022	0.0011	0.0076

*Note: The value in the table on page 19 is incorrect. This is the corrected value.

Table 2 shows that predicted airborne concentrations of dieldrin and toxaphene do not exceed ambient air screening levels. However, the maximum arsenic concentration found on the Huffstutler property is predicted to exceed the ambient air screening level and the OEHHA REL whether the PEF or the PEL is used as the basis for airborne dust. If average or UCL concentrations are used, the exposure estimates would be lower, but still above the REL for arsenic.

Multipathway human health risks and hazards

Table 3 shows that all calculated hazard quotients are below the threshold of 1.0. Risk estimates corresponding to the maximum arsenic concentration exceed 10^{-6}. Although there are no current on-site residents, subsequent agricultural operations could involve residential use.

Table 3: Multipathway Risks and Hazard Quotients***

		Construction*		Residential*	
	concentration	Risk**	HQ	Risk**	HQ
Arsenic	43 ppm	4.80E-6	0.53	5.50E-5	0.29
Dieldrin	0.1 ppm	8.80E-8		1.40E-6	
Toxaphene	0.22 ppm	1.50E-8		2.70E-7	
sum		4.90E-6		5.67E-5	

*Based on estimated total dose (oral + dermal + inhalation) using PEA equations, excluding food pathways.
** 1.0 E-6 is the same as 1×10^{-6} or one chance in a million
*** Other carcinogenic organochlorine pesticides may add to the total risks.

Infiltration into groundwater

Evaluation of the risk associated with groundwater contamination is vague in the report. A soil profile, water table depth and chemical analysis of groundwater would better address the risk due to infiltration. Please discuss the potential impact of excavation at the borrow sites on groundwater infiltration at those locations.

Human health issues and concerns that need to be addressed

- This report does not contain sufficient documentation to enable OEHHA to verify the results and conclusions. Upper confidence limits on arithmetic mean concentrations, which are often used to calculate exposure point concentrations, were not provided in the report.

S2-1 (Cont.)

- OEHHA has estimated risks and hazards from exposure to maximum detected levels of borrow site contaminants by multiple routes. While we do not consider these estimates to be the final word on the subject, they do raise some concerns that should be addressed in an expanded risk assessment.
- Please discuss the airborne arsenic concentrations for construction workers in light of chronic arsenic toxicity. Please clarify which dust level will be achieved and the proposed mechanism to ensure compliance with whichever standard is to be applied.
- Please explain how a fenceline standard of 1 mg/m^3 applied during construction and during subsequent agricultural operations will protect adjacent residents.
- Although the residual concentrations during subsequent agricultural operations may be different, it seems unlikely that dust generation during agricultural operations (e.g. disking) will be 1/1000 of that during construction. Please explain.
- Organochlorine pesticides may act in an additive manner. Screening out chemicals because they do not exceed ESLs ignores this additivity and is inconsistent with OEHHA guidance. Please ensure that the sum of the ratios of the concentrations of OCPs to their CHHSLs or ESLs to not exceed unity.

S2-1 (Cont.)

Ecological risk assessment

The ecological assessment in the report is incomplete considering the proposed land conversion to ecological habitats. Additional information would help to characterize these sites including land area, the number and horizontal spacing of soil samples, depth of water table and the presence of any temporal wetlands. Conversion of historic (and pre-regulatory) agricultural land to ecological habitat merits a thorough consideration of chemicals of potential ecological concern. Fish and wildlife species may be more sensitive to several agricultural chemicals than humans. The presence of chlorinated herbicides (atrazine), oganophosphates (diazinon), carbamates (carbofuran), pyrethroids, and the historical organochlorine, mirex, would be significant in ecological risk assessment (see DTSC 1996[1]). Terrestrial organisms are exposed to soil contaminants through dietary items, drinking from local pools, surface contact and burrowing (i.e., ingestion, inhalation and dermal exposure). Aquatic organisms (including amphibians) are also exposed to these contaminants through respiration, dermal contact and ingestion. The chemicals considered in the report could enter surface waters through soil runoff, leaching or particulate air transport (dust). The soil contaminants can also enter landward aquatic environments such as vernal pools, ephemeral streams or other temporal wetlands.

[1] California Department of Toxic Substances Control. 1996. Guidance for Ecological Risk Assessment at Hazardous Waste Sites and Permitted Facilities. Part A: Overview. Sacramento, July.

Screening-level evaluation of ecological risks

The ecological assessment in the report considered environmental screening levels (ESLs) for soil from several sources (Table 4). The consultants chose to use ESLs developed by USEPA through the Resource Conservation and Recovery Act (RCRA) as the project-specific ESLs. We agree that this was an appropriate selection of screening levels. However, the calculation of a separate set of ESLs to evaluate the risk associated with chemicals leaching into surface waters is puzzling. The consultants recalculated the ESLs developed by SFBRWQCB[2] using alternate values for the constant that estimates the mobility of a chemical in soil, K_{oc}. For toxaphene, the substituted k_{oc} (99,300 cm^3/g) was much larger than that used by the SFBRWQCB (4,900 cm^3/g). Although both of these values fall within the range of K_{oc} values reported by ATSDR[3] (300, 4,900 and 100,000 cm^3/g), the value used by the consultants is at the extreme of the range and results in a much higher (i.e., less conservative) ESL for toxaphene (93 mg/kg compared to the previous from 0.00042 mg/kg). ATSDR notes that the K_{oc} values for toxaphene are based on the pure technical mixture while the agricultural application typically included a hydrocarbon solvent (e.g., xylene) that would increase mobility in soil. While the SFBRWQCB ESL may be highly conservative, the recalculated ESL may not capture the true risk. Analysis of groundwater at the borrow sites would clarify the risk associated with toxaphene leaching.

S2-1 (Cont.)

Table 4: Soil screening evaluation for ecological receptors (mg/kg)

	Arsenic	Dieldrin	Toxaphene
Huffstutler mean	**18.5**	**0.025**	ND
Huffstutler maximum	**43**	**0.1**	ND
Novak mean	8.2	ND	**0.12**
Novak maximum	10	ND	**0.22**
South Sutter mean	7.6	0.001	0.035
South Sutter maximum	11	**0.006**	**0.19**
SFBRWQCB ESLs	1.6	0.0023	0.0004
USEPA RCRA ESLs	5.7	0.0024	0.119
Eco SSL: Avian	43	0.022	na
Eco SSL: Plants	18	na	na
Project-specific soil BSL	11.3	0.0024	0.119
Project-specific ESL for leaching [1]	11.3	0.0033	93

[1] Recalculations of SFBRWQCB ESLs

As shown in Table 4, each of the borrow sites contain soil that exceeds the project-specific ESLs for at least one chemical:

[2] San Francisco Regional Water Quality Control Board

[3] ATSDR. 1996. Toxicological Profile for Toxaphene. Agency for Toxic Substances and Disease Registry, Division of Toxicology, Atlanta, GA.

- The **Huffstutler site** was the most problematic with significantly elevated soil concentrations of **dieldrin** and **arsenic**. This finding supports expanded testing after stockpiled soil from this site is re-spread on **this or any other site (including seepage berms)**. Potential leaching of arsenic or dieldrin to surface waters or wetlands could also be considered here. A full ecological risk assessment may be beneficial at this site.
- The **Novak site** contained elevated concentrations of **toxaphene** within the top 12 inches of soil.
- The **South Sutter site** surface soil had elevated **toxaphene** concentrations and one sample contained a **dieldrin** concentration above the project-specific ESL.
- The potential availability of soil contaminants to ecological receptors at the **levee site** is unclear. Dieldrin and arsenic in soil could be taken up by plants at the levee site and thus introduced into the food web. Invertebrates and small mammals may attempt to burrow into landward berms. Underseepage and permeable berms could result in small landward pools of water containing dissolved and particulate contaminants. Additionally, soil runoff from the levee site could transport contaminants to surface waters or nearby wetlands. Careful planning at the levee site could minimize potential risk of exposure. However, sufficient detail was not provided to review potential ecological risks at the levee site.

S2-1
(Cont.)

Accurate estimation of ecological risk due to soil contamination at these sites is dependent on the accuracy of the site characterization, including the evaluation of all potential chemicals of ecological concern. The chemicals considered in this report are persistent in the environment. Mobilization of these chemicals could have a lasting ecological impact. These findings support expanded testing after stockpiled soil is re-spread on the sites.

Ecological Risk Summary

OEHHA has evaluated the ecological assessment included in the report. While we do not consider this evaluation to be the final word on the subject, we suggest that additional ecological risk assessment of the soil contamination is needed. The report did not fully characterize the site including full consideration of chemicals of potential ecological concern. The potential for contamination of surface waters and wetlands merits further consideration. Sampling groundwater and any current wetlands on the sites would shed light on leaching potential. Follow-up testing of levee runoff into surface waters or wetlands would identify any need to better secure the soil at the levee site.

Yours Truly,

James C. Carlisle, Senior Toxicologist
Integrated Risk Assessment Branch

Letter S2 Response	California Environmental Protection Agency – Office of Environmental Health Hazard Assessment James C. Carlisle, Senior Toxicologist, Integrated Risk Assessment Branch October 1, 2009

S2-1 This comment letter is in response to SAFCA's request for a peer review from the Office of Environmental Health Hazard Assessment (OEHHA) of the "Borrow Site Environmental Conditions" report prepared by Kleinfelder and appended to the Phase 4a DEIS/DEIR as Appendix I. As a result of OEHHA's peer review, the Kleinfelder report has been revised. See **Appendix A** of this FEIR for the revised report. The revised report did not require any changes to the Phase 4a Project environmental analysis or mitigation measures because it clarifies the analysis but does not change any of the conclusions in the DEIS/DEIR regarding the significance or severity of impacts.

L1

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

County Exec
Terry Schutten

County of Sacramento

October 6, 2009

Mr. John Bassett
Director of Engineering
Sacramento Area Flood Control Agency (SAFCA)
1007 Seventh Street, Seventh Floor
Sacramento, CA 95814

Subject: Comments on NLIP Phase 4A Draft EIS/EIR
State Clearinghouse No. 2009032097

Dear Mr. Bassett:

The Sacramento County Airport System (County Airport System) appreciates the opportunity to comment on the Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) issued on August 28, 2009 for the Natomas Levee Improvement Program (NLIP), Phase 4a Landside Improvement Project. Our comments correspond to the arrangement of subjects in the DEIS/DEIR.

Overview and Support for NLIP

The "Need for Action" section of the DEIS/DEIR (page 1-16) states that uncontrolled flooding in the Natomas Basin floodplain exceeding a 100-year flood event could result in $7.4 billion in damage, **excluding** damage to Sacramento International Airport (Airport). Taking the Airport into account would, of course, greatly increase the damage cost estimate. As noted in Section 1.4.2.1, of the DEIS/DEIR, Reaches 4A through 12B of the east bank of the Sacramento River (River) abutting Airport property have numerous locations where levee seepage has been identified as a problem. In addition, Plate 1-3 depicts levee height deficiencies adjacent to Airport property extending from 0.00 – 1.49 feet in Reach 11B (near the intersection of Power Line Road and Garden Highway) to a range of 2.00 – 2.49 feet in the stretch of the River extending southward from the Sutter County line to Reach 8 (parallel to the south end of both runways). Such levee height deficiencies pose a threat to continued Airport operations. L1-1

Moreover, a complete levee failure would almost completely inundate the Natomas Basin with water depths averaging ten to 20 feet. Absent the NLIP, the Natomas Basin will be permanently designated as a FEMA special flood hazard area subject to development restrictions. The NLIP will provide the protection needed for the Airport to remain operational during flood conditions, to protect Airport investments made thus far by the County of Sacramento (County) and the Federal Aviation Administration (FAA), and to

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continue Airport development pursuant to the Airport Master Plan Update approved by the Sacramento Board of Supervisors in August 2007. The County Airport System therefore remains supportive of SAFCA's efforts to provide comprehensive flood protection in the Natomas Basin through implementation of the Natomas Levee Improvement Program.[1]

L1-1 (Cont.)

Comments on Specific Sections of DEIS/DEIR

1. ES.9.1 and Section 2.1.5.1 – Alternatives Eliminated From Further Consideration
   a. The County Airport System concurs with elimination of the third alternative, "Construction of New Setback Levee" (paged ES-8 and 2-11). This option would entail construction of a separate, five-mile long levee parallel to the existing Sacramento River (River) east levee, approximately 500-1000 feet back (inboard) from the existing levee. This option is infeasible from our perspective because it would intrude into the approach and departure airspace for the north end of the existing west runway (16R), and would likewise intrude into airspace for the planned future third runway that will be constructed approximately 1,200 feet west of the existing 16R/34L between the years 2020 and 2030. (Please see the enclosed exhibit showing all of the Airport projects planned for construction pursuant to the Airport Master Plan Update approved by the County Board of Supervisors on August 7, 2007.) A new setback levee would possibly allow standing water to accumulate in the space between the two levees as a result of underseepage and/or through seepage, thereby acting as an attractant for birds hazardous to nearby aircraft movement. We have therefore concluded that the preferred method of constructing an adjacent levee (described in Section 2.1.3.1) would offer the flood protection needed by the Airport while minimizing the attraction of hazardous wildlife.

L1-2

   b. Airport Compartment Levee (pages ES-9 and 2-12): We also concur with SAFCA's conclusion that this alternative is infeasible for the factors cited. It would only be a partial solution that would not protect the overall Natomas Basin from a 100-year flood risk. In particular, building a levee around the Airport would exceed the County Airport System's fiscal resources, and would constrain future expansion and development of the Airport. This alternative would also limit Airport access by customers and staff during a flood.

L1-3

   c. Cultural Resources Impact Alternative (pages ES-9 and 2-12): This approach would entail constructing a 500-foot wide stability berm rather than deep cutoff walls to avoid deep ground-disturbing work. The analysis concluded that the intensity and severity of impacts on other environmental resources and considerations (including but not limited to biotic, hydrological, transportation and hazards) would be more potentially substantial than those related to cultural resources. We concur with this conclusion. Although this alternative will be analyzed in the Phase 4a project as a "worst-case" scenario, on balance the County Airport System would prefer that this alternative not be imple-

L1-4

mented on any Airport land owned by the County of Sacramento. As stated on a number of previous occasions, most of the approximately 6,000 acres comprising the Airport was acquired with a combination of funds generated by Airport operations (termed "Airport Enterprise Funds") and federal grant-in-aid funding provided by the FAA. As such, Airport property is subject to the requirements of FAA "Grant Assurances" that restrict use of the land to aviation purposes, in addition to FAA policies and regulations pertaining to airport design and operation. The FAA and the County Airport System would therefore prefer a project design that intrudes to the least degree possible upon such federally obligated land. L1-4 (Cont.)

2. Section 1.4 - Project Purpose/Project Objectives
   a. Section 1.4.1.1. – SAFCA Project Objectives. The County Airport System strongly supports inclusion of the following additional project objective that has informed SAFCA's project design, which appears on page 1-16: L1-5
      i. "Use flood damage reduction projects in the vicinity of the Airport to facilitate management of Airport lands in accordance with the Airport's Wildlife Hazard Management Plan (WHMP)."

   b. Section 1.4.1.2. - U.S. Army Corps of Engineers. This section states that some residual risk will always remain regardless of the flood damage reduction system selected. The County Airport System concurs with the project's preferred alternative, and while acknowledging that some residual risk is inherent to the NLIP, we believe that it would be appropriate for the Corps to issue permits for the Phase 4a Project pursuant to Sections 404 and 408 of the federal Clean Water Act. L1-6

   c. Section 1.4.2.2. – Other Problems and Needs Related to Project Implementation – Aviation Safety. This section summarizes wildlife hazards at the Airport and FAA requirements for managing and reducing hazardous wildlife attractants. Several corrections are in order relative to this discussion.
      i. Page 1-23, First paragraph: This discussion correctly points out that "…agricultural uses are the primary wildlife attractants in the Airport Critical Zone." However, as pointed out by the FAA Advisory Circular (AC) on hazardous wildlife attractants,[ii] the greatest potential threat to aviation safety arises not necessarily from a single incompatible land use near an airport, but from the synergistic effect of two or more hazardous wildlife attractants aligned in such a manner as to induce wildlife movement directly through the airport and/or surrounding airspace (Section 2.8 of AC). Relative to the Natomas Basin, the most problematic situation is the co-location of agriculture near the airport **in combination with** other land uses such as habitat preserves, stormwater management facilities, golf courses and other land uses, as described in Section 2 of the AC, that pose the greatest threat to aviation safety. This paragraph should be expanded to include such information so that L1-7

readers will be aware of the compounded impacts of nearby incompatible land uses near airports.

ii. The same paragraph discusses the Airport "Critical Zone," but the AC does not use such terminology. The AC instead refers to three "separation criteria" or perimeters for hazardous wildlife attractants. These are distances that must be maintained between an airport's "air operations area" (AOA) and the hazardous wildlife attractant. The DEIS/DEIR incorrectly states on pages 1-23 and 2-84 (Aviation Safety Components) that the separation criteria are based on the runway centerline, but this is no longer the case. (The description of the separation distances in Section 6.15 (starting on page 6-9) is more correct, but incorrectly uses the word "radius" instead of "perimeter.") The discussion needs to be corrected accordingly. The three separation criteria are:
    1. Perimeter A – a separation distance of 5,000 feet from the AOA boundary for airports that support piston-powered (propeller) aircraft.
    2. Perimeter B - notwithstanding more stringent requirements for specific land uses, a separation distance of 10,000 feet between an airport's AOA and hazardous wildlife attractants for airports serving turbine-powered (jet) aircraft.
    3. Perimeter C – a separation distance of five statute miles between the farthest edge of the airport's AOA and hazardous wildlife attractants if such attractants could cause hazardous wildlife movement into or across aircraft approach, departure and circling airspace.

L1-7 (Cont.)

3. Section 1.5.3 – Project Authorization
    a. Section 1.5.4 – Relationship of this EIS/EIR to Other Documents
        i. This section emphasizes that the project phases may not necessarily be constructed in the order in which they are numbered, i.e. that a component of Phase 4a could be constructed before one or more components of Phase 3. As communicated previously to SAFCA, a number of NLIP components require access to Airport land for which advance notice and evaluation by the FAA and County Airport System will be required, in addition to consideration of potential interaction of NLIP and Airport construction traffic on nearby public roads. We therefore request sufficient advance notice when a project component is implemented, especially if it is likely to be initiated out of sequence.

L1-8

4. Section 2.1.3 – Types of Flood Risk Reduction Measures Considered
    a. Section 2.1.3.1 – Construct Adjacent Levee (Preferred Measure)
        i. Based on the evaluation of the various means available to SAFCA for reducing flood risk in the Natomas Basin, the County Airport System concurs that raising the levee by installing an Adjacent Levee is the most feasible method. Although this approach will shift the levee prism

L1-9

landward onto land Airport land that is federally obligated for aviation purposes (protection from encroachment by incompatible land uses such as residential housing), we believe the comprehensive protection that this method will provide to the local and federal investment in the Airport is consistent with the intent of the FAA's grant assurance requirements. L1-9 (Cont.)

5. Section 2.3 – Proposed Action. This section summarizes the components comprising the proposed Phase 4a project. We have the following comments.
   a. Modifications to RD 1000 Pumping Plants Nos. 3 and 5. Current staff of the County Airport System have always assumed that the M10 Drain that conveys water from the RD 1000 West Drainage Canal to Pump 5 was owned by RD 1000. We recently discovered, however, that the parcel containing the M10 Drain (APN 201-0330-11) was never conveyed to RD 1000 as contemplated. In addition, the parcel on which the pump itself is located on the "river side" of Garden Highway (APN 201-0330-034) was likewise never conveyed from the County to RD 1000. (Plate 2-9a, page 2-41, therefore correctly identifies both parcels as owned by the County.) The County Airport System and RD 1000 have initiated discussions regarding either a conveyance or easement to correct this situation. L1-10

   b. Borrow Site Excavation and Reclamation (page 2-26, Plate 2-7, Plate 2-6a, and Table 2-10). The DEIS/DEIR states that the Fisherman's Lake Borrow Area is anticipated to be the primary source of soil borrow material, but that additional borrow sites may be needed for the Phase 4a project. Two of these areas are west and southwest of the Airport on land that is not currently owned by the County of Sacramento: the "Elkhorn Borrow Area" (554 acres bounded by Garden Highway on the west, Schoolhouse Road on the east, and I-5 on the south), and the "I-5 Borrow Area," comprised of 505 acres abutting Garden Highway on the southwest facing side, and bordering Airport land on the east. Table 10-2 (page 2-64) notes that both sites would be excavated to a depth between three and four feet, and that the proposed post-reclamation use would be field crops. It is stated in Section 2.3.3.5 (Environmental Commitments for Borrow Sites) that SAFCA would "conduct a wildlife-aircraft strike analysis and implement mitigation for earthmoving activities within the Critical Zone" (page 2-67). The County Airport System is concerned about SAFCA's potential use of these two borrow sites for the reasons discussed below. L1-11

      i. Both sites encompass many acres near the Airport, and are located in the furthest westward portion of the Basin. The manner in which reclamation is carried out by SAFCA could therefore result in substantial hazardous wildlife impacts on the Airport, particularly if standing water accumulates on the parcels. In addition, if the reclaimed property is cultivated in crops that require irrigation by flooding (also referred to as

siphon irrigation), substantial numbers of hazardous species could be attracted to these areas from nesting and roosting habitat located elsewhere in the Basin. The result would be precisely the type of synergistic hazardous wildlife situation described in the FAA *Wildlife Hazards* AC, in which birds would fly back and forth across the airport. The Airport is already exposed to this type of occurrence, as shown on the enclosed exhibit showing the flight path of White-faced ibis across both runways as they traveled between a habitat area in the far eastern edge of the Basin and an irrigated alfalfa field abutting the western perimeter fence of the Airport on July 3, 2007. According to a County Airport System biologist, approximately 10,000 ibis occupied the field that day. The environmental commitment measure quoted above appears related strictly to mitigating hazardous wildlife attractants during construction, rather than addressing post-reclamation site characteristics that may attract hazardous wildlife. The County Airport System therefore requests that the excavation and reclamation plans for the Elkhorn Borrow Area and the I-5 Borrow Area be submitted in a timely fashion to the County Airport System for review and comment by our staff biologists. L1-11 (Cont.)

ii. Airport Land Acquisition Program: Most of the I-5 Borrow Area[iii] is comprised of a number of parcels identified in the Airport Master Plan for acquisition to protect the approach and departure airspace for existing Runway 34L. This area is approximately 442 acres in size; see area highlighted in red on enclosed aerial photograph, on the south side of I-5.[iv] Because it is the intent of the County to acquire this property in the future, the County Airport System is concerned that the property be left in a post-project condition that complies with FAA airport design, drainage and hazardous wildlife standards. We therefore strongly encourage discussions between the County Airport System and SAFCA regarding the parcels comprising the I-5 Borrow Area.

c. Property Exchange Between SAFCA and County Airport System in Reaches 4A, 5B and 6 of the River (page 2-26 and Section 2.3.9). The County Airport System continues to support this exchange illustrated on Plate 2-14 because it would allow SAFCA to implement habitat mitigation on Airport parcels that are outside the 10,000 Perimeter B, thereby minimizing Airport hazardous wildlife concerns. Completion of the exchange will also contribute to aviation safety by allowing the County Airport System to gain land use control over a number of parcels bordering the west side of the Airport perimeter fence, and currently separated by the Airport's Yuki property. Irrigated crop cultivation on several of these parcels acts as a hazardous wildlife attractant, causing birds to fly to these sites from other areas of the Natomas Basin. In so doing, the birds fly through the airport and surrounding airspace used for aircraft approach and departure. L1-12

6. Section 2.3.1 – Flood Risk Reduction Components
    a. Section 2.3.1.1 – Sacramento River East Levee – Relief Wells (page 2-32). This section states that a number of relief wells will be constructed where seepage berms cannot be sufficiently wide and/or cutoff walls cannot be sufficiently deep enough to meet seepage prevention parameters. Relief wells will therefore be constructed about 50 – 100 feet apart, with surface water discharge flowing into collection ditches and/or roadside ditches for conveyance to RD 1000 Pumping Plant No. 5. Due to the proximity of such ditches to the Airport, the County Airport System requests that a ditch maintenance program be developed to prevent the growth of aquatic vegetation that could act as an attractant for hazardous wildlife. L1-13

    b. Reconstruction of Intersections (page 2-38) and reconstruction of Garden Highway (page 2-47). The sites that would require reconstruction include the intersection of Power Line Road and Garden Highway. The Airport parcel abutting the west side of Power Line Road and the north side of Garden Highway at this intersection (APN 225-0101-077) is one of seven parcels comprising the 460-acre designated Swainson's Hawk Foraging Mitigation Area established under the requirements of the Airport Master Plan Final EIR and Mitigation Monitoring and Reporting Program (MMRP), in combination with the requirements of an EIR and MMRP certified by the Board in the early 1990s for another Airport project.[v] The mitigation plan assumed that future widening of Power Line Road would be required, so the western edge of the hawk mitigation area is set back (westward) 25 feet from the road. Please inform the County Airport System if it appears that reconstruction of the intersection will require more than this 25-foot wide allowance. In addition, please note that the parcel on the river side of Garden Highway at this intersection (APN 225-0102-047) is also Airport property. L1-14

    c. Modification of Jet Fuel Pipeline Access Valve in Reach 11B (page 2-46): As noted, this 12-inch pipeline located between five and ten feet below ground provides jet fuel to the Airport. It is therefore absolutely essential that levee construction activities not damage or in any way interfere with the continuous operation of the pipeline. Coordination with both the County Airport System and the pipeline's owner, Wickland Pipeline, LLC, must occur well in advance of levee improvements in the area traversed by the pipeline. L1-15

7. Section 3.3.1 – Natomas Basin Description
    a. Airport lands: This paragraph states that half "…of the Airport lands lie outside of the Airport Operations Area and consist of "bufferlands" devoted to agricultural or open space use," and refers the reader to Plate 1-7 (page 1-22). This statement is incorrect. The only Airport land on which agricultural activity is likely to occur is within the 460-acre designated Swainson's hawk foraging mitigation area established pursuant to the Mitigation Monitoring and Reporting Programs (MMRPs) for the Master Plan Update approved by the Board in L1-16

August 2007 (190 acres), and an MMRP approved in the early 1990s in conjunction with the East Terminal project (270 acres). The majority of this area is outside the 10,000-foot Perimeter B. Implementation of the approved Swainson's hawk foraging mitigation plan will occur after completion of the NLIP in Reach 11. The previously referenced FAA *Hazardous Wildlife* AC recognizes that agriculture is one of the primary attractants of hazardous wildlife on and near airports, and therefore strongly discourages agriculture on airport land. In conformance with FAA policies, no agricultural cultivation occurs on Airport land. Any land that was previously leased to tenant farmers is now idle. The previous agricultural leases lapsed in December 2007. New leases were not executed. (As accurately stated on page 3-101 of the DEIS/DEIR, "Agricultural leases on these bufferlands expired on December 31, 2007, and they are currently managed as grassland open space.")

Plate 1.7 should therefore be modified to correspond to the depiction of Airport land shown on the enclosed exhibit titled "County Owned Airport Property," in which Airport land south of I-5 and north of Elverta Road is designated as "Aircraft Approach/Departure Land Use Compatibility Area," and the land between I-5 and Elverta is designated as "Airport." Alternatively, the buffer land could be indicated on Plate 1.7 as "Safety and Noise Impact Buffer." Plate 1-7 is particularly in error with respect to its depiction of a large portion of Airport land north of I-5 as "Airport Buffer land," when in fact much of the area shown is comprised of roads, parking lots and other paved areas. We therefore request that Plate 1-7 be corrected, and that the sentence referenced above be revised as follows:

i. "Half of the Airport lands lie outside the Airport Operations Area and consist of land that serves the sole purpose of airspace approach and departure protection and to ensure land use compatibility with aircraft operations."

L1-16 (Cont.)

b. Table 3.1.1 (page 3-3) – Description of River East Levee Area by Reach and NLIP Phase
   i. The Phase 3 description states that Reaches 5A and 5B states that "Field crops and fallow Airport bufferlands border the levee throughout the reach on Airport land." Please change the word "fallow" to "idle" or "grassland managed as open space," consistent with the aforementioned statement on page 3-101. The word "fallow" connotes a temporary period during which agricultural land has been plowed, but not seeded, in preparation for future cultivation. That is not the case with the referenced Airport property because agricultural activity is not carried out, in compliance with the FAA *Wildlife Hazards* AC.

L1-17

c. Comprehensive Airport Land Use Master Plan (page 3-14). This section refers to the former name (misstated in the text) for the document that public service airports must adopt pursuant to the requirements of the California Public Utilities Code. The former Comprehensive Land Use Plans or

L1-18

"CLUPs" are now referred to as Airport Land Use Compatibility Plans (ALUCP). A report approved by the County Board of Supervisors on April 19, 2006[vi] acknowledges that the ALUCPs for Sacramento International, Mather and McClellan Airports are outdated, represent operational scenarios that are no longer applicable, and apply methodologies that do not provide optimal guidance for long-term airport land use compatibility. The Board adopted Resolution 2006-0490 for Sacramento International Airport, which, among other actions, defines Airport Policy Planning Areas (APPAs) for incorporation into the County General Plan. We recommend that the preparers of the DEIS/DEIR consult the April 19, 2006 report and make the appropriate corrections in this section of the DEIS/DEIR. L1-18 (Cont.)

d. Section 3.7.2.1 – General Biological Resources
    i. Plate 3-3 (page 3-35) depicts "Existing Habitat in the Phase 4a Project Area." The exhibit incorrectly includes a substantial portion of Airport land both north and south of I-5 in the "Agricultural Field" and "Fallow Crop" habitat types. As noted above, it is inaccurate to classify any Airport land as falling into either of these two categories. It is more appropriate to categorize all Airport land between I-5 and Elverta Road as "Airport," and all land south of I-5 in Plate 3-3 should be identified as "Aircraft Approach/Departure Land Use Compatibility Area," or if a shorter designation is needed, it could be referred to as "Safety and Noise Impact Buffer Area." Please refer to the enclosed exhibit titled "County Owned Airport Property." L1-19

e. Section 3.15.2.5 – Aircraft Safety
    i. The third paragraph on the top of page 3-101contains the following two sentences, which we suggest be amended as shown in underlining. As currently written, readers could infer that such crops are currently grown on Airport land within the Critical Zone (10,000-foot Perimeter B), when this is not the case.
        1. "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 non-Airport portion of the Critical Zone." L1-20

This concludes our comments on the DEIS/DEIR on Phase 4a of the NLIP. The County Airport System appreciates the opportunity to submit comments. You may contact me at the telephone number below if you have any questions or comments. Alternatively, you may contact Senior Environmental Analyst Greg Rowe at 874-0698. Hazardous wildlife questions may be directed to Senior Natural Resource Specialist Janae Scruggs, at 874-0820.

Sincerely,

J. Glen Rickelton
Manager – Planning and Environment
916-874-0482 or rickeltong@saccounty.net

Enclosures

- Plate A-5 – All North East Runway Extension (shows all Master Plan projects)
- Exhibit: White-faced ibis flight path, July 3, 2007
- Exhibit: Airport Land Acquisition Program
- Exhibit: County Owned Airport Property

C: Elizabeth Holland, Planning Division – Corps of Engineers
G. Hardy Acree, Director of Airports
Carl W. Mosher, Deputy Director – Airport Planning and Design
Greg Rowe, Senior Environmental Analyst - Planning and Environment
Janae Scruggs, Senior Natural Resource Specialist – Planning and Environment
Douglas Pomeroy, Environmental Protection Specialist - FAA

W:\PLANNING\ENVIRONMENTAL\Flood Planning and Projects\Natomas Levee Improvement Program_2007-08\CEQA-NEPA_Phase 4a Landside Improvements_2009\SCAS Comment Ltr_NLIP Phase 4a(2).docx

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[i] As stated in Section 2.2.1.1 of the DEIS/DEIR ("No Project Construction"), without flood control improvements, the Airport may be compelled to operate within its existing footprint, abandoning current plans for modernization and expansion.

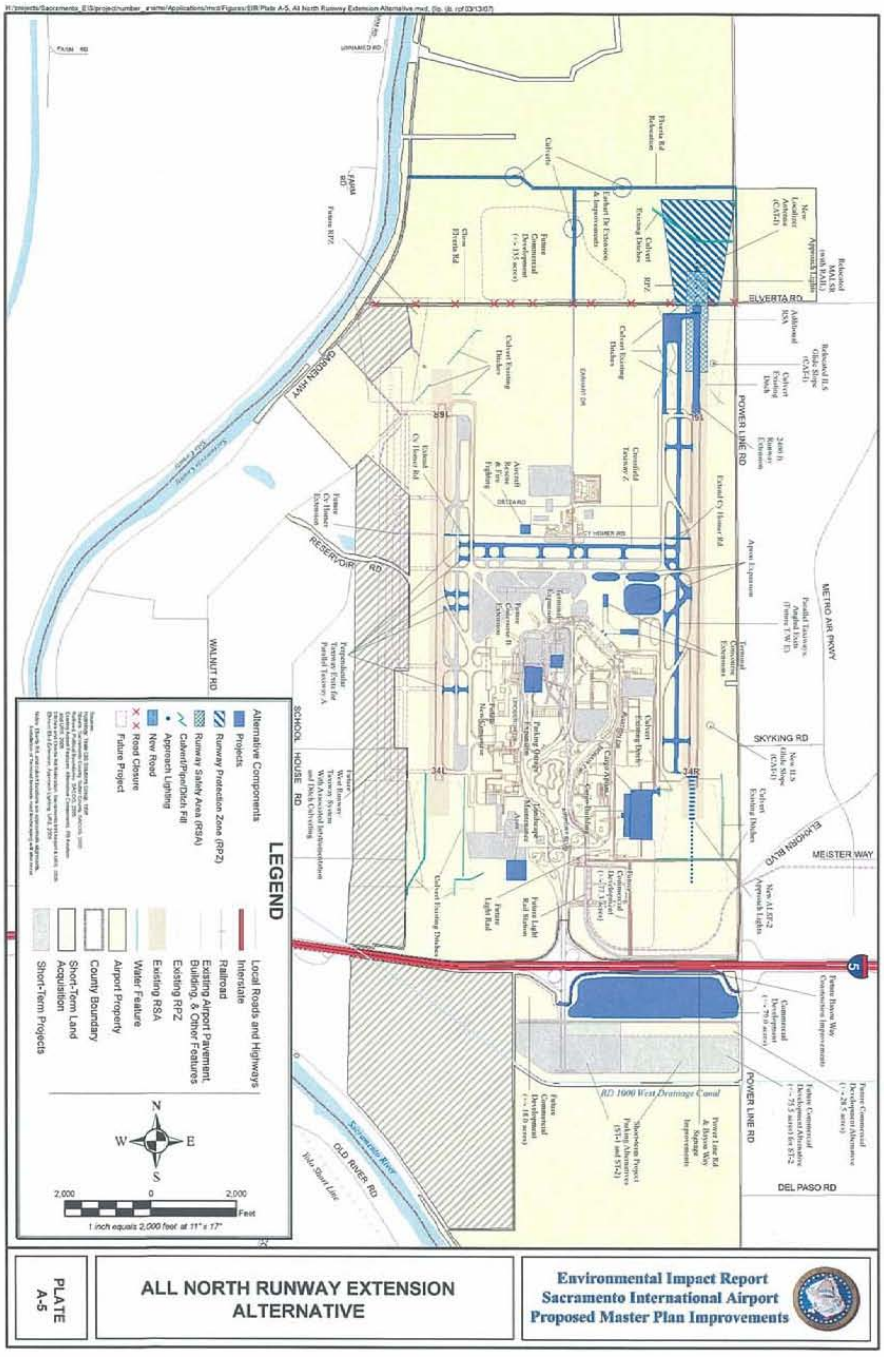
[ii] Federal Aviation Administration. Advisory Circular No. 150/5200-33B, *Hazardous Wildlife Attractants On or Near Airports*. August 28, 2007.

[iii] Section 2.3.3.2 discusses the I-5 Borrow Area in detail.

[iv] As shown on Plate 2-9a, the Airport land acquisition program includes portions of the following parcel numbers identified as possible borrow sites: 225-0010-038, 039, 041, 042, 043 and 046; 201-0330-038 and 039; and 225-0101-061.

[v] The Airport Swainson's Hawk Foraging Mitigation Area is correctly summarized on page 4.7-24 of the DEIS/DEIR.

[vi] Agenda item number 2. A subsequent report to the Board on November 29, 2006 (agenda item number 2) specified additional action on the APPAs.


LEGEND
Alternative Components
Projects
Runway Protection Zone (RPZ)
Runway Safety Area (RSA)
Culvert/Pipe/Ditch Fill
Approach Lighting
New Road
Road Closure
Future Project
Local Roads and Highways
Interstate
Railroad
Existing Airport Pavement
Building, & Other Features
Existing RPZ
Existing RSA
Water Feature
Airport Property
County Boundary
Short-Term Land Acquisition
Short-Term Projects
N
W
E
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2,000
0
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Feet
1 inch equals 2,000 feet at 11" x 17"
ELVERTA RD
POWER LINE RD
DEL PASO RD
METRO AIR PKWY
SKYKING RD
MEISTER WAY
ELKHORN BLVD
WALNUT RD
SCHOOL HOUSE RD
RESERVOIR RD
OLD RIVER RD
RD 1000 West Drainage Canal
Sacramento River
PLATE A-5
ALL NORTH RUNWAY EXTENSION ALTERNATIVE
Environmental Impact Report
Sacramento International Airport
Proposed Master Plan Improvements

INDUCED FLIGHT PATH 7/03/2007
GENERAL FLIGHT PATH
SACRAMENTO INTERNATIONAL AIRPORT
FLIGHT PATH OF THE
WHITE-FACED IBIS
SACRAMENTO
COUNTY AIRPORT SYSTEM
6900 AIRPORT BLVD.
SACRAMENTO, CA 95837
DRAWING: FlightPath
SHEET:
SCALE: N.T.S.
DRAWN BY: WilsonDS
DATE: 1/29/2009
Updated: 1/29/09 - Printed: 2/4/09-1:58pm By: WilsonDS
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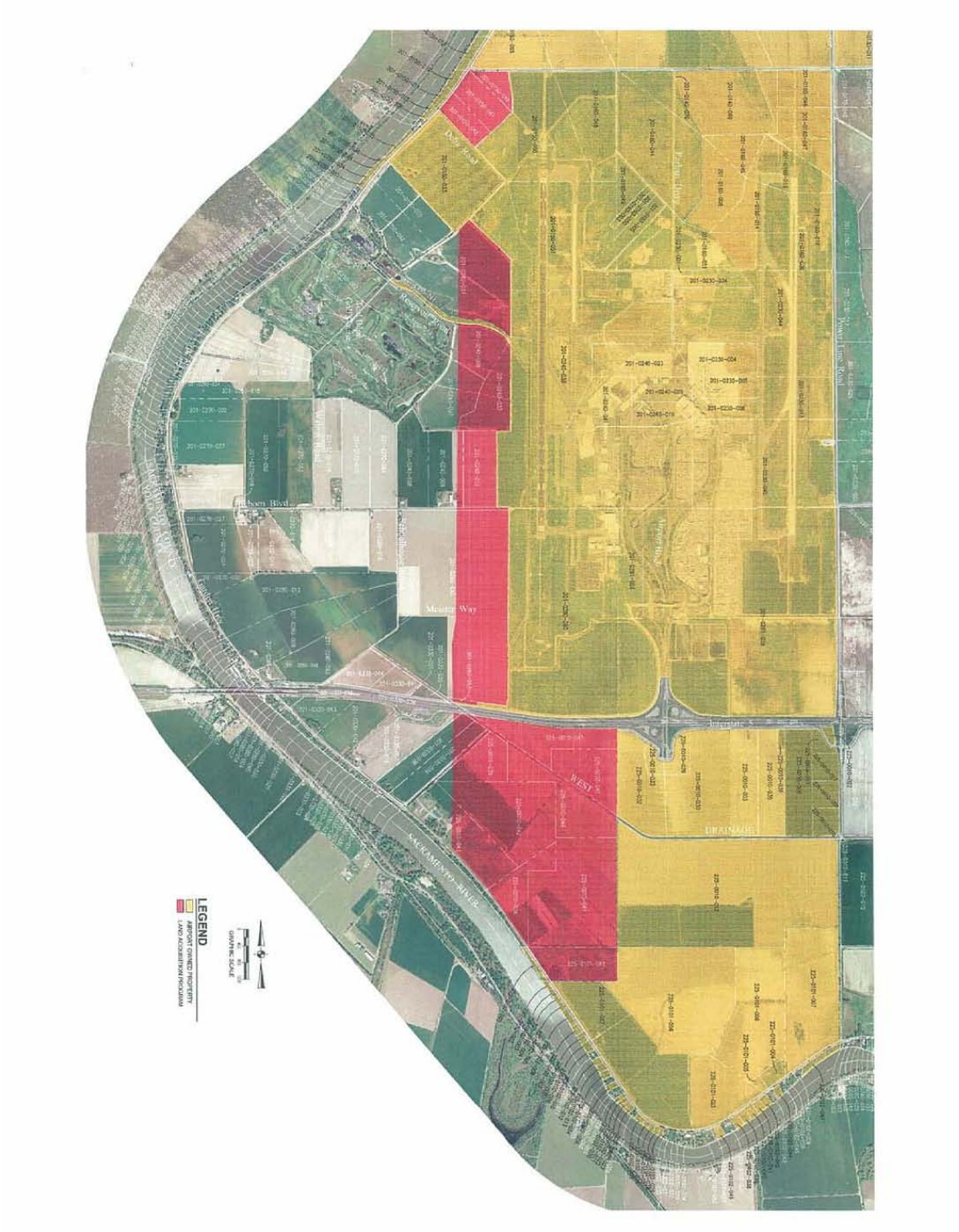
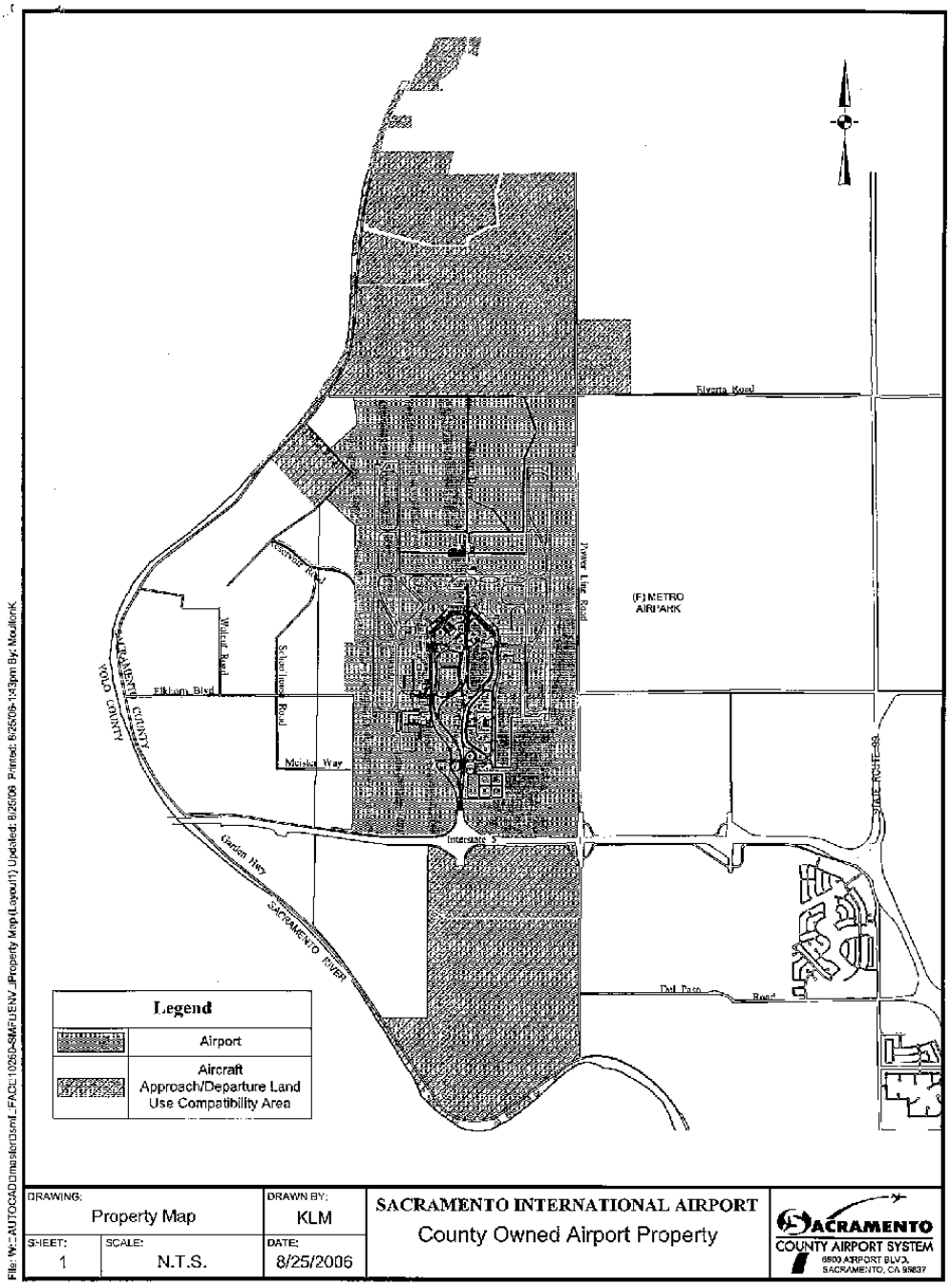

LEGEND
AIRPORT OWNED PROPERTY
LAND ACQUISITION PROGRAM
GRAPHIC SCALE
Meister Way
WEST
SACRAMENTO RIVER


Elverta Road
(F) METRO AIRPARK
Walerid Road
Elkhorn Blvd
Sankey Road
Meister Way
Interstate 5
Garden Hwy
SACRAMENTO RIVER
Del Paso Road
SACRAMENTO COUNTY
YOLO COUNTY
Legend
Airport
Aircraft Approach/Departure Land Use Compatibility Area
DRAWING: Property Map
DRAWN BY: KLM
SHEET: 1
SCALE: N.T.S.
DATE: 8/25/2006
SACRAMENTO INTERNATIONAL AIRPORT
County Owned Airport Property
SACRAMENTO COUNTY AIRPORT SYSTEM
6900 AIRPORT BLVD.
SACRAMENTO, CA 95837
File: W:\AUTOCAD\Masterdsml_FACE\1026\0-SMP\LENV_Property Map(Layout1) Updated: 8/25/06 Printed: 8/25/06 1:43pm By: MoultonK

L1-1 Comment noted.

L1-2 Comment noted.

L1-3 Comment noted.

L1-4 Comment noted.

L1-5 Comment noted.

L1-6 Comment noted.

L1-7 The discussion in Chapter 1.4.2.2, "Other Problems and Needs Related to Project Implementation," under the subheading, "Aviation Safety," is revised to include discussion of incompatible land uses near airports. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

The phrase "Airport Critical Zone" is used throughout the Phase 4a DEIS/DEIR (and previous certified and approved NLIP environmental documents). USACE and SAFCA understand that this language is being phased out and that the new terminology is "Perimeter A, B, and C." In the Phase 4a DEIS/DEIR, "Airport Critical Zone" is synonymous with "Perimeter B." The Phase 4a Project would be located outside of the Airport Critical Zone, or Perimeter B, and this new terminology does not change any of the conclusions in the Phase 4a DEIS/DEIR. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR. Future NLIP environmental documents, such as the Phase 4b EIS/EIR, will use the new terminology.

L1-8 SAFCA has been and will continue to be involved in ongoing coordination with SCAS regarding NLIP project components located on and off Airport property that could affect aviation safety, including notifying SCAS of project implementation that could affect access to Airport land and construction traffic on nearby roads.

L1-9 Comment noted.

L1-10 Comment noted.

L1-11 The Elkhorn and I-5 Borrow Areas, as indicated in Table 2-10 and elsewhere in the Phase 4a DEIS/DEIR, would be returned to their current use—field crops—after borrow activities are completed and following site reclamation. If these borrow areas are selected to provide borrow material for the Phase 4a Project, SAFCA will submit the reclamation plans for these borrow areas to SCAS for informational purposes.

L1-12 Comment noted.

L1-13 To the extent that relief wells are used for the Phase 4a Project, collection/roadside ditches would be maintained in accordance with the requirements of Reclamation District (RD) 1000.

L1-14 SCAS cites the road intersection reconstruction that would be necessary to implement the Phase 4a Project and requests that SCAS be informed if the reconstruction would require more than a 25-foot-wide allowance and that a portion of the parcel on the waterside is on Airport property. SAFCA will inform SCAS if more than a 25-foot-wide allowance is necessary.

L1-15 Mitigation Measure 4.15-c, "Review Design Specifications and Prepare and Implement an Impact Avoidance and Contingency Plan in Consultation with Wickland Pipelines, LLC," in the Phase 4a DEIS/DEIR requires SAFCA and its engineers to coordinate with Wickland Pipelines, LLC, as the commenter requests.

L1-16 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR. See Response to Comment L1-7 regarding continued use the "Airport Critical Zone" terminology.

L1-17 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

L1-18 On page 3-14 of the Phase 4a DEIS/DEIR, under the "Sacramento International Airport Comprehensive Airport Land Use Plan," the first sentence explains that comprehensive airport land use plans (CLUPs) are now referred to as airport land use compatibility plans (ALUCPs), as described by the commenter. However, the Airport's land use plan is titled *The Sacramento International Airport (formerly Sacramento Metropolitan Airport) Comprehensive Land Use Plan* [emphasis added], and has not been updated to reflect guidance for naming airport land use plans (ALUC 1994). Hence, it would be confusing and inaccurate to refer to this document as "ALUCP."

The commenter notes that the Sacramento County Board of Supervisors approved Resolution 2006-0490 for the Airport, which defined Airport Policy Planning Areas (APPAs) to be included into the County General Plan. However, the current County General Plan does not include this.

L1-19 The plate has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

L1-20 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

SACRAMENTO METROPOLITAN AIR QUALITY MANAGEMENT DISTRICT

L2

Larry Greene
AIR POLLUTION CONTROL OFFICER

October 7, 2009

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

Ms. Elizabeth Holland
Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

Natomas Levee Improvement Program (NLIP), Phase 4a Landside Improvements Project, Draft EIS/EIR (SAC200701184e)

Dear Mr. Bassett and Ms. Holland:

The Sacramento Metropolitan Air Quality Management District (SMAQMD) staff reviewed the NLIP Phase 4a Landside Improvements Project Draft EIS/EIR and offers the following comments.

Greenhouse Gases (GHG)

No GHG emission reduction measures have been identified for this phase or previous NLIP phases. The SMAQMD's draft *Guide to Air Quality Assessment in Sacramento County*, July 2009, suggests best management practices (BMPs) to reduce GHG emissions from construction projects. Although some of the BMPs are not easily quantifiable and some may not be applicable to this project, including the BMPs that are practical as mitigation for this project would highlight the importance of reducing GHG emissions and provide some level of reduction. The draft BMPs can be found at the following website:
www.airquality.org/ceqa/cequguideupdate/Ch6FinalConstructionGHGReductions.pdf

L2-1

Appendix F Air Quality Modeling Results

Phase 3 emissions were included in Table 4.11-1, Summary of Maximum Daily Emissions, but they do not appear in Appendix F. Phase 2 emissions were included in a summary format, but not Phase 3 emissions.

The emissions calculations provided don't clearly show the 909.6 pounds/day of NOx emissions for the Sacramento East Levee Reaches 10-15 portion of the project. It appears data is missing. Please include in the final EIS/EIR.

L2-2

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

Thank you for considering these comments. Please contact me at 916-874-4881 or khuss@airquality.org if you have any questions.

Sincerely,

Karen Huss

Karen Huss
Associate Air Quality Planner/Analyst

Cc: Larry Robinson, Sacramento Metropolitan Air Quality Management District
Sondra Andersson, Feather River Air Quality Management District

L2-1 In this comment, the Sacramento Metropolitan Air Quality Management District (SMAQMD) suggests the inclusion of practical Best Management Practices (BMPs) to reduce greenhouse gas (GHG) emissions as identified in the recently developed draft *Guide to Air Quality Assessment in Sacramento County* (SMAQMD 2009). Although this new guidance is in draft form and has not yet been adopted, SAFCA will implement additional GHG reduction measures as part of its MMRP. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

L2-2 A summary of the Phase 3 Project emissions was inadvertently omitted from Appendix F of the Phase 4a DEIS/DEIR. See **Appendix C** of this FEIR for the Phase 3 Project emissions.

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L3

From: Bassett, John (MSA)
To: Dunn, Francine; Rader, David; Henningsen, Sarah; Holland, Elizabeth G SPK; Dadey, Kathleen A SPK;
cc: Gilchrist, M. Holly (MSA); Washburn, Timothy (MSA);
Subject: FW: Natomas Levee Improvement Program, Phase 4a Landside Improvements Project
Date: Monday, September 21, 2009 5:23:26 PM

From: Neal Hay [mailto:NHay@co.sutter.ca.us]
Sent: Monday, September 21, 2009 2:51 PM
To: Bassett, John (MSA)
Cc: Al Sawyer
Subject: Natomas Levee Improvement Program, Phase 4a Landside Improvements Project

Mr. Bassett, Director of Engineering,

In reviewing the draft Environmental Impact Statement / Environmental Impact Report for the above mentioned project, under the Proposed Action, in the last sentence of the first paragraph on page 4.10-3, we believe "Howsley Rd" should replace "Sankey Rd" in the description of the haul route from the Brookfield borrow site to the NCC south levee. L3-1

Also, under the proposed action for Mitigation Measure 4.10-a, item (f), page 4.10-6, Sutter County requests that the final EIS mention the project Roadway Repairs Agreement between Sutter County and SAFCA dated August 21, 2008. L3-2

Neal P Hay PE
Senior Civil Engineer
Sutter County
530-822-4402 Direct

L3-1 The text has been revised as requested. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

L3-2 SAFCA will, as the commenter requests, coordinate with Sutter County for its review and approval of roadway improvement plans. Mitigation Measure 4.10-a, "Prepare and Implement a Traffic Safety and Control Plan for Construction-Related Truck Trips," in the Phase 4a DEIS/DEIR states that before the start of the first construction season, SAFCA shall coordinate with Sacramento and Sutter Counties and the City of Sacramento to address maintenance and repair of affected roadways resulting from increased truck traffic. This would include public roadways that may be modified as part of the Phase 4a Project.

L4

Municipal Services Agency

Department of Transportation
Michael J. Penrose, Director

County of Sacramento

Terry Schutten, County Executive
Paul J. Hahn, Agency Administrator

September 21, 2009

John Bassett
Director of Engineering
Sacramento Area Flood Control Agency
1007 Seventh Street, 7th Floor
Sacramento, CA 95814

SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT (EIS)/ENVIRONMENTAL IMPACT REPORT (EIR) ON THE NATOMAS LEVEE IMPROVEMENT PROGRAM PHASE 4A LANDSIDE IMPROVEMENTS PROJECT.

Dear Mr. Bassett:

The Sacramento County Department of Transportation (SACDOT) has reviewed the DEIS/EIR for the Natomas Levee Improvement Program (NLIP), Phase 4a Landside Improvements Project, dated August 28, 2009. We have previously submitted a comment letter on the NOP for DEIR/EIS of this project, dated April 6, 2009. We appreciate the opportunity to review this document. We have following comments to offer:

- Coordinate with the SACDOT staff in implementing the Traffic Safety and Control Plan for construction related truck traffic.
- Coordinate the improvements plans with SACDOT for review and approval of the public roadways, and private farms roads that will be modified as part proposed project. L4-1
- Coordinate the closure of public roadway with SACDOT that will affect the County residents.
- We are currently working with SAFCA staff to include the recreational bike/pedestrian path in the project description of the phase 4B DEIS/DEIR. SACDOT staff will provide the project description for the bike/pedestrian path to the SAFCA in a timely manner. L4-2
- Power poles relocations shall be coordinate with SMUD and SACDOT to avoid conflicts with the intended bike/pedestrian path. L4-3
- As shown in the plate 2-7 (see attached copy), the project proposes truck haul routes to access borrow and levee improvement sites via the County's rural roadways. The L4-4

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.

L4-4 (Cont.)

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

Sincerely,

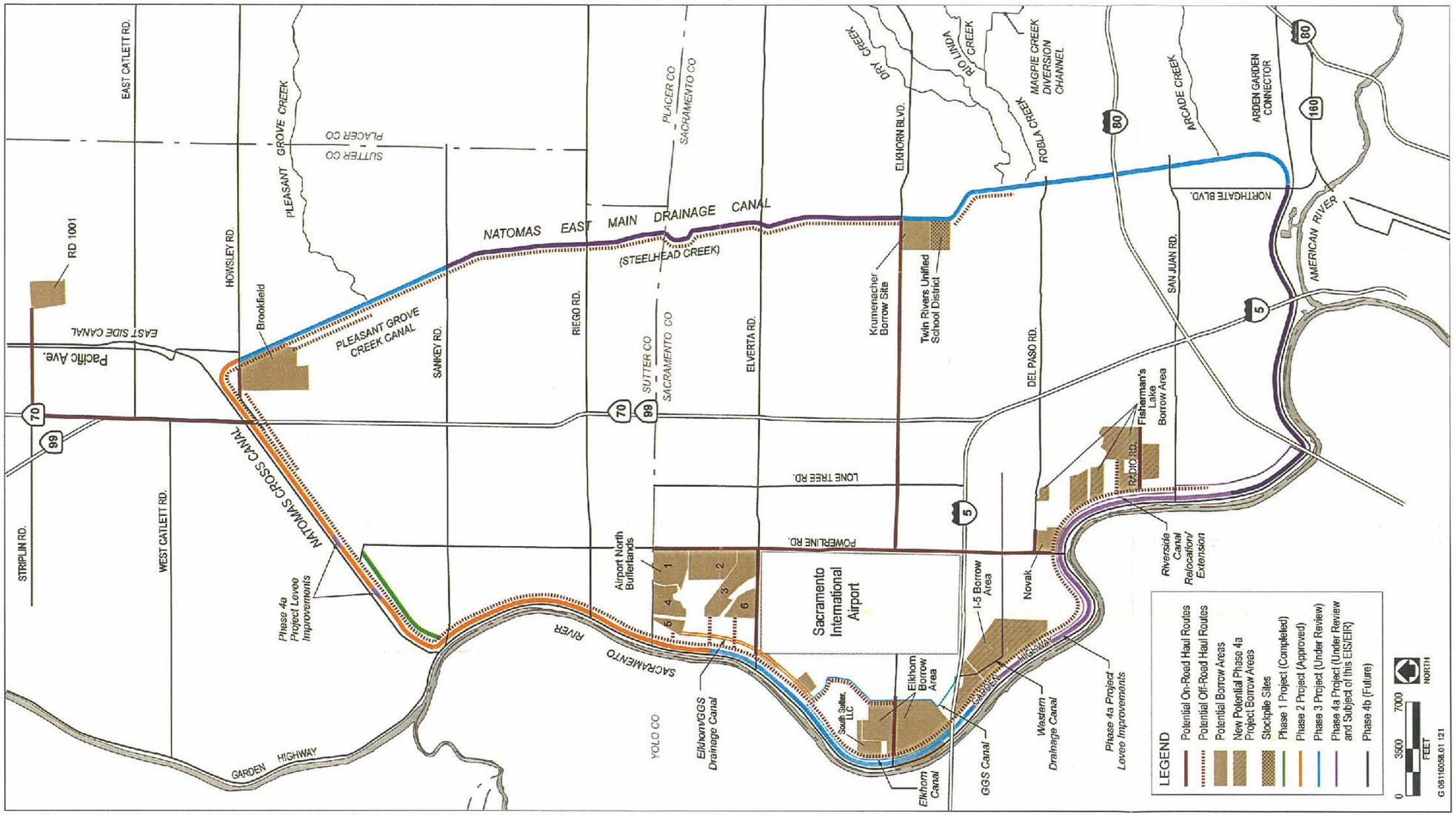
Kamal Atwal

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

KA

Attachment: Copy of Plate 2-7 from Phase 4B DEIR/EIS

c: Dan Shoeman, DOT
Dean Blank, DOT
Matt Darrow, DOT
Ron Vicari, DOT
Rizaldy Mananquil, DOT



Source: Base map from CASIL Layers and SACOG 2007; adapted by EDAW in 2008 and 2009 based on data from MBK Engineers and Mead & Hunt

Natomas Levee Improvement Program Construction Phasing and Anticipated Haul Routes from Soil Borrow Areas **Plate 2-7**

L4-1 Mitigation Measure 4.10-a, "Prepare and Implement a Traffic Safety and Control Plan for Construction-Related Truck Trips," subpart (b) in the Phase 4a DEIS/DEIR requires that the traffic safety and control plan be submitted to local jurisdictions, including Sacramento County, prior to initiation of construction-related activity involving high traffic volumes.

Mitigation Measure 4.10-a subpart (f) in the Phase 4a DEIS/DEIR requires SAFCA to coordinate with Sacramento County (as well as Sutter County and the City of Sacramento) before the start of the first construction season to address maintenance and repair of affected roadways resulting from increased truck traffic. This would include public roadways that may be modified as part of the Phase 4a Project.

Mitigation Measure 4.10-a subpart (h) in the Phase 4a DEIS/DEIR requires SAFCA and its primary contractors to coordinate with Sacramento County before the start of construction regarding any closures of any public roadways that would be required for project construction. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

L4-2 Comment noted; Sacramento County Department of Transportation (SACDOT) is working with SAFCA on a project description, which will be provided to SAFCA in a timely manner, for a SACDOT-sponsored recreational bike/pedestrian path to be included in the Phase 4b Project, which will be the subject of a separate EIS/EIR to be issued in early 2010.

L4-3 Mitigation Measure 4.14-b, "Verify Utility Locations, Coordinate with Utility Providers, Prepare and Implement a Response Plan, and Conduct Worker Training with Respect to Accidental Utility Damage and Implement Mitigation Measure 4.15-c, "Review Design Specifications and Prepare and Implement an Impact Avoidance and Contingency Plan in Consultation with Wickland Pipelines, LLC", in the Phase 4a DEIS/DEIR states that power pole relocations shall be coordinated with the Sacramento Municipal Utility District and SACDOT to avoid conflicts with the SACDOT-proposed bike/pedestrian path.

L4-4 See Mitigation Measure 4.10-a subpart (f) in the Phase 4a DEIS/DEIR, which requires SAFCA to coordinate with the City of Sacramento and applicable county(ies) before the start of construction to address maintenance and repair of affected roadways resulting from increased truck traffic.

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L5

Rio Linda Elverta Recreation and Park District
810 Oak Lane
Rio Linda, CA 95673
916-991-5929 Fax 916-991-2892

September 1, 2009

John Bassett, Director of Engineering
SAFCA
1007 7th Street
Sacramento, CA 95814

Response to Draft EIR Natomas Levee Improvement Program Phase 4A Landside Improvement.

Regarding section 4A and the entire Natomas East main drain.

- Elkhorn Blvd to Sutter County should continue the UEDA Parkway facility of the City of Sacramento. It should be scheduled and planned now, during this process. L5-1
- The maps and diagrams should show the Rio Linda Elverta Recreation and Park District boundaries on the maps. L5-2
- The Rio Linda Elverta Recreation and Park District must be listed as a Local Responsible Agency. L5-3

Sincerely,

Don Schatzel
District Administrator
Rio Linda Elverta Recreation and Park District

SAFCA NLIP SEP 4 PM 12:52

L5-1 See Response to Comment L4-2.

L5-2 After review of the Rio Linda Elverta Recreation and Park District (District) boundaries (available at the District's Web site at http://www.riolindaelvertaparks.org/locations.cfm), USACE and SAFCA have determined that the District's boundaries do not overlap with the Phase 4a Project footprint. Thus, the Phase 4a Project would not affect the recreation facilities within the District.

L5-3 As noted above, in Response to Comment L5-2, the Phase 4a Project, which is the subject of this FEIR, would not affect recreation facilities within the District; therefore, the District would not be a local responsible agency for the Phase 4a Project. The Phase 4b Project, however, will overlap with the District's boundaries and, thus, may have an effect on recreation facilities within the District. The Phase 4b Project will be analyzed in a separate EIS/EIR to be issued in early 2010. The District will be listed as a local responsible agency for the Phase 4b Project.

O1

Garden Highway Community Association
2701 Del Paso Road, #130-231
Sacramento, CA 95835

October 13, 2009

John Bassett, Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, CA 95814

AND

Elizabeth Holland, Planning Division
U.S. Army Corps of Engineers
1325 J Street, Room 1480
Sacramento, CA 95814

RE: Comments on ENVIRONMENTAL IMPACT STUDY NATOMAS LEVEE IMPROVEMENT PROGRAM PHASE 4A; SAFCA'S REQUEST FOR 408 PERMISSION AND 404 PERMIT

SAFCA and US Army Corps of Engineers:

The Garden Highway Community Association (GHCA) is an incorporated community association whose membership includes nearly all waterside and landside property owners along the Garden Highway in the area addressed in SAFCA's Natomas Levee Improvement Program (NLIP). The GHCA supports increased flood protection for the Natomas Basin, as long as it is done in a fiscally responsible, environmentally conscious, and scientifically sound manner. At the same time, as most GHCA members live on or next to the NLIP, they have an enormous interest and concern in how this project is implemented.

Below is a list of comments and concerns regarding the Draft Environmental Impact Study (DEIS) / Draft Environmental Impact Review (DEIS) pertaining to SAFCA's Phase 4A of the NLIP and US Army Corps Permitting.

1. **The DEIS is Generally Defective**

Ths DEIS is 575 pages, not including appendixes, refers to numerous other documents of similar size and appears to have taken years to prepare. Many portions are unintelligible to the average property owner and, taken as a whole, certainly cannot be fully researched and understood in the timeframe required. As a result, the GHCA prefaces this comment letter by advising that there may be numerous additional issues requiring comment of which the GHCA is not currently cognizant. Moreover, the DEIS is yet another fragment of a "chopped" up project that does not adequately address the potential impact on the environment, which cumulatively may have disastrous consequences." San Joaquin Raptor/Wildlife Rescue Center v County of Stanislaus (1994) 27 Cal.App.4th 713, 730.

O1-1

2. Failure to Adequately Consider and Protect Wildlife

The United States Environmental Protection Agency has previously commented on the NLIP, noting its continued concern over the temporary and permanent effects the Project is expected to have on the waters of the United States and recommended the continued "close consultation and collaboration" with the U. S. Fish and Wildlife Agency, California Department of Fish and Game and The Natomas Basin Conservancy to "ensure effects on woodlands, threatened and sensitive species habitat and waters of the US are avoided and minimized." Overall, this Agency has previously classified prior EIS drafts associated with the NLIP as "Insufficient Information (EC-2)". O1-2

The California Department of Fish and Game "DFG" has also expressed serious concern regarding the environmental impacts of the NLIP:

- The DFG believes pertinent mitigation measures are potentially unenforceable and may not bring the impacts to fisheries and aquatic resources to below a level that is significant.

- The DFG has found transplantation of herbaceous plants is typically unsuccessful and should be considered experimental. Mitigation measures for any potentially unavoidable impacts to special-status plants should include additional measures to increase the chances of survival for the population in question. Mitigation sites should be permanently protected and managed in perpetuity.

- The DFG is concerned with potential impacts to raptor nesting behavior not currently addressed in the DEIR, especially with regard to 24/7 construction and an estimated 900-1000 haul trips per day to deliver fill material. The DFG "believes that each of these activities could potentially result in significant impacts to nesting raptors including nest abandonment, starvation of young, and/or reduced health and vigor of eggs or nestlings that could result in death." O1-3

- In their current form, the DFG opines that the environmental documents do not explore the potential impacts of nighttime construction activities on nesting raptors. Moreover, construction at night poses additional complications for the effectiveness of biological monitors in ensuring that appropriate buffer zones are in place around active nests and that birds do not abandon their nests.

- The DFG has noted that prior DEIRS do not provide a discussion of potential impacts to the Northern Harrier, a ground nesting raptor and does not consider avoidance or mitigation measures.

The GHCA further notes the DEIR purports to mitigate the loss of woodland habitat by the promise to create three acres of canopied woodlands for every one acre destroyed. This mitigation goal is fatally flawed in that there is no discussion, explanation and/or plan to address the environmental tragedy that will result from the 50 to 100 year period required for the "new" woodland habitat to be developed – assuming the planned mitigation goal is even reached. As evidenced by recent "mitigation" attempts employed in Phase 2 of the NLIP, the attempted transplantation of existing trees is failing miserably and the attempted planting of new saplings creates virtually no habitat. O1-4

Despite the failure to mitigate the significant adverse impacts resulting from the destruction of woodland habitat, and the lack of necessary funding to effect the planned mitigation related thereto, SAFCA is proceeding with the destruction of woodland habitat and the clear-cutting of heritage oaks and other trees (see Paragraph 3, below). O1-4 (Cont.)

Further, the NLIP also proposes to utilize lands purchased by the Natomas Basin Conservancy ("Conservancy") as borrow areas. These borrow areas will provide the base material for the landside levee improvements on the south side levee along the Natomas Cross Canal and the east side levee along the Sacramento River. Despite SAFCA's proposed use of these lands, the Conservancy acquired these properties to offset urban development's significant adverse impacts on protected wildlife species within the Natomas Basin. The Conservancy acquires and manages these properties consistent with the Natomas Basin Habitat Conservation Plan. The GHCA believes there still is no agreement between the Conservancy and SAFCA on the use of Conservancy lands and how these lands will carry out their intended conservation purpose after the soil necessary for the construction of the levee improvements is removed. Thus, any claimed mitigation for the loss and disturbance of Conservancy land is impermissibly deferred to some future time after Project approval and implementation. O1-5

Despite the fact that SAFCA has been afforded several bites at the apple in an attempt to come up with acceptable environmental mitigation, it continues to gloss over the devastating impact the Project will have on the sensitive habitat of protected species, including raptors, snakes and flora (see comments of the California Department of Fish and Game summarized above). O1-6

Lastly, on page ES-5, SAFCA indicates the potential for several Phases to be constructed concurrently. How is this possible when the previous EIR/EIS's for Phases 2 and 3 clearly state that all "habitat creation" would be performed "in advance" of the subsequent phases? O1-7

3. <u>Premature Habitat Removal</u>

The GHCA is vehemently opposed to what it perceives to be the hasty, irresponsible and premature removal of heritage oaks and other irreplaceable habitat. Namely, SAFCA seems bent on moving forward with the removal of this habitat during the fall of 2009 within Reaches 5A to 9, and possibly beyond. The GHCA contends there is no legitimate expectation that levee construction activity in these Reaches will commence any time during the next 12 months. SAFCA need only look at the current progress of the Project to understand this objection. O1-8

Moreover, SAFCA appears intent on moving forward with tree removal without NEPA approval, not expected until 2010. Thus, the GHCA contends this planned destruction violates applicable environmental laws and regulations.

Further, on page ES-4, the DEIS notes that completion of the "early implementation project" is expected by the end of 2010. Conversely, the Phase 3 DEIR noted this action would be completed by the end of 2011 (Phases 1 through 4). On the next page (ES-5) SAFCA states Phase 4A is planned to be completed in 2011 and 4B in 2011 or beyond. The GHCA wonders whether the "early implementation project" definition been changed to exclude Phases 4A and 4B, or has SAFCA found a way to complete ~18 O1-9

miles of the NLIP in the same amount of time it took them to complete ~3000 feet this year (which is still not complete)? O1-9 (Cont.)

The second to last sentence of the Phase 2 Project bullet on page ES-4 states, "The Phase 2 Project could be constructed on a stand-alone basis, assuming no further action on the balance of the NLIP is taken." If there is even a possibility of "no further action on the balance of the NLIP" why is SAFCA insisting on removing all the trees in the footprint of Phase 3 and 4A during the fall of 2009? On the next page, the DEIS notes the condition, "assuming receipt of all required environmental clearances and permits." There is no mention of the required funding being available. If SAFCA does not have the required clearances and permits to remove the trees, or if those permits have been granted based on the premise that all other clearances, permits, and funding are in place, how can SAFCA legally remove these trees? The GHCA contends that no premature tree destruction should take place until all clearances, permits, and funding are in place. O1-10

Page ES-25, Impact 4.7-a: Loss of Woodland Habitats. The proposed action states loss of ~ 22 acres of woodlands to be "less than significant' on the environment after mitigation. While with proper care of the newly created habitats this might be true in 50+ years, the GHCA contends the loss of 100+ year old endangered trees to be significant for the next few generations. O1-11

4. Failure to Study Simultaneous Multi-Phase Construction

As noted in the preceding paragraph, SAFCA is now postulating that multiple phases of the NLIP could be constructed simultaneously. This directly contravenes the construction impact and mitigation advanced in the prior environmental documents and creates new issues not previously studied or addressed. For example, there would be compounded effects of CO2 emissions, noise, dust, vibration, and disruption to wildlife that has not been analyzed. Compared to the original Phase 3 EIR, emissions in just Sacramento County would raise from ROG 75 lb/day to 287 lb/day, NOX 413 lb/day to 1,476 lb/day, and PM10 971 lb/day to 3,847 lb/day if these phases are to be done simultaneously. On page ES-16, "Air Quality," the DEIR references the "nonattainment status of the Feather River Air Quality Management District and the Sacramento Metropolitan Air Quality Management District for ozone and PM10." The GHCA contends the cumulative effect of simultaneous construction during multiple construction phases has not been sufficiently analyzed by the responsible agencies? O1-12

Furthermore, simultaneous construction could involve three or more phases of simultaneous, 24/7 construction. Given the grave impacts of just one 24/7 worksite, the GHCA believes SAFCA certainly cannot justify multiple worksites operating in this manner. This impact would be The current DEIS unreasonably harmful to wildlife, the environment, and Garden Highway residents. O1-13

5. Failure to Adequately Address Encroachments/Levee Prism

Page ES-14, Encroachment Management, states "Remove encroachments as required to meet the criteria of the USACE, CVFPB, and FEMA." Conversely, SAFCA has repeatedly advised members of the GHCA that the "adjacent" levee adopted by the NLIP "should" remove the waterside trees, landscaping, fencing, and other vegetation and improvements from the "levee prism." In other words, SAFCA O1-14

believes implementation of the NLIP would spare these items from removal under even the most aggressive encroachment standards. Thus, the GHCA is concerned with the apparent unchanged position regarding encroachments as described in the current DEIS. O1-14 (Cont.)

Moreover, have these agencies identified what (if any) waterside encroachments are required to be removed within any construction phases? This question is of utmost importance to the GHCA and its members. SAFCA has also advised the GHCA it has maps of approximately 30,000 encroachments and all associated easements on the waterside of the levee. Oddly, SAFCA has thus far refused to share this information with the GHCA and/or its individual members. Research has revealed some vague, inadequately mapped easements dating back to the early 1900's which appear to show little or no support for any planned encroachment removal.

SAFCA also stated "on the record" that it is willing to grant "post-facto" permits for encroachments that do not endanger the levee. Unfortunately, because the property owners have no information as to what items SAFCA feels are permitted or not, the members of the GHCA are left to guess about the future of their properties. O1-15

The members of the GHCA are very concerned about which "encroachments" might require removal and with the various easements SAFCA and/or its partners will attempt to claim. SAFCA has promised to work with each property owner to discuss and resolve issues regarding alleged encroachments, but thus far has taken no such action. Phase 2 construction is underway, yet the GHCA is aware of no affected property owners having been contacted regarding encroachment or easement plans. This not only impacts existing improvements, but future improvements. The uncertainty also creates resale problems and negatively affects property values.

6. <u>Failure to Justify 24/7 Construction</u>

As accurately noted by the California Department of Fish and Game, the DEIR does not adequately address the potential impacts to raptor nesting especially with regard to 24/7 construction and an estimated 900-1000 haul trips per day to deliver fill material. The DFG "believes that each of these activities could potentially result in significant impacts to nesting raptors including nest abandonment, starvation of young, and/or reduced health and vigor of eggs or nestlings that could result in death." Moreover, the DEIR does not explore the potential impacts of nighttime construction activities on nesting raptors. Moreover, construction at night poses additional complications for the effectiveness of biological monitors in ensuring that appropriate buffer zones are in place around active nests and that birds do not abandon their nests. O1-16

SAFCA contends Cutoff Walls, wells and perhaps additional aspects of the Project require a 24/7 construction schedule. The DEIR fails to set forth sufficient justification for 24/7 construction and does not include a necessary "balancing test" - balancing the significance of the impact (damage to environment) to the benefits of the protected interests (people, property, etc.). Moreover, SAFCA has built other Cutoff Walls without the need for 24/7 construction. In fact, recent contracts executed between SAFCA and the current contractor performing Cutoff Wall Construction in Phase 2 of the NLIP define stoppages in slurry construction of up to 48 hours as insignificant. The residents along Garden O1-17

Highway and the sensitive environment that exists in the riparian, river habitat adjacent thereto cannot be subjected to 24/7 construction simply because SAFCA is running behind schedule on what might be perceived as an overly ambitious project. It is anticipated 24/7 construction during subsequent phases of the NLIP would have an exponentially adverse impact on property owners spanning many miles in all directions. Moreover, the use of trucks to get to and from the actual "construction" sites will expand the location of the impact far beyond the limited construction sites addressed by SAFCA.

When a DEIR concludes that an impact is "significant" and cannot be mitigated, CEQA requires that the certifying body (SAFCA) perform a balancing test - balancing the significance of the impact (damage to environment) to the benefits of the protected interests (people, property, etc.). The certifying body must also make "findings on the record" that a balancing test was performed and how the results were determined. The GHCA has never seen any evidence that this requirement has been met with regard to 24/7 construction, and other important aspects of the NLIP. The GHCA also does not believe SAFCA has adequately investigated alternatives to 24/7 construction which cannot be summarily dismissed solely on account of additional cost. O1-17 (Cont.)

Moreover, SAFCA has in essence granted itself a "free pass" for 24/7 construction if it deems it necessary for any reason, without a supplemental DEIR or public review. In other words, SAFCA appears to be "reserving the right" to make up any construction schedule it deems fit, without regard to the environment impacts stemming from that decision.

Despite failing to justify the need for 24/7 construction and the failure to mitigate the significant adverse impacts of that construction on humans and protected wildlife species and their habitat prior to approval of the NLIP, SAFCA is proceeding with the implementation of the Project. Therefore, SAFCA has prejudicially abused its discretion by failing to reduce or avoid the Project's significant adverse impacts on protected wildlife species and their habitat prior to project approval and implementation.

The GHCA also challenges the 500' distance standard for relocation. As all GHCA members learned during the 2007-2008 "Bank Protection" project, construction work along the water and in the open expanses along the rural banks of the Sacramento River, construction sound and reverberation can and do travel for miles. 24/7 construction was periodically attempted during sections of that project with dismal impacts on the residents of Garden Highway. It is anticipated 24/7 construction during subsequent phases of the NLIP would have an exponentially adverse impact on property owners spanning many miles in all directions. Moreover, the use of trucks to get to and from the actual "construction" sites will expand the location of the impact far beyond the limited construction sites addressed by SAFCA. O1-18

Furthermore, the DEIS purports to grant SAFCA the additional right to also utilize 24/7 construction for "occasional construction activities." The GHCA believes this "loop hole" is overbroad and could be interpreted as giving SAFCA the unfettered discretion to disregard all adopted construction restraints to obtain permission for the NLIP. The GHCA believes any construction after 7:00 p.m. is highly disruptive, unnecessary and virtually assures disruption of the quiet enjoyment of all property owners within the construction zone and surrounding sound zones. O1-19

The GHCA also feels the DEIS ignores both city and county (Sacramento and Sutter) noise ordinances. As such, the GHCA seeks an explanation as how SAFCA plans to deal with its violations of local noise ordinances. O1-20

7. Failure to Provide Information About Assumptions Used In DEIR

The DEIS bases many of its conclusions about the Project's environmental impacts on the assumption that levee widening will have no impact on habitat that falls within the expanded footprint. The DEIS fails to provide any meaningful information substantiating that assumption. The EIS is the primary means of achieving the Legislature's considered declaration that it is the policy of this state to "take all action necessary to protect, rehabilitate, and enhance the environmental quality of the state"... The EIS is also intended "to demonstrate to an apprehensive citizenry that the agency has, in fact, analyzed and considered the ecological implications of its actions." Laurel Heights Improvement Ass 'n v. Regents of the Univ. of California (1988) 47 Cal.3d 376, 392).

Since the public was not provided with the notice that they widening would encroach on additional habitat, the very interested public in this matter has been denied a meaningful opportunity to participate in CEQA's mandatory environmental review proceeding. (See, Mountain Lion Coalition v. CA Fish and Game Comm'n (1989) 214 Cal.App.3d 1043
1050-1051. O1-21

Inadequate information or explanation of the impact of the levee, widening on habitat precluded meaningful public review and an opportunity to comment on the environmental consequences of the proposed Project. California's high court has emphasized "public participation is an essential part of the CEQA process." Concerned Citizens of Costa Mesa v. 32nd District Agricultural Assoc. (1987) 42 Cal.3d 929, 935. "To facilitate CEQA's information role, the EIR must contain facts and analysis, not just the agency's bare conclusions or opinions. This requirement enables the decision-makers and the public to make an "independent, reasoned judgment" about a proposed project" ibid. The California Supreme Court has acknowledged that interested citizens hold a "privileged position" within the CEQA process "based on a belief that citizens can make important contributions to environmental protection and on notions of democratic decision making." Id. at p. 936.

8. Inadequate Mitigation Due to Lack of Funding

Nearly simultaneously with the approval of the Phase 3 EIR, SAFCA acknowledged that there was inadequate Local, State or Federal Funding to complete Phase 3 of the Project, much less Phase 4A, including completion of the mitigation measures. In fact, SAFCA executive Stein Buer recently described funding for the NLIP as a "leap of faith." O1-22

Because SAFCA has no means of insuring that the mitigation measures will actually be implemented due to inadequate funding, the Phase 4A DEIR fails to comply with CEQA.

9. General Construction and Mitigation

The DEIR contains insufficient notice about construction schedule and plans, complaint procedures and logs, power pole plans, encroachment removal plans, mitigation locations, schedules and compliance. The DEIR fails to identify the "levee prism" as contemplated by the new, adjacent levee design proposed by SAFCA and fails to adequately address potential construction related damage to improvements and vegetation. The DEIR additionally fails to adequately address decreased highway safety stemming from the new design, increased rainwater and pollutant runoff, and well starvation issues. O1-23

10. Alternative Designs

SAFCA has failed to conduct a legitimate, unbiased study to determine the most economically and environmentally sound project design to bring the Natomas Basin up to the USACE 100 year flood protection standard. SAFCA has summarily dismissed feasible alternatives that would lead to region-wide solutions to the flooding potential in the Natomas Basin and surrounding communities. SAFCA has also failed to make a rationale, "good faith" effort at minimizing the height and footprint of the adjacent levee system, especially in light of the lower and inferior levee systems both upstream and adjacent to the NLIP. O1-24

Moreover, substantial evidence in the record indicates that the impacts of the Project will be influenced by ongoing and future climate change, which SAFCA has failed to consider. In a response to a public comment about whether a previous DEIR took into account the effect of climate change on river flows, SAFCA states, "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."

The California Department of Water Resources ("DWR") recently published a technical memorandum report entitled "Progress on Incorporating Climate Change into Management of California's Water Resources." This document is available on at http://baydeltaoffice.water.ca.gov/climate change/DWRClimateChangeJuly06.pdf. Chapter 6 of DWR's technical report in entitled "Climate Change Impacts on Flood Management" offers some helpful information about the effect of climate change on flood management. While acknowledging the uncertainty associated with evaluating changes in weather events due to climate change, DWR's technical report provides a description of climate change scenario data that would be suitable for analyzing climate change impacts on flood frequency. O1-25

SAFCA's DEIR also fails to describe the existing physical environmental conditions in order to determine the Project's significant adverse impacts on the existing environment. In determining whether a project's impacts may significantly affect the existing environment, there must be a "baseline" set of environmental conditions to use as a comparison to the anticipated project impacts. As the Court of Appeal has explained, "it is only against this baseline than any significant environmental effects can be determined." County of Amador v. El Dorado County Water Agency (1999) 76 Cal.App.4th 99, 952. O1-26

The DEIR, and in fact the entire NLIP design, relies on a computer simulation that describes a hypothetical physical condition, but does not describe the actual physical conditions on the ground.

Conversely, CEQA requires the establishment of the existing physical environmental conditions. Several court decisions have determined that the impacts of a proposed project must be measured against the "real conditions on the ground." Save Our Peninsula Committee v. Monterey County Board of Supervisors (2001) 87 Cal.App.4th 99, 121. "An EIR must focus on impacts to the existing environment, not hypothetical situations." ibid.

The proposed impacts of a project must be compared against real, physical, environmental conditions. This would include the existing condition of the west side levees along the Sacramento River and the north side levee along the Natomas Cross Canal. This comparison would answer the question of "levee parity" and whether any spots along the river side of the east levee improvements or west side of the Sacramento River in Yolo County, or north side of the Natomas Cross Canal in Sutter County would be more vulnerable to flooding.

O1-26 (Cont.)

In other words, if the east side levee along the Sacramento River and the south side levee along the Natomas Cross Canal have sufficient freeboard to ensure safe containment of the "200-year" design water surface, then these improved levees will have a significant adverse effect on the existing lower levee, properties, and structures along the west side of the Sacramento River, the homes and residents along Garden Highway on the river side of the improved east side levees, and the existing lower levee, properties and structures along the north side of the Natomas Cross Canal, which are lower than the 200-year design water surface.

The DEIR fails to compare the effects of the proposed levee improvements against the existing physical environmental conditions. The failure to provide this analysis frustrates "the central function of the EIR, to inform decision makers about the impacts of the proposed project on the existing environment." Save Our Peninsula Committee, supra, 87 Cal.App.4th at p. 127.

The DEIR further fails to consider the impacts of mounting environmental legislation and biological opinions which will significantly impact alternative flood protection plans, summarily dismissed by SAFCA as “impossible” or “inconceivable.” One such edict recently issued by the The National Marine Fisheries Service unveiled a complex set of rules, a “biological opinion”, which will likely have enormous impacts on local flood protection practices with the goal of increasing the populations of winter- and spring-run salmon, Central Valley steelhead and green sturgeon. According to Kate Poole, attorney at the Natural Resources Defense Council, "There's no question any more about the fact that the Bay-Delta ecosystem is in dire need of significant changes and fixes. This is one big step to do that."

O1-27

The new federal rules require that reclamation districts find a way to flood the Yolo Bypass more often to improve salmon habitat, negating SAFCA’s argument that the Yolo Bypass could not be used to divert more water from the Sacramento River than current rules permit. Moreover, SAFCA’s concern that water diversion to the Yolo Bypass would be too costly to local water and flood agencies apparently did not negate the decision on the new rules. The ruling governs water operations of the California Department of Water Resources, who will share the cost of the new orders. Clearly, flooding the Yolo Bypass “more frequently” will require a lowering of the Sacramento River weirs – a proposal made by the GHCA more than two years ago as a more effective, long-term solution in lieu of an eternal levee battle in the narrow channels of the Sacramento River.

11. Damage to Businesses

The DEIR fails to address the impact of the project on the businesses that exist along and upon Garden Highway which thrive only because individuals seek the tranquility and peace of a rural, river atmosphere that is easily accessible, peaceful and enjoyable. O1-28

12. Hydrology

The hydrology reports postulated by SAFCA and its engineers conclude the improved levee system contemplated by the NLIP will not increase the flood risk to the waterside property owners within the NLIP. These reports are explicitly based upon the assumption that other surrounding Reclamation Districts will NEVER improve their levees. This assumption is improper, flawed and not in concert with the current push by adjacent Districts to fortify their levees. The threat of increased flood risk cannot be summarily dismissed and a funding mechanism must be included to deal with the financial impact of this impact. O1-29

Equally troubling, on page ES-4, footnote #2, SAFCA admits its "design event analysis is not the same as the analysis procedure used by USACE." As the primary advertised goal of the NLIP is to obtain USACE certification, why is SAFCA deviating from the USACE event analysis? The DEIS further notes that the USACE analysis "includes consideration of system uncertainties." Does this mean the SAFCA analysis does not account for "system uncertainties" such as the other side of the levee overtopping or failing?

Waterside residents adjacent to the NLIP are very concerned about increased flooding of their homes due to the levee being raised as much as three feet. SAFCA has systematically advised the GHCA not to worry, as levees will overtop or fail elsewhere. Unfortunately, it appears SAFCA;s engineering analysis does not account for this or assumes the other levees will be raised and reinforced. If both sides of the levee are eventually raised, then the water capacity of the river will be increased. This would allow the upstream reservoirs to release more water during a flood event and subject residents to a much greater chance of flooding. The GHCA has been advised there is debate amongst USACE engineers as to which provides the better hydrological model, "perfect world" where you cannot take into account deficiencies in other parts of the levee, or "real world" where you can. What is SAFCA's view on this? O1-30

13. Construction Standards

California Title 23 (Waters) Division 1, Chapter 1, Article 8, Paragraph 133 states:

These standards apply only to the construction, reconstruction, or repair of dwellings and associated improvements on the left bank waterward berm and waterward levee slope of the Sacramento River between levee miles 0.00 and 18.60, Unit 1, Reclamation District 1000. These standards supplement and, where in conflict with, supersede the standards in section 111 through section 137. While these standards are not specifically for commercial construction, in general, the principles in this section will apply to commercial development. … O1-31

These rules were specifically designed to accommodate the unique characteristics of the Natomas (RD 1000) section of California levees. Although not discussed in this document, they are referenced and appear to be important to SAFCA's claim that the "adjacent setback levee" would move the "levee prism" further landside and significantly reduce the need to remove waterside improvements and vegetation.

The Central Valley Flood Protection Board (CVFPB) is currently initiating a major revision to Title 23, but the GHCA was unable to locate any revisions to this section based on the new levee prism. The GHCA feels that if SAFCA is confident its design will move the levee prism further "landside", it should advocate appropriate revisions to this section of the documents. The failure to do so causes the

DEIS to fall into direct contradiction with the promises and assurances SAFCA has made to the GHCA, and results in further concern about the true intentions of SAFCA's mitigation promises. As SAFCA and CVFPB are "working together", the GHCA believes joint consensus and a final determination on these issues should be straightforward.

O1-31 (Cont.)

14. Property Values

The DEIS, consistent with all prior SAFCA action related to the NLIP, wholly fails to address the impact of the Project on property values in the affected areas and has no funding mechanism in place to deal with the destruction of property values in and around the project that will ripen into eminent domain and inverse condemnation lawsuits. This exposure includes, but is not limited to, irreparable damage to property values which began when this project was first publically announced (at a time when real estate values were significantly higher than today), and will continue indefinitely into the future. The project has stalled and prevented sales, land improvements and retirement plans. This trend will increase exponentially when active construction begins. Due the lack of a funding mechanism, the taxpayers will be left to shoulder yet another wave of unanticipated and undisclosed cost overruns.

O1-32

15. Failure to Explain Waterside Vegetation Removal

On page ES-14, Waterside Vegetation Removal, the DEIS states that up to 4 acres of waterside vegetation will be removed due to replacement of pumping plants and construction of outfalls. How much of this is for pumping plants and how much for outfalls? Does SAFCA anticipate that outfall construction will require removal of any trees on homeowner property, and have the affected homeowners been notified?

O1-33

16. Utility Disruption

The DEIR fails to address loss of utility services to property owners due to power pole relocation or otherwise.

O1-34

17. Conflict of Interest

Each state and local agency must adopt a conflict of interest code tailoring the disclosure requirements for each position within the agency to the types of governmental decisions a person holding that position would make. (Gov. Code Sections 87301 and 87302.) Apparently, the SAFCA Board of Directors is not held accountable to these laws, creating an actual controversy. O1-35

Equally troubling, SAFCA has wholly failed to maintain any independence between itself and the agencies, consultants and engineers that have proposed, created, modified and approved the NLIP. This is abundantly demonstrated in the relationship between SAFCA and EDAW, who collaborated on the NLIP DEIR, yet did not even pretend to maintain a level of objectivity or independence. In fact, SAFCA is not accountable to any independent agency or firm capable of objectively evaluating the decisions it makes relative to the NLIP. As a result, the "rubber stamping" of illegal and flawed EIRS has become an accepted practice in Sacramento County. O1-36

The GHCA contends the lack of independent oversight of the NLIP violates the spirit of CEQA and has led to legitimate challenges to the NLIP being summarily and improperly rejected.

18. Failure to Consider Environmental Impact of Development

While SAFCA publicly justifies the massive NLIP as a necessary cure for the imminent, Hurricane Katrina type flooding that could occur in the Natomas Basin in the event of a 100-year-flood, in reality SAFCA is simply trying to lift the building moratorium affecting the builders who have imprudently chosen to pave over rice fields in a "basin". These are the same developers who have spent hundreds of thousands of dollars supporting our local officials and lobbying for the right to resume rapid development within the floodplain. Without more "urban sprawl", these developers and the County of Sacramento are unable to tap into the "quick cash" that has been created from destroying our evaporating farm lands.

The GHCA contends that rather than encouraging additional urban sprawl, local agencies should be focusing on creating more housing in urban areas, i.e. building up, not out. Moreover, the failure of local agencies to curb their appetite for our farmlands will only increase traffic congestion, gas and carbon emissions and regional pollution at a time when universal fears and concerns over global warming, water scarcity and energy depletion is gaining momentum. O1-37

The GHCA contends the urban sprawl into the Natomas Basin, quite ironically, increases the flood potential for Natomas and surrounding communities. Vast farmland that previously collected and stored water during heavy storms, before slowly releasing it through natural underground seepage, has now been paved and improved with storm drains. Accordingly, thousands of acre feet of rainwater that previously rested safely within area farmland is now immediately collected and pumped into the Sacramento River. Historical flow charts from the Sacramento River during times of heavy storms confirm the negative impact Natomas Basin development is having on regional flood protection.

19. Failure to Address Project's Usurpation of Agency Resources

Due to the NLIP and other regional flood projects, SAFCA has usurped the staff and resources at governmental agencies whose involvement is required to review and approve these projects, including but not limited to, the Central Valley Flood Protection Board (previously "Department of Water Resources") and the Army Corps of Engineers. As a result, the staff and resources of the Central Valley Flood Protection Board and the Army Corps of Engineers have become virtually unavailable to anything or anyone other than SAFCA and its projects. O1-38

The GHCA contends SAFCA should pay for additional staff and resources at these governmental agencies so that taxpayers are provided an equal opportunity to access and utilize the services of these agencies. Currently, these individuals are being wholly ignored by these agencies whose personnel admit they cannot keep up with anything other than SAFCA's flood projects.

For the reasons set forth herein, the GHCA respectfully objects to the approval of the DEIS for Phase 4A and requests that the responsible reviewing agencies reject it.

We appreciate your consideration in reviewing our comments and hope for the best possible outcome for all involved.

Sincerely,

GARDEN HIGHWAY COMMUNITY ASSOCIATION

O1-1 USACE and SAFCA have prepared the NLIP environmental documents, including the Phase 4a DEIS/DEIR, in accordance with NEPA and CEQA, in particular the tiering provisions (see Section 1.5, "Intended Uses of the EIS/EIR and Relationship to Other Documents," of the Phase 4a DEIS/DEIR). USACE and SAFCA have strived to ensure that the NLIP environmental documents are understandable to decision makers and to the public, while still containing the level of detail necessary for a robust and technically adequate analysis aimed to withstand legal scrutiny. To help facilitate clarity, the NLIP environmental documents, including the Phase 4a DEIS/DEIR, include numerous plates, tables, and formatting considerations to highlight discussions pertaining to project alternatives, environmental impacts, and proposed mitigation measures.

CEQA requires tiering, whenever feasible as determined by the lead agency, and authorizes lead agencies to treat large and complex phase projects first in a general program-level analysis and then analyze subsequent actions within the program at a project-level of detail while incorporating relevant program level analysis by reference (see California Public Resources Code [PRC] Sections 21068.5, 21093, 21094) . CEQA provides numerous alternative ways to accomplish the purposes of tiering (see, e.g., 14 California Code of Regulations [CCR] Sections 15152, 15157, 15168, 15385; see also Section 15150 [incorporation by reference]). Thus, by tiering, the environmental effects associated with an entire suite of related actions are analyzed to the extent possible in a program-level document and then specific actions within the program are analyzed at a project level when sufficient detail exists to perform project-level analysis.

NEPA authorizes tiering, and allows agencies to treat general matters in program-level documents and then analyze subsequent actions at project level of detail in tiered environmental impact statements (40 Code of Federal Regulations [CFR] Section 1502.20; see also 40 CFR 1502.21 [incorporation by reference]).

USACE and SAFCA analyzed the impacts of the entire NLIP Landside Improvements Project, including cumulative impacts, in the Phase 2 EIR (SAFCA 2007) and Phase 2 EIS (USACE 2008). Subsequent documents, such as the Phase 3 EIR, Phase 3 EIS, and the Phase 4a DEIS/DEIR, analyze the impact of specific project phases within the NLIP as provided for under the tiering principle. Because USACE and SAFCA considered the impacts of the Phase 4a Project, incorporating relevant program-level analysis by reference as authorized by NEPA and CEQA, USACE and SAFCA have considered the entirety of the Phase 4a Project and its relationship to the larger NLIP in the manner expressly provided for under NEPA and CEQA. The Phase 4a DEIS/DEIR, and all previous NLIP environmental documents, examined the cumulative effects of the NLIP and the Phase 4a Project consistent with the requirements of NEPA and CEQA. Because the effects of the entire NLIP have been disclosed in program-level documents, and the impacts of the NLIP and project phases have been analyzed in relation to the cumulative context, there is no factual basis to support the contention that the NLIP Landside Improvements Project has been in any way piecemealed or segmented.

The commenter's reliance on *San Joaquin Raptor/Wildlife Rescue Center v. County of Stanislaus* (27 Cal. App. 4th 713, 730 [1994]) is misplaced. The page cited in the comment supports the general rule that a lead agency under CEQA must analyze the whole of the action; in *San Joaquin Raptor*, the agency has left a major infrastructure component out of the project description. The

comment offers no specific facts to demonstrate that SAFCA has failed to analyze the entirety of the Phase 4a Project. To the contrary, the comment simultaneously contends that the Phase 4a DEIS/DEIR is very detailed, which tends to support the conclusion that the project has been exhaustively analyzed and substantial evidence has been provided to support conclusions.

O1-2 EPA's comment letter on the Phase 3 DEIS/DEIR and USACE's and SAFCA's responses in the Phase 3 FEIR are included as **Appendix D3** to this FEIR. Comments on previous NLIP environmental documents, as well as any resulting project/document revisions made in response to those comments, were incorporated into the Phase 4a DEIS/DEIR, as applicable. USACE and SAFCA have and will continue to work closely with the U.S. Fish and Wildlife Service (USFWS), the California Department of Fish and Game (DFG), and The Natomas Basin Conservancy (TNBC).

O1-3 DFG's comment letter on the Phase 3 DEIS/DEIR and USACE's and SAFCA's responses in the Phase 3 FEIR are included as **Appendix D4** to this FEIR. Comments on previous NLIP environmental documents, as well as any resulting project/document revisions made in response to those comments, were incorporated into the Phase 4a DEIS/DEIR, as applicable.

O1-4 Impact 4.7-a, "Loss of Woodland Habitats," of the Phase 4a DEIS/DEIR addresses short-term (10–15 years) and long-term impacts due to loss of woodland habitat. SAFCA disagrees with the commenter's statement that it would take 50–100 years for new woodland habitat development. Based upon the expert professional judgment of SAFCA's biological consultants (Leo Edson, Ann Chrisney, Chris Fitzer, and Stephanie Jentsch of AECOM, formerly EDAW), habitat function would be expected to be restored within approximately 10–15 years, as described in Impact 4.7-a. Regardless of the length of time required to restore woodland habitat that would provide existing ecological function, the Phase 4a DEIS/DEIR concludes that short-term (10–15 years) impacts to woodland habitats would be a significant and unavoidable impact for many years before reaching a less-than-significant level because replacement plantings would require a minimum of 10–15 years before providing important habitat components such as shade and structure. SAFCA's previous projects involving woodland plantings and transplants within the project vicinity have been successful. Of 50 trees planted in the Rio Linda Creek Conservation Area, 94% have survived; similarly, of 14 oaks transplanted by SAFCA in 2004 as part of the Hagedorn Grove project, 12 survived (Buck, pers. comm., 2009).

At the time of submission of this comment letter on the Phase 4a Project (October 13, 2009), woodland plantings and transplants have not yet been completed; therefore, it is not yet possible to report on the success rate for these tree plantings and transplants. However, pursuant to the construction contract, SAFCA's contractor for tree planting is required to attain performance standards during the maintenance period, which is considered to be the 3-year-period immediately following acceptance of the installation portion of the woodland plantings by SAFCA. If the performance standards are not met, the project will not be accepted until the identified remedial actions are implemented by the contractor as directed by SAFCA. These remedial measures could include additional weed control or additional planting, using adaptive management to identify those plants best suited to the site. Performance standards included in the construction contract are listed below in **Table 3-1**.

Table 3-1 Performance Standards for Planting Survival During the Maintenance Period		
Year	Survival of Container Plants by Area (%)	Survival of Native Seed by Area (%)
1	95	50
2	95	50
3	90	50
Assessment Timing	Late Summer	Late Summer
Source: SAFCA 2009c		

SAFCA will conduct field assessments of the plant survivorship once per year, at the timing noted in the above table. Healthy plants are considered to be robust, in good form, free of disease and insect infestation, and exhibit vigorous growth (foliage and wood); they must not be heat- or water-stressed (SAFCA 2009c).

In addition, a Development Impact Fee Program (Fee Program) was adopted by the SAFCA Board of Directors in May 2008 (available at www.safca.org). The development projections, upon which the Fee Program is based, come from data provided by the Sacramento Area Council of Governments (SACOG). The Fee Program will fund a series of flood risk reduction projects that will build on the accomplishments of SAFCA's Consolidated Capital Assessment District (CCAD). SAFCA has determined that there is sufficient Federal or state support and local funding through the CCAD to provide at least a 100-year level of flood protection to the Natomas Basin over the next 11 years. During this period, the Fee Program will provide a portion of the local share of the cost of achieving at least a "200-year" level of protection. Based on SACOG Blueprint projections, SAFCA estimates that over $400 million will be generated over the next 30 years as a result of the Fee Program.

SAFCA anticipates that funding for project construction, implementation of mitigation measures, monitoring, and long-term management will be provided through SAFCA's CCAD and existing Operations and Management District for SAFCA's long-term obligations. If the Phase 4a Project is not funded and implemented, however, mitigation measures for the Phase 4a Project would not be required.

O1-5 The commenter's assertion that the Phase 4a Project will use TNBC lands for borrow material is incorrect. The Phase 4a DEIS/DEIR states on page 2-65 that the Fisherman's Lake Borrow Area would be the primary source of soil borrow for the Phase 4a Project. TNBC owns some lands adjacent to the Fisherman's Lake Borrow Area, including managed marsh and agricultural upland (field crop). These TNBC-owned conservation lands would not be used for borrow operations. Lands that are currently used for agricultural purposes would provide borrow material, and would then be reclaimed as a mosaic of managed marsh and uplands. These sites would thus create connectivity between existing TNCB parcels adjacent to the Phase 4a Project borrow sites (see Plate 2-9b in the Phase 4a DEIS/DEIR, which shows the location of TNBC lands in relation to the proposed Phase 4a Project borrow sites). As set forth in the Long-Term Management Plan (LTMP) that has been approved by the resources agencies with jurisdiction over the project and USACE, SAFCA intends to enter into management agreements with TNBC to manage the borrow/mitigation sites at Fisherman's Lake. These agreements will not be executed until SAFCA has more specific plans and specifications for these sites. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR for the clarified text.

O1-6 The Phase 4a DEIS/DEIR provides a list of significant and unavoidable impacts that would result from implementation of the Phase 4a Project (see pages ES-11 and 5-38 of the Phase 4a DEIS/DEIR) because no feasible mitigation is available to reduce the significant impacts to a less-than-significant level, or identified mitigation would minimize the impacts but would not

mitigate the significant impacts to a less-than-significant level. Impacts to biological resources are included on this list and are discussed in detail in Chapter 4.0, "Environmental Consequences and Mitigation Measures," of the Phase 4a DEIS/DEIR. SAFCA is obligated to secure permits from the applicable resource/regulatory agencies before project construction that could affect agency-regulated habitat. Issuance of these permits indicates that proposed mitigation and compensation are considered to be acceptable according to applicable Federal, state, and local regulations. Project construction cannot commence in areas where such permits are required. Agency documents are legally binding, enforceable terms and conditions of the various agencies including: USFWS, the National Marine Fisheries Service (NMFS), DFG, TNBC, Sacramento County, SCAS, the Natomas Central Mutual Water Company, and RD 1000. See also Response to Comment O1-3.

O1-7 SAFCA's habitat conservation strategy is programmatic in nature and applies collectively to all of the NLIP project phases. To assist USACE and SAFCA in implementing this strategy, an LTMP was prepared and, in May 2009, was approved by USACE, USFWS, DFG, and the Central Valley Regional Water Quality Control Board. Additionally, MMRPs are prepared for each project phase and adopted by the SAFCA Board of Directors at the time of EIR certification and project approval of each project phase. Both the LTMP and MMRP are available on SAFCA's Web site at http://www.safca.org/Programs_Natomas.html.

Many of the Phase 2 Project habitat improvements have been or will be completed prior to the beginning of Phase 3 Project construction; however, many will not, as noted below.

- approximately 62 acres of woodland habitat are being planted and are scheduled to be in place before Phase 3 Project levee construction begins;
- similarly, the Brookfield borrow site (proposed to be used for Phase 2 Project borrow material) is expected to be reclaimed for rice production in 2010, before Phase 3 Project levee construction begins;
- for the approximately 100 acres of new Swainson's hawk habitat, land acquisition has occurred, but actual habitat reclamation will not occur until after Phase 3 Project construction begins because the lands are borrow sites (e.g., Thornton) that first need to be used for borrow activities for the Phase 3 Project;
- marsh habit creation will occur as part of the Phase 4a Project, although land acquisition will occur before Phase 3 Project construction begins; and
- the upper portions of the Giant Garter Snake (GGS) and Elkhorn Canals will be constructed before Phase 3 Project construction begins.

In summary, most of the land acquisition has occurred and management agreements are in place. As lands are ready for turnover to or management by TNBC, they will be managed in accordance with the LTMP and other management agreements.

O1-8 Vegetation and tree removal in Reaches 5A–9 of the Sacramento River east levee is part of the Phase 3 Project. As required by CEQA, significant and unavoidable effects of the Phase 3 Project, including effects related to the loss of vegetation and trees, were disclosed in the Phase 3 EIR, and feasible mitigation to reduce those effects were also identified. In May 2009, the SAFCA Board certified the Phase 3 EIR; adopted findings, a statement of overriding considerations, and an MMRP, as required by CEQA; and approved the Phase 3 Project, together signaling the completion of the CEQA process for the Phase 3 Project. Funding for Phase 3 Project tree removal and planting has been secured. Tree removal began in fall 2009 and must be completed

prior to the nesting season, which begins in March 2010. Tree planting will occur in 2010 and be completed by the end of the year. USACE has no jurisdiction over the tree removal activities; therefore, USACE approval and NEPA compliance are not required for these tree removal activities. As stated above, non-riparian tree-removal activities are subject to CEQA, which has been completed for the Phase 3 Project. SAFCA is in full compliance with all applicable environmental laws and regulations.

O1-9 In 2006, when SAFCA embarked upon the multi-phase NLIP to bring the entire 42-mile Natomas Basin perimeter levee system into compliance with applicable Federal and state standards for levees protecting urban areas, SAFCA had a goal of project completion by 2010; however, as public outreach, environmental review, design, permitting, and construction of the multiple project phases have proceeded, numerous delays have been encountered that have affected the overall NLIP schedule (which is posted and updated regularly on SAFCA's Web site at www.safca.org). It is anticipated that construction of the Phase 3 and 4a Projects will be completed by the end of 2010. These project phases along with the Phase 2 Project will be funded by SAFCA and the State of California and will be implemented in advance of full Federal authorization for the constructed improvements. For this reason, these NLIP project phases are collectively referred to as the "early implementation project." The Phase 4b Project, which will be the subject of an EIS/EIR to be issued in early 2010, will likely be implemented by USACE following Congressional authorization of the Phase 4b Project and the other NLIP project phases.

O1-10 See Response to Comment O1-8. USACE and SAFCA are working closely to secure all required environmental clearances and permits for each of the NLIP project phases. While USACE has not yet approved the Phase 3 and 4a Projects, its approval is anticipated in the near future. A Phase 3b Project record of decision (ROD) is expected in December 2009 (note: a Phase 3a ROD was issued in October 2009 to cover the canal work, utility relocation, vegetation removal, and demolition of structures that need to be constructed in advance of the Phase 3 Project levee improvements) and a Phase 4a Project ROD is expected in early 2010. USACE has already issued a ROD, in January 2009, approving the Phase 2 Project, for which the Phase 2 EIS included both project-level (of the Phase 2 Project) and program-level (of the Phase 3 and 4 Projects) analyses. Further, similar projects have been approved by USACE upstream of the Natomas Basin (e.g., USACE has approved alterations to the levee system protecting RD 784 as part of the Three Rivers Levee Improvement Authority project in Yuba County). SAFCA would not implement any project components without issuance of the required environmental clearances and permits. See **Table 1-2** in this FEIR for status information on all required permits, authorizations, and approvals of the NLIP project phases. Funding for the NLIP, including the removal and planting of trees, has been approved and appropriated by the State.

O1-11 Impact 4.7-a, "Loss of Woodland Habitats," in the Phase 4a DEIS/DEIR contains a discussion of both short-term (10–15 years) and permanent impacts to woodland habitats, and the impact is determined to be significant overall. As stated on page 4.7-11 of the Phase 4a DEIS/DEIR, mitigation would reduce permanent impacts to a less-than-significant level; however, no mitigation is available to fully reduce the short-term (10–15 years) impact, which would remain significant and unavoidable for many years before reaching a less-than-significant level because replacement plantings would require a minimum of 10–15 years before providing important habitat components such as shade and structure. Page ES-25 of the Phase 4a DEIS/DEIR, which is a summary of the Phase 4a DEIS/DEIR impacts and mitigation measures, is revised to clarify this distinction. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

O1-12 As discussed on page 4.11-1 of the Phase 4a DEIS/DEIR, to ensure that worst-case air quality impacts were captured for both the Proposed Action and the Raise and Strengthen Levee in Place (RSLIP) Alternative as required under NEPA and CEQA, emissions were estimated assuming

that all of the Phase 4a Project is constructed in 2010 (simultaneous with construction of the Phase 3 Project and 30% of the Phase 2 Project, as discussed in Chapter 2.0, "Alternatives"). Construction elements in the Phase 2 and 3 Projects are summarized in Section 2.2.2, "No-Action Alternative—Implementation of Natomas Levee Improvement Program Phase 1, 2, and 3 Projects Only," of the Phase 4a DEIS/DEIR. It should be noted that emissions are estimated within the air districts that regulate them. For purposes of analyzing the impacts of the Phase 4a Project, it is assumed that of the 30% of the Phase 2 Project construction that may occur in 2010, half would occur in Sutter County and half would occur in Sacramento County.

O1-13 As stated in the Phase 4a DEIS/DEIR, residents in or near the affected cutoff wall work area would be afforded the opportunity, at SAFCA's expense, to temporarily relocate to a nearby hotel for as long as construction extends 24 hours per day, 7 days per week (24/7) within 500 feet of their residence (see Mitigation Measure 4.12-a, "Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise Near Sensitive Receptors"). Further, because 24/7 noise impacts are localized in nature, it is not clear how these impacts would be "compounded" by occurring in different locations of the Sacramento River east levee at the same time or in different weeks, months, or years. Because 24/7 work would be conducted in discrete locations within the areas already identified for construction, and would only affect people locally for relatively short periods of time, there would not be any undisclosed compounding of effects that was not already analyzed in the Phase 4a DEIS/DEIR analysis of construction impacts. See also Response to Comment O1-18, which substantiates the 500-foot distance, and **Appendix D2** of this FEIR, which includes the Phase 3 FEIR Master Response concerning 24/7 construction.

O1-14 The adjacent levee is designed to physically remove the vegetation and improvements from the Garden Highway "levee prism." However, the entire Garden Highway levee will remain subject to regulation under applicable Federal and state laws and guidelines. It is likely that under the criteria of USACE, the CVFPB, and the Federal Emergency Management Agency (FEMA), levee maintenance agencies will need to demonstrate that they have the ability to conduct routine inspections of the waterside slope of Garden Highway during non-flood conditions and that they have the ability during flood conditions to identify and respond to erosion and other indications of stress along the waterside slope that could threaten the adjacent levee.

O1-15 SAFCA is currently preparing a proposal for how the requirements of USACE, the CVFPB, and FEMA should be met with respect to the Garden Highway levee. SAFCA's database of encroachments is currently being prepared and is not yet complete. Upon completion, the database will be made available as a public document. The purpose of the database is to catalog encroachments. Based on that data, SAFCA, the CVFPB, and RD 1000 will be able to make recommendations about the disposition of each encroachment, some of which may require modification and others of which may not. If an encroachment would ordinarily require a permit, and it does not currently have a permit, an effort will be made to encourage property owners to bring the encroachment under permit. SAFCA is not the permitting agency for encroachments, however. As of the writing of this FEIR (November 2009), SAFCA has contacted the applicable property owners for inventory of improvements.

O1-16 See Response to Comment O1-3. Impact 4.7-f, "Impacts on Swainson's Hawk and Other Special-Status Birds," in the Phase 4a DEIS/DEIR describes potential disturbance of special-status birds during project construction, which would occur during the daytime and nighttime. Mitigation Measure 4.7-f, "Minimize Potential Impacts on Swainson's Hawk and Other Special-Status Birds Foraging and Nesting Habitat, Monitor Active Nests during Construction, Implement All Upland and Agricultural Habitat Improvements and Management Agreements to Compensate for Loss of Quantity and Quality of Foraging Habitat, Obtain Incidental Take Authorization, and Implement

Mitigation Measure 4.7-a, 'Minimize Effects on Woodland Habitat, Implement all Woodland Habitat Improvements and Management Agreements, Compensate for Loss of Habitat, and Comply with Section 7 of the Federal Endangered Species Act, Section 1602 of the California Fish and Game Code, and Section 2081 of the California Endangered Species Act Permit Conditions,'" in the Phase 4a DEIS/DEIR would be implemented during both daytime and nighttime activities to help reduce this impact; however, the impact would remain significant and unavoidable for many years due to the short-term (10–15 years) loss of woodland habitat.

O1-17 The SAFCA Board will adopt written findings for each significant environmental impact identified in the Phase 4a DEIS/DEIR (PRC Section 21081; State CEQA Guidelines CCR Sections 15091 and 15096[h]) prior to approving the Phase 4a Project. If the Board concludes that certain impacts will remain significant and unavoidable, the findings must contain a statement of overriding considerations, in which the SAFCA Board must find, prior to approving the project, that the benefits of the project outweigh its unavoidable adverse physical environmental effects (State CEQA Guidelines CCR Sections 15092 and 15096[h]). The statement of overriding considerations must include specific social, economic, legal, technological, or other benefits of the project that outweigh the significant effects on the physical environment, and must be based on substantial evidence in the DEIR, FEIR, and the administrative record.

NEPA, like CEQA, provides for an agency review and decision-making process. USACE will review the Phase 4a FEIS and any comments received on either the draft or final, per agency's decision-making procedures, as provided in 40 CFR Section 1505.1. The results of the decision-making process are documented in a ROD, which will be prepared as required under 40 CFR Section 1505.2. The ROD must identify all factors and considerations that were balanced in the agency decision-making process as well as the agency's tentative decision on the project (40 CFR Section 1505.29[a]). The ROD is subsequently filed with the U.S. EPA and published in the Federal Register (40 CFR 1506.10) before the final decision is made.

SAFCA has attempted to describe those project components that SAFCA foresees would require 24/7 construction. SAFCA acknowledges, however, that unforeseen circumstances may occur during further project design and construction that may render 24/7 construction necessary for various reasons. In either case (planned or unforeseen), the Sacramento County's noise ordinance (described in Response to Comment O1-20) would apply.

See also Response to Comments O1-13, O1-16, O1-18, and O1-19, and **Appendix D2** of this FEIR, which includes the Phase 3 FEIR Master Response concerning 24/7 construction.

O1-18 Phase 4a Project cutoff wall construction noise was modeled using the Federal Transit Noise and Vibration Impact Assessment 2006 reference noise levels for heavy construction equipment in conjunction with the Federal Highway Administration Roadway Construction Noise Model January 2006 usage factors, as described in Section 4.12.1, "Methodology and Thresholds of Significance," of the Phase 4a DEIS/DEIR. The conservative modeling assumed flat world conditions and does not take into account shielding provided by the existing levee along the Sacramento River. It is assumed that modeled noise levels would actually be lower than predicted in the Phase 4a DEIS/DEIR due to the existing intervening levee prism. Noise monitoring conducted during NLIP Phase 2 cutoff wall construction along the Sacramento River east levee resulted in noise levels 6 decibels (dB) lower than predicted at 100 feet in the Phase 4a DEIS/DEIR. During this noise monitoring, the construction equipment only had partial shielding from the degraded levee; construction equipment was located on top of the degraded levee, the sound level meter was located perpendicular to the construction activity (multiple excavators, water trucks, and loaders), and only the banks of the degraded levee partially shielded the construction equipment. This method was used to simulate future noise conditions of cutoff wall

construction along the Sacramento River east levee at sensitive receptors along Garden Highway and did not benefit from complete shielding that would be present during cutoff wall construction along the Sacramento River east levee adjacent to sensitive receptors.

Furthermore, the example used by the commenter involves completely different construction site characteristics than would be present during Sacramento River east levee cutoff wall construction; therefore, it is not applicable to the Phase 4a Project or the NLIP in general. The comment, however, is correct in that when noise travels over a body of water, the attenuation rate is lower than when noise travels over dirt, grasslands, or vegetated soils, commonly described as soft-site conditions. Soft-site conditions attenuate noise more than hard-site conditions (asphalt, concrete, or water) due to ground absorption of noise. The Sacramento River east levee construction areas do not have an intervening body of water, but instead have a substantial amount of soils (i.e., soft-site conditions), in the form of an existing intervening 25-foot levee prism after degradation of the landside levee toe to desired cutoff wall construction elevation. These analyses were performed by Acoustics Specialist, Chris Shields, of AECOM, formerly EDAW.

Impact 4.12-c, "Temporary, Short-term Exposure of Residents to Increased Traffic Noise Levels from Truck Hauling Associated with Borrow Activity," of the Phase 4a DEIS/DEIR discusses noise impacts from truck haulage. Further, the construction contractor will be responsible for, and the construction specifications will anticipate that, hauling will occur during normal construction hours and that the construction crew will build up adequate supplies during daylight hours to support nighttime construction.

O1-19 At the time the Phase 4a DEIS/DEIR was issued (August 2009), SAFCA was not aware of any Phase 4a Project construction that would require 24/7 construction other than cutoff walls and groundwater well drilling (including up to two weeks of continuous pump testing for each well). However, as of the writing of this FEIR (November 2009), it has come to SAFCA's attention that 24/7 construction will also be required for construction of pumping plant modifications (see Chapter 2.0, "Changes to the Phase 4a Project," specifically Section 2.1.2.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR). This construction practice has been analyzed in the Phase 4a DEIS/DEIR and would not result in new significant or substantially more severe environmental impacts. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR for revisions to Mitigation Measure 4.12-a concerning 24/7 construction of groundwater wells and pumping plant modifications.

See also Response to Comments O1-17 and O1-18 and **Appendix D2** of this FEIR, which includes the Phase 2 FEIR Master Response: 24/7 Cutoff Wall Construction.

O1-20 The noise standards and ordinances of the City of Sacramento and Sacramento and Sutter Counties are described in Section 4.12, "Noise," of the Phase 4a DEIS/DEIR on pages 4.12-2 and 4.12-3. Impact 4.12-a, "Generation of Temporary, Short-term Construction Noise," of the Phase 4a DEIS/DEIR states that due to the anticipated 24/7 construction schedule of some project components, "noise may be generated by construction equipment operating near homes during the more noise-sensitive early morning and nighttime hours (i.e., during hours that are not exempted by the applicable local ordinances in the City and County of Sacramento) and could result in sleep disturbance at nearby residences." Even with implementation of Mitigation Measure 4.12-a, "Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise Near Sensitive Receptors," which includes a provision for temporary relocation of residents within 500 feet of nighttime cutoff wall construction, this impact was determined to be significant and unavoidable because of the close proximity of noise-sensitive receptors to construction activities and the limited

feasibility of mitigating construction noise to acceptable levels. SAFCA will adopt findings and a statement of overriding considerations for this and all other significant and unavoidable impacts of the Phase 4a Project when SAFCA considers EIR certification and project approval, as discussed in more detail in Response to Comment O1-17.

For the Phase 4a Project, 24/7 work would occur entirely in Sacramento County. Section 6.68.090 of the Sacramento County Code exempts nighttime noise activities when unavoidable conditions occur during a construction project and the nature of the project necessitates that work in process be continued until a specific phase is completed. This exemption allows work to continue after 8:00 p.m., including operation of machinery and equipment as necessary to bring the specific work in progress to completion under conditions that will not jeopardize inspection acceptance or create undue financial hardships for the contractor or owner.

O1-21 This comment suggests that the Phase 4a DEIS/DEIR concluded that the expanded levee footprint, resulting from levee widening, would have no impact on biological resources in this footprint. However, as discussed in Section 4.7.1.1, "Methodology," of the Phase 4a DEIS/DEIR "[i]mpacts resulting from levee improvement activities were based on the assumption that disturbance could occur within a 660-foot-wide corridor adjacent to the current levee toe on the landside for the Proposed Action and within a 630-foot-wide corridor for the RSLIP Alternative. However, this is a worst-case estimate of disturbance limits based on the potential use of 500-foot-wide berms, and it is probable that a reduced footprint with narrower berms or cutoff walls would meet project objectives along most levee reaches." As a result, acreage was likely overestimated in the Phase 4a DEIS/DEIR, which is allowable under NEPA and CEQA to ensure that the worst-case impact is analyzed.

The Phase 4a DEIS/DEIR carefully tabulates the impacts on sensitive resources in the footprint of proposed improvements. A quantitative summary is provided in Table 2-15 on page 2-94 and Table 2-16 on page 2-96 of the Phase 4a DEIS/DEIR. Section 4.7.2, "Impacts and Mitigation Measures," considers acreage, including the overestimation of the expanded levee footprint discussed above, in the following biological resources impacts:

- Impact 4.7-a, "Loss of Woodland Habitats;"
- Impact 4.7-b, "Impacts on Wildlife Corridors;"
- Impact 4.7-c, "Impacts on Jurisdictional Waters of the United States;"
- Impact 4.7-d, "Impacts on Special-Status Plant Species;"
- Impact 4.7-f, "Impacts on Swainson's Hawk and Other Special-Status Birds;"
- Impact 4.7-h, "Impacts on Other Special-Status Wildlife Species, Including Burrowing Owl and Northwestern Pond Turtle;" and
- Impact 4.7-k, "Impacts on Successful Implementation of the NBHCP."

O1-22 See Response to Comment O1-4 regarding funding for the NLIP. The cost of implementing the Phase 4a Project mitigation measures is included in the total cost of the Phase 4a Project. The MMRP required by CEQA is designed to ensure that the CEQA lead agency implements mitigation measures as specified in the draft and final EIR. If there were insufficient funding to award contracts for construction of the Phase 4a Project, it will not be built and the impacts that have been identified as requiring mitigation would not occur, thus negating the need for the mitigation.

O1-23 Assuming that this comment refers to the Garden Highway Settlement Agreement, SAFCA is meeting the requirements of that Agreement, which concerns only the Phase 2 Project but is being voluntarily implemented for the other NLIP project phases, and is contained in Appendix A3 of the Phase 4a DEIS/DEIR. The construction schedule is posted on SAFCA's Web site (available at www.safca.org/Programs_Natomas.html) and is e-mailed weekly to the Garden Highway Community Association. Power pole relocation is discussed in numerous locations in Chapter 2.0, "Alternatives," of the Phase 4a DEIS/DEIR, including on pages 2-26, 2-32, 2-38, and 2-45. Encroachment removal is discussed in Section 2.3.7, "Additional Actions to Meet FEMA, USACE, and State Design Requirements: Encroachment Management," of the Phase 4a DEIS/DEIR. For details regarding the levee prism, see **Appendix D2** of this FEIR, which includes the Phase 3 FEIR Master Response regarding the Sacramento River levee prism and Plate 4. The following impact discussions in the Phase 4a DEIS/DEIR address the other issues raised by the commenter:

- Impact 4.10-b, "Temporary Increase in Traffic Hazards on Local Roadways," addresses roadway safety issues;
- Impact 4.6-1, "Temporary Impacts on Water Quality from Stormwater Runoff, Erosion, or Spills," addresses general pollutant runoff;
- Impact 4.6-b, "Impacts to Sacramento River Water Quality from Stormwater Runoff from Garden Highway Drainage Outlets," addresses drainage issues and pollutant runoff along Garden Highway; and
- Impact 4.5-c, "Effects on Groundwater," addresses impacts to groundwater and well yields.

See also Response to Comment O1-14.

O1-24 See Section 2.1.5, "Alternatives Considered, but Eliminated from Further Consideration," and Appendix B1, "Alternatives Formulation and Screening Details," of the Phase 4a DEIS/DEIR. See also **Appendix D1** of this FEIR, which includes the Phase 2 FEIR Master Response: Hydraulic Impacts of the NLIP.

O1-25 While information about general climate change trends is available, such information does not allow a precise determination of how climate change will affect the Natomas Basin and the NLIP specifically. DWR's *Progress on Incorporating Climate Change into Management of California's Water Resources* (DWR 2006) states, "the combination of earlier melt times, greater variability and greater potential for direct storm runoff may challenge the current system of flood protection and water supply in the state" (DWR 2006:6-34). This is a general statement showing the potential for more precipitation as rainfall rather than snow for the state as a whole, and thus a greater volume of water flowing through flood control systems in the state. It is worth noting that the same section of the cited document notes, "there is great uncertainty in the magnitude, timing, and location of precipitation and runoff changes associated with climate change" (DWR 2006:6-31). Thus, available data suggest that specific flood damage reduction impacts at discrete geographic locations cannot be predicted; therefore, such impacts are considered too speculative for meaningful consideration. The potential for future increases in flood risk underscore the urgency of the NLIP, including the Phase 4a Project.

It should be noted that future flood damage reduction at specific geographic locations is dependent upon a range of future and thus unknown variables including the nature of climate change, water management and water diversion, and improvements to flood damage reduction and water storage structures. Because these future variables are too speculative and cannot be accurately predicted let alone analyzed, it is impossible to reduce available data and trends to

specific predictions about the precise impact of climate change at the location of the Phase 4a Project. The State CEQA Guidelines specifically indicate that where an impact is too speculative for analysis, the lead agency is relieved of the duty to discuss the impact in detail (14 CCR Section 15145). Consideration of speculative environmental effects is not required under NEPA (Mandelker 2007: 8-102, citing City of Riverview v. Surface Transp. Bd., 398 F 3d 434 [6th Cir. 2005]).

O1-26 Chapter 3.0, "Affected Environment," of the Phase 4a DEIS/DEIR provides detailed information related to the existing physical environment of the Phase 4a Project area. As discussed in Section 4.1.2.2, "Impact Mechanisms," of the Phase 4a DEIS/DEIR, the CEQA environmental analysis compares the action alternative and no-project alternative (No-Action Alternative) to the existing conditions at the time of release of the NOP (i.e., baseline for the purposes of CEQA), which was March 27, 2009 for the Phase 4a Project. NEPA considers the No-Action Alterative (i.e., expected future conditions without the project) to be the baseline to which the action alternatives are compared, and the No-Action Alterative is compared to existing conditions (including the Phase 2 Project). Each issue area discussed in Chapter 4.0, "Environmental Consequences and Mitigation Measures," of the Phase 4a DEIS/DEIR includes the section, "Methodology and Thresholds of Significance," where the impact mechanisms specific to the respective issue areas are discussed.

Section 4.5.1.1, "Methodology," of the Phase 4a DEIS/DEIR provides an overview of surface hydrology analysis, and states, specific to the NLIP analysis: "The surface hydrology analysis evaluated the potential flood-related impacts of the action alternatives 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. Specifically, a UNET hydraulic computer model was used to compare existing conditions in the waterways surrounding the Natomas Basin and in the larger SRFCP with the Proposed Action (With Project and Without Project [i.e., No-Action Alternative], respectively) and other reasonably foreseeable improvements to Folsom Dam and the urban levees outside the Natomas Basin." Following this discussion, Table 4.4-1 of the Phase 4a DEIS/DEIR summarizes the conditions and assumptions associated with each of the model runs. The modeling output generated by these conditions under the targeted flood scenarios is displayed in Tables 4.5-2 through 4.5-9 of the Phase 4a DEIS/DEIR. More detailed hydraulic modeling results are included in Appendix C of the Phase 4a DEIS/DEIR.

The use of a hydraulic computer model of the Sacramento River Flood Control Project (SRFCP) was reviewed and approved for use for this project in 2006 by the USACE Sacramento District to compare existing conditions in the waterways surrounding the Natomas Basin and in the larger SRFCP with and without the NLIP improvements and the other improvements comprising the 200-year flood protection program for the Sacramento area. See Appendix C of the Phase 4a DEIS/DEIR for more information regarding the hydrologic modeling approach.

O1-27 As discussed in Section 2.1.5, "Alternatives Considered, but Eliminated from Further Consideration," of the Phase 4a DEIS/DEIR, the Yolo Bypass Improvements alternative was eliminated from consideration because, "(1) it would be too costly for SAFCA to implement; (2) levee height increases and substantial seepage and slope stability remediation would still be required for the Natomas perimeter levee system, adding to costs; (3) these improvements lie outside of SAFCA's jurisdiction and would require Federal, State, and local cooperation and funding; and (4) the project objectives of restoring 100-year flood protection to the Natomas Basin could not be achieved as quickly as possible." Implementation of the Phase 4a Project is contingent on issuance of numerous permits, authorizations, and approvals, including biological opinions from USFWS and NMFS; these agencies will consider applicable environmental

legislation and biological opinions before issuance of permits. The project cannot proceed without the required permits.

O1-28 Mitigation Measure 4.3-c, "Notify Residents and Businesses of Project Construction and Road Closure Schedules; Comply with the Garden Highway Settlement Agreement; and Implement Mitigation Measure 4.10-a, 'Prepare and Implement a Traffic Safety and Control Plan for Construction-Related Truck Trips,' and Mitigation Measure 4.10-c, 'Notify Emergency Service Providers about Project Construction and Maintain Emergency Access or Coordinate Detours with Providers," in the Phase 4a DEIS/DEIR requires SAFCA to provide business owners with information pertaining to construction activities, complaint procedures, and construction timelines.

It should further be noted that effects analyzed under CEQA must be related to a physical change in the environment (State CEQA Guidelines CCR Section 15358[b]). Economic and social effects are not considered environmental effects under CEQA. These effects need to be considered in an EIR only if they would lead to a significant adverse effect on the physical environment.

O1-29 SAFCA's conclusion that the NLIP would not increase the flood risk to waterside property owners along Garden Highway is based on surveys that indicate that the Sacramento River east levee is currently higher than most of the Sacramento River west levee in the reach downstream of the NCC. Therefore, increasing this height differential would not alter the current balance of risks in this reach of the system. The increased height of the east levee would contribute cumulatively to an increase in flood risk to waterside property owners only if the west levee were raised to a height equal to or greater than the current height of the east levee. The protected basin on the west side of the Sacramento River is agricultural in nature; it contains very few damageable structures. As discussed in Section 3.2.2, "Environmental Setting," of the Phase 4a DEIS/DEIR, SAFCA recently entered into an arrangement with Yolo County, DWR, the Yolo Land Trust, and the Sacramento Valley Conservancy that resulted in the recordation of agricultural conservation easements on 1,660 acres of land in this basin. Under these circumstances and in light of recently enacted revisions to the State's Planning and Subdivision laws restricting development in floodplain areas (see Response to Comment F2-4), it is highly unlikely that the Sacramento River west levee will ever be raised to a height exceeding the current height of the Sacramento River east levee.

Further, the commenter states that "these reports are explicitly based upon the assumption that other surrounding Reclamation Districts will never improve their levee." This statement is not correct. USACE and the CVFPB have set policies that grant all levee districts the opportunity to strengthen their levees. If a levee district chooses to raise a levee, then that district must demonstrate that it will not have an adverse impact. The Phase 4a Project's hydraulic impact analysis took this into consideration by assuming that other levees in the system would overtop, but not fail. If other levee districts choose to raise their levees then those districts will need to conduct a hydraulic impact analysis to demonstrate that there are not adverse impacts.

O1-30 See Response to Comment O1-29.

O1-31 As described in Section 1.7.2.2, "State Responsible and Trustee Agencies," and Section 1.7.3.2, State Actions/Permits," in the Phase 4a DEIS/DEIR, the CVFPB is a state responsible agency under CEQA for the Phase 4a Project.

O1-32 Effects analyzed under CEQA must be related to a physical change in the environment (State CEQA Guidelines CCR Section 15358[b]). Economic and social effects are not considered environmental effects under CEQA. These effects need to be considered in an EIR only if they

would lead to an environmental effect. Therefore, the project's impact on property values is beyond the scope of the CEQA analysis.

NEPA does require consideration of economic effects (40 CFR 1508.8); however, this requirement is limited to effects that are reasonably foreseeable rather than speculative in nature (Mandelker 2007: 8-102, citing *City of Riverview v. Surface Transp. Bd.*, 398 F 3d 434 [6th Cir. 2005]). Here the commenter states that the project would decrease property values, but does not offer specific facts linking the project to a demonstrable effect on property values that can be clearly attributed to the project. Absent specific facts showing a clear effect on property values, this comment contains speculation that is beyond the required and practicable scope of analysis under NEPA.

O1-33 The approximately 4 acres of waterside vegetation that would be removed includes approximately 3 acres for replacement of pumping plants and approximately 1 acre for construction of outfalls. Pursuant to the Garden Highway Settlement Agreement contained in Appendix A3 of the Phase 4a DEIS/DEIR, SAFCA will make every effort to design new outfalls in such a way to confine them to the property line, thus minimizing impacts to private property. Unfortunately, the property lines are often the location of trees, which SAFCA and many property owners desire to retain as much as possible. Property owners will be consulted about where new outfalls should be located on their properties, either along property lines to minimize property impacts or somewhere on the owner's property to minimize tree removal, if feasible. Property owners affected by new outfalls on their properties have been contacted by SAFCA.

O1-34 The potential disruption of utility service due to power pole relocation or otherwise is addressed in Impact 4.14-b, "Potential Disruption of Utility Service," in the Phase 4a DEIS/DEIR. Mitigation Measure 4.14-b, "Verify Utility Locations, Coordinate with Utility Providers, Prepare and Implement a Response Plan, and Conduct Worker Training with Respect to Accidental Utility Damage and Implement Mitigation Measure 4.15-c, "Review Design Specifications and Prepare and Implement an Impact Avoidance and Contingency Plan in Consultation with Wickland Pipelines, LLC" in the Phase 4a DEIS/DEIR requires that "(u)tility relocations shall be staged to minimize interruptions in service," and that "(n)otification of any potential interruptions in service shall be provided to the appropriate agencies and affected landowners."

In addition, this mitigation measure requires use of the Underground Services Alert to locate any underground utilities, and preparation of a response plan to address accidental damage to utilities. Specifically, the response plan would include:

- chain of command rules for notification of authorities,
- appropriate actions and responsibilities to ensure the safety of the public and workers,
- worker education training conducted by the contractor, and
- implementation of the response plan by SAFCA and its contractors.

SAFCA will voluntarily meet the requirements of the Garden Highway Settlement Agreement, contained in Appendix A3 of the Phase 4a DEIS/DEIR, for the Phase 4a Project. The construction schedule is posted on SAFCA's Web site (www.safca.org/Programs_Natomas.html) and is e-mailed weekly to the Garden Highway Community Association. In addition, during construction activities, SAFCA will prepare a regularly updated summary of upcoming construction activities for posting on SAFCA's Web site. This will include the location and type of construction activities, anticipated road closures, and areas that would be on a 24/7 construction schedule.

O1-35 This is not a comment on the Phase 4a Project or the Phase 4a DEIS/DEIR. For reference, SAFCA adopted by resolution the model conflict of interest code provided in CCR, Title 2, Chapter 7 in 1990 (Resolution 90-003).

O1-36 While the lead agency is ultimately responsible for the adequacy and objectivity of the Draft and Final EIR under CEQA, including the scope, content, impact conclusions, and proposed mitigation measures, a Draft and Final EIR may be prepared by lead agency staff, another public or private entity, the project applicant or project applicant's consultant, or a combination of these parties (see California PRC 21165[a]). Additionally, the lead agency may rely on another lead agency's EIR and use the previously prepared EIR as its own (State CEQA Guidelines CCR Section 15084[d]). The preparation of an EIR is a difficult task that is sometimes beyond the expertise or time constraints of an agency's own staff. Consequently, many lead agencies rely on private consultants to prepare EIRs.

When a project that is subject to CEQA requires a Federal discretionary permit, entitlement, authorization, or Federal funding, or occurs on Federal land, NEPA also applies. CEQA and NEPA establish similar processes. When a project is subject to both CEQA and NEPA, state and local agencies are encouraged to cooperate with Federal agencies to the fullest extent possible, through such measures as joint planning, research, hearings, and joint preparation of environmental documents (State CEQA Guidelines CCR Sections 15222 and 15226).

SAFCA maintains independence from the agencies, consultants, and engineers that have proposed, created, modified, and approved the NLIP. While not required by NEPA or CEQA, an independent Board of Senior Consultants reviews the engineering and design aspects of the project. This Board ensures that any identified levee deficiencies are handled appropriately and that remedial measures selected to address deficiencies are appropriately designed. In addition, MWH, an engineering firm, is under contract to the City of Sacramento to review the NLIP. Furthermore, the NEPA and CEQA environmental review processes for the project involve technical experts and attorneys reviewing and analyzing the potential environmental effects of the project. See State CEQA Guidelines CCR Section 15084(d) regarding preparation of an EIR.

O1-37 Growth-inducing impacts of the NLIP are discussed in Section 5.2, "Growth Inducement," of the Phase 4a DEIS/DEIR. As described in that section, population growth and urban development within the project area are driven by local, regional, and national economic conditions. Local land use decisions are within the jurisdiction of the cities and counties within the project area: the City of Sacramento and Sacramento and Sutter Counties. Each of these agencies has adopted a general plan consistent with state law. These general plans provide an overall framework for growth and development within the jurisdiction of each agency, including the project area. Although each of these agencies is a member of SAFCA, as a joint powers agency, SAFCA is limited to exercising powers common to all of its constituent members, including RD 1000 and American River Flood Control District, neither of which has any land use planning authority. Accordingly, SAFCA has no authority to permit development and has only limited authority to impose conditions on the development that is permitted.

O1-38 This comment is not related to compliance with NEPA or CEQA, and SAFCA does not agree with the commenter's statements regarding use of agency staff and resources.

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O2

ASSOCIATION FOR THE ENVIRONMENTAL PRESERVATION
OF THE GARDEN HIGHWAY
6301 Garden Highway
Sacramento, CA 95837

October 14, 2009

Board of Directors
Sacramento Area Flood Control Agency
1007 7th Street
Sacramento, CA 95814

Dear Members of the Board:

I am writing you on behalf of the many Garden Highway residents who are horrified by SAFCA staff's latest plan to again needlessly cut hundreds, if not thousands of mature and heritage oak trees and other mature trees along the Garden Highway. Last fall I asked this Board to reject staff's plan to cut some 900 mature and heritage oak trees in the reaches along the Garden Highway (NLIP). I pointed out that SAFCA had no funding to build the levee in this area in 2009. I argued that Federal funding would not happen. As of today, SAFCA has not built the levees in reaches 2-4 along the Garden Highway. Thus, the trees in this area were cut last year needlessly and, as I predicted, SAFCA did not receive Federal funding for the NLIP.

The latest plan is to cut trees in Reaches 5 15 (Phases 3 and 4a) this fall/winter. As you well know, SAFCA does not have the funds in hand to build levees in Phases 3 and 4a, and, after finally admitting that federal funding will not be available, staff now is counting on the State to provide the $300 mil or so to build these phases. Last fall the State sold some $6 bil. in bonds to fund state projects. SAFCA ultimately received only $40 mil. for the NLIP from this bond sale. Just a few days ago the State attempted to sell $4.5 bil. in bonds. This attempt was a resounding failure. The bond interest rate had to be raised to an unacceptable rate and even then the full amount of bonds was not sold. The effects of California's terrible bond rating have now surfaced. There is talk of California defaulting on its bonds/going bankrupt. The latest budget passed by California is already unraveling because of a $2 bil revenue shortage. California will not finance Phases 3 and 4a of the NLIP next year. O2-1

We have a proposal. We will not object to the vast majority of SAFCA staff's plans to prepare for Phases 3 and 4a next year. SAFCA can rebuild the canals, remove the houses, drill the new wells, move the power lines, transplant the smaller trees, etc everything necessary for the preparation of building the Phase3 and 4a levees except tree cutting. Then, if SAFCA gets funding to build the levees, the trees can be cut immediately thereafter probably during mobilization time. With appropriate planning, the trees could be cut without one day of levee construction delay.

Staff's argument is that sooner or later the levees at Phases 3 and 4a will be built -- so, eventually the trees will go. This is not necessarily true. (Note the Auburn Dam project.) For example, the National Marine Fisheries Service has recently issued an edict that more water must be released into the Yolo Bypass to help protect salmon. This will necessitate the lowering of the Fremont Weir resulting in an entirely different hydrological picture for the NLIP. At this moment numerous agencies are working on implementation of this edict. By next year SAFCA's present plans for the NLIP may be obsolete precluding the necessity of removing the hundreds of trees.

O2-1 (Cont.)

The bottom line: Cutting hundreds, if not thousands, of trees without complete assurance that the project will ever go would be ecologically irresponsible. Waiting until SAFCA has the money "in the bank" is ecologically responsible. With a little ingenuity, SAFCA staff could develop a plan that postpones tree cutting until funding is assured without delaying the project at all. Even if the plan resulted in a short delay, the potential saving of this environmental treasure would be well worth it. SAFCA staff"s preoccupation with "speed" cannot take precedence over the possible preservation of 100 year old woodlands.

Doug Cummings, Co-chair
Association for the Environmental Preservation of the Garden Highway

CC: Matt Weiser
Sacramento Bee

O2-1 See Response to Comments O1-4, O1-8, O1-10, and O1-11.

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B1

WICKLAND
PIPELINES LLC

October 13, 2009

Ms. Elizabeth Holland
Planning Division
USACE, Sacramento District
1325 J Street
Sacramento, CA 95814

Mr. John Bassett
Director of Engineering
SAFCA
1007 7th Street, 7th Floor
Sacramento, CA 95814

Subject: Draft EIS/EIR – Natomas Levee Improvement Program, Phase 4a Landside Improvements Project

Dear Ms. Holland and Mr. Bassett:

As noted in the above referenced Draft EIS/EIR, Wickland Pipelines LLC ("Wickland"), a public utility pipeline company, operates a CPUC regulated pipeline that delivers jet fuel to the Sacramento International Airport. The pipeline is 12" in diameter and travels through the Phase 4a Project footprint in Reach 11B of the Sacramento River.

Wickland has reviewed the Draft EIS/EIR, and has the following comments:

1. Page 2-25 of the Draft EIS/EIR describes the Proposed Action along Reaches 10-15 as "[l]evee raising/rehabilitation and seepage remediation." This action is further described as involving construction of an adjacent levee, raised in Reaches 10-11B, with cutoff walls, seepage berms, and relief wells, where required, to reduce seepage potential. Elsewhere in the document (Page 2-32), it is noted that cutoff walls can extend to a depth of 110 feet below ground surface in some areas. The exact areas within Reach 11B designated for cutoff walls do not seem to be identified. B1-1

As the attached alignment sheets illustrate, Wickland's jet fuel pipeline passes under the Garden Highway levee at a depth of about 80' below the highway surface before rising to a depth of about 6' at a point 300' north of the landside toe of the levee. If a cutoff wall is placed along this portion of the levee, the cutoff wall must be designed and engineered to accommodate the existence of the pipeline. In addition, construction techniques must be employed that do not damage or impair the structural integrity of the pipeline.

PO Box 13648 Sacramento California 95853 · Tel 916-978-2400 · Fax 916-978-2410/2468 · 3610 American River Dr #140 · Sacramento CA 95864

2. On Page 2-46 of the Draft EIS/EIR, it is stated that "USACE has not evaluated whether the pipeline must be relocated to comply with seepage remediation requirements." Relocation of the pipeline does not appear to be included in the description of the Proposed Action, nor are any of the potential impacts associated with pipeline relocation identified, studied or mitigated. Based on these facts, Wickland is assuming that relocation of the pipeline is outside the scope of Phase 4a of the Levee Improvement Program, and not under serious consideration at this time. B1-2

3. Mitigation Measure 4.15-c provides that Wickland should be consulted for advance review and approval of design specifications and impact avoidance and safety measures for construction activities within 10' of the jet fuel pipeline. Given the potential seriousness of a construction related pipeline mishap, Wickland recommends that this provision be extended to cover any construction activities within 50' of the pipeline. B1-3

4. Mitigation Measure 4.15-c should be expanded to require that all excavation and construction in the vicinity of the jet fuel pipeline be undertaken in strict conformity with the latest version of the Best Practices of the Common Ground Alliance. B1-4

5. Mitigation Measure 4.15-c should be further modified to require reasonable advance notice to Wickland of those dates and times when excavation and/or grading will occur within 20' of the jet fuel pipeline so that Wickland can have personnel present to observe operations. B1-5

6. Page 2-46, the Draft EIS/EIR outlines required modifications and additions to a jet fuel pipeline shutoff valve necessitated by the fact that a 500–foot-wide seepage berm is planned for the area within which the valve is located. These modifications and additions include a new valve riser stem, alterations to the pipeline cathodic protection system and the construction of a concrete vault around the shutoff valve. It is Wickland's understanding that all costs associated with these modifications and additions, as well as all reasonable expenses incurred by Wickland in the course of implementing Mitigation Measure 4.15c, will be borne by SAFCA and/or USACE. B1-6

If you have any questions regarding these comments, please contact me by telephone at (916) 978-2450, or by email at dhall@wickland.com.

Yours truly,

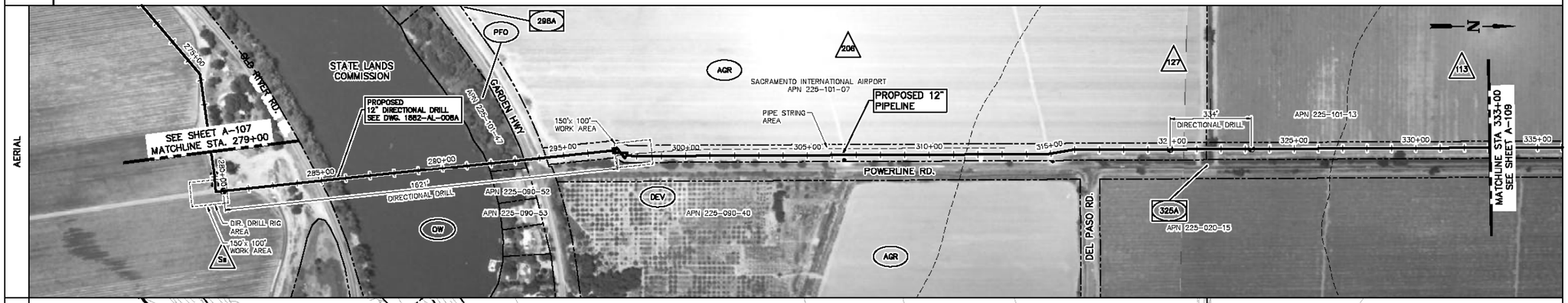
Daniel E. Hall

Daniel E. Hall

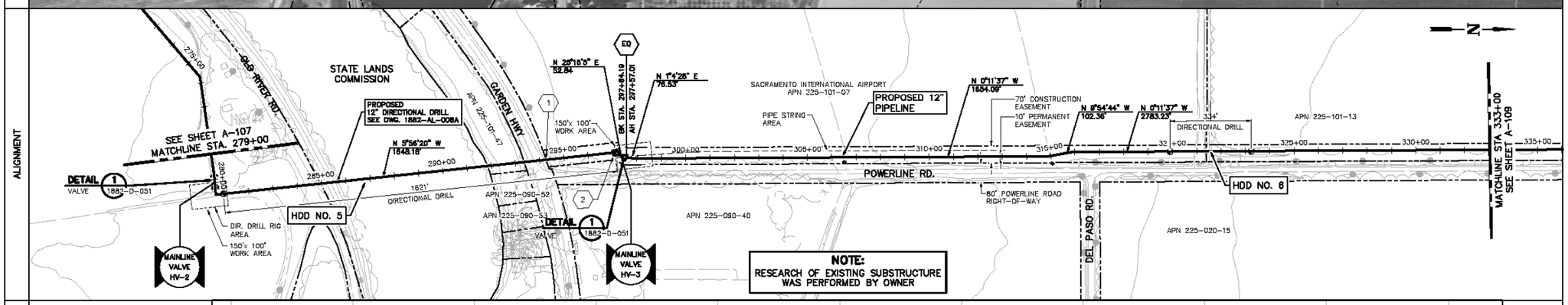
Attachments

ENVIRONMENTAL

AERIAL

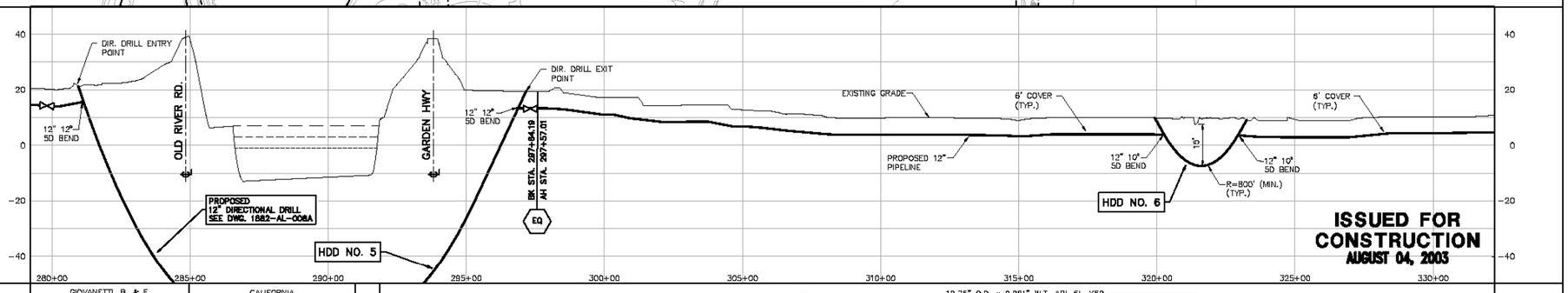


ALIGNMENT



NOTE:
RESEARCH OF EXISTING SUBSTRUCTURE WAS PERFORMED BY OWNER

PROFILE



R.O.W.

GIOVANETTI, B. & E. APN 042-320-35 | CALIFORNIA STATE LANDS | CALTRANS | SACRAMENTO INTERNATIONAL AIRPORT

PIPE DATA

12.75" O.D. x 0.25" W.T. API-5L-X52 ERW 14 MIL FBE – 3M 6233 | P.I. 90° LT. | 12.75" O.D. x 0.375" W.T. API-5L-X52, 14 MIL FBE – 3M 6233 / 20 MIL 3M 6352 | 12" 12" 5D BEND | P.I. 32° RT. | P.I. 24° RT. | 12" 12" 5D BEND | 12.75" O.D. x 0.25" W.T. API-5L-X52, ERW 14 MIL FBE – 3M 6233 | P.I. 10° LT. | P.I. 10° RT. | 12" 10" 5D BEND | 12" 10" 5D BEND | 12.75" O.D. x 0.25" W.T. API-5L-X52, ERW 14 MIL FBE – 3M 6233

LEGEND:
- PROPOSED PIPELINE
- PROPERTY LINE
- EXISTING EASEMENT
- SOIL BOUNDARY
- XX SOIL MAPPING UNITS
- XXX/XXX VEGETATIVE COVER TYPE
- XXX/XXX WETLAND SAMPLE POINT

AIRPORT GRID	NORTH	EAST	NAD83 CA. ZONE 2 NORTH	EAST
1	N. -7423.8886	E. 8204.9199	N. 1998885.4152	E. 6582522.9743
2	N. -7142.0715	E. 8173.0989	N. 1999167.5001	E. 6582493.6304

REGISTERED PROFESSIONAL ENGINEER HAROLD C. PRINDLE No. M28546 EXP. 06/30/05 MECHANICAL STATE OF CALIFORNIA

VERT. 1"=20' (20' 0' 20' 40')
HORIZ. 1"=200' (200' 0' 200' 400')

SPEC SERVICES
SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077
K:\1882\ALIGN\1882AL08.200

REV.	DATE	BY	DESCRIPTION
0	08/04/03	TM	ISSUED FOR CONSTRUCTION

REVISION

WICKLAND PIPELINES LLC.
3610 AMERICAN RIVER DRIVE, SACRAMENTO, CA.

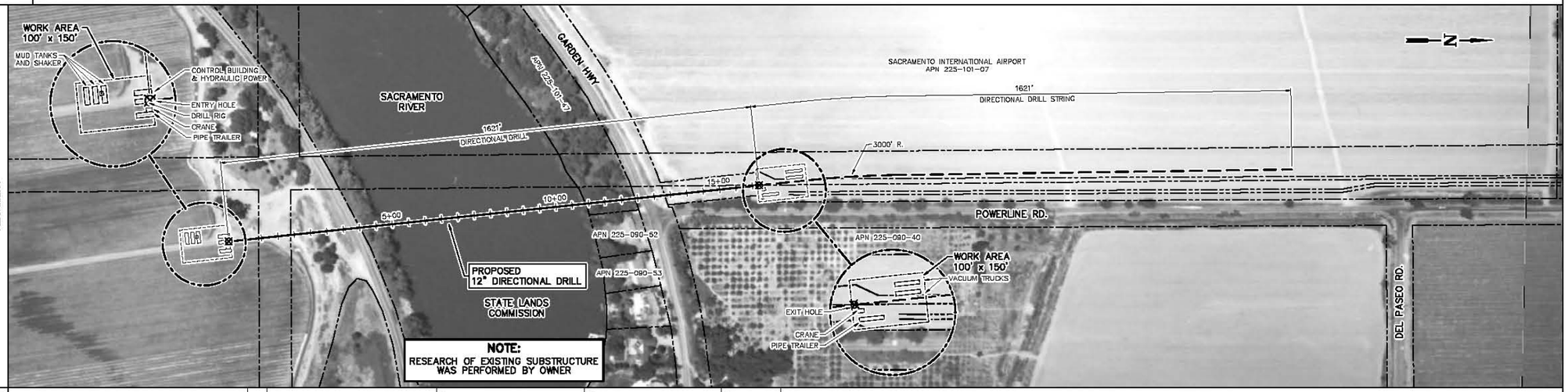
SACRAMENTO INTERNATIONAL AIRPORT
PROPOSED JET FUEL PIPELINE
SACRAMENTO, CA

PIPELINE ALIGNMENT

DRAWN	DATE	CHECKED	APPROVED	SCALE	
DM	08/29/89	HG	–	1"=200'	1882-AL-008

ENVIRONMENTAL

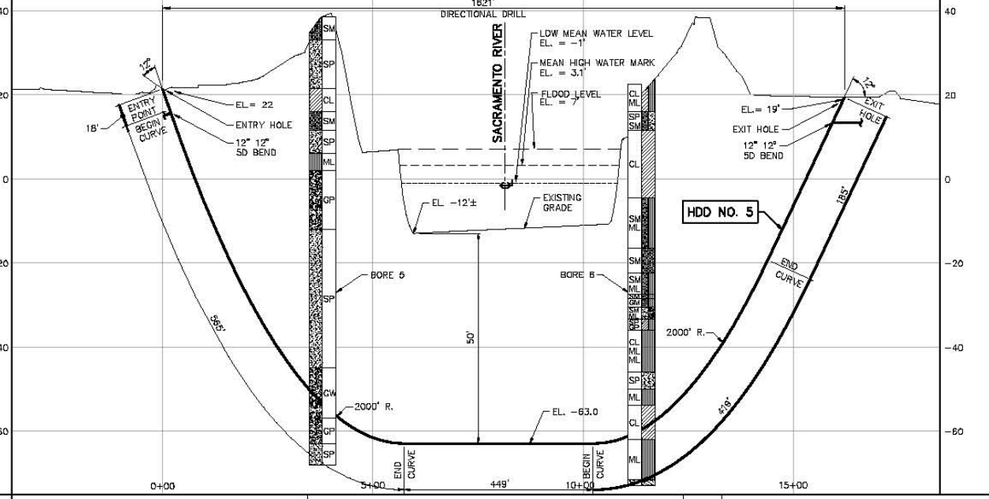
ALIGNMENT



STATIONING

ENTRY POINT STA. 0+00	BEGIN CURVE STA. 0+17	END CURVE STA. 5+74.86	BEGIN CURVE STA. 10+23.47	END CURVE STA. 14+39.56	EXIT HOLE STA. 16+21

PROFILE



R.O.W.

GIOVANETTI, B. & E.	CALIFORNIA STATE LANDS	CALTRANS	SACRAMENTO INTERNATIONAL AIRPORT

PIPE DATA

12.75" O.D. x 0.375" W.T. API-5L-X52, 14 MIL FBE - 3M 6233 / 20 MIL 3M 6352

12"-12" 5D BEND — 12"-12" 5D BEND

PIPELINE DATA

CARRIER PIPE

SIZE	COMMODITY	SPECIFICATION	MAOP	DESIGN PRESSURE
12"	NATURAL GAS	12.75" O.D. x 0.375" W.T. API-5L X52, 14 MIL FBE - 3M 6233 / 20 MIL 3M 6352	1480 PSIG	1480 PSIG

BORE 5

MATERIAL DESCRIPTION

- SM - GRAY TO TAN-BROWN SILTY FINE TO MEDIUM SAND WITH SOME FINE GRAVEL-LOOSE, MOIST, GRADING WITH LESS SILT, NO GRAVEL
- SP - GRAY FINE TO MEDIUM DENSE, MOIST GRADING SILTY
- CL - YELLOW-BROWN SILTY CLAY WITH OCCASIONAL 1/4" TO 1/2" LENSES OF CLEAN GRAY WITH RUST STAINS. FINE SAND-STIFF, MOIST, GRADING WITHOUT SAND LENSES, VERY STIFF GRADING FINE SANDY
- SM - YELLOW-BROWN WITH DARK GRAY STREAKS SLIGHTLY CLAYEY SILTY FINE SAND-MEDIUM DENSE, MOIST GRADING WITH LESS SILT
- SP - DARK GRAY SLIGHTLY SILTY FINE SAND-LOOSE, MOIST GRADING W/MORE SILT
- ML - DARK GRAY FINE SANDY SILT-STIFF, MOIST
- GP - GRAY FINE TO COARSE SANDY FINE GRAVEL-DENSE, MOIST SAND FRACTION GRADING FINE TO MEDIUM, MEDIUM DENSE
- SP - YELLOW-AND GRAY-BROWN FINE TO MEDIUM SAND-MEDIUM DENSE, MOIST YELLOW AND GRAY GRADING FINE GRAY GRADING FINE TO MEDIUM GRADING WITH MICA FLAKES GRADING WITH FINE GRAVEL
- GW - GRAY FINE TO COARSE SANDY FINE GRAVEL-MEDIUM DENSE COARSE SAND AND FINE GRAVEL CONSIST PRIMARILY OF MILKY QUARTZ
- GP - DARK GRAY FINE TO COARSE SANDY FINE GRAVEL-DENSE COARSE SAND AND GRAVEL CONSISTS PRIMARILY OF MILKY QUARTZ
- SP - DARK GRAY FINE TO COARSE SAND-MEDIUM DENSE

* ORDERED FROM TOP TO BOTTOM AND LEFT TO RIGHT

BORE 6

MATERIAL DESCRIPTION

- CL/ML - BROWN FINE SANDY SILTY CLAY-STIFF, DRY VERY STIFF, SLIGHTLY MOIST GRADING WITH VERY FINE TO FINE SAND LENSES GRADING WITH MORE FINE SAND
- SP/SM - BROWN VERY FINE TO FINE SAND WITH SILT-LOOSE, MOIST
- CL - BROWN FINE SANDY SILTY CLAY -MEDIUM STIFF, MOIST GRADING WITHOUT SAND, MORE SILTY
- SM/ML - BROWN VERY FINE TO FINE SANDY SILT/SILTY VERY FINE TO FINE SAND-LOOSE, SATURATED GRADING CLAYEY
- SM - BLUE-GRAY SILTY VERY FINE FINE TO FINE SAND-MEDIUM DENSE, SATURATED
- SM/ML - MOTTLED ORANGE AND BROWN VERY SILTY FINE TO COARSE SAND/FINE TO COARSE SANDY SILT- VERY LOOSE, SATURATED GRADING WITH SOME GRAVEL
- SM - BROWN AND BLACK SILTY FINE TO COARSE SAND/FINE TO COARSE SAND WITH GRAVEL-DENSE
- GM - RUST BROWN FINE TO MEDIUM MEDIUM SANDY SILT/SILTY SAND-DENSE
- SM/ML - GRAY WITH WHITE ZONES SLIGHTLY SILTY FINE TO COARSE SAND WITH GRAVEL-DENSE GRADING WITH MORE GRAVEL LESS SAND
- SP/GP - TAN-BROWN CLAYEY SILT/ SILTY CLAY-HARD
- CL/ML/ML - BROWN FINE SANDY CLAYEY SILT-HARD GRAY-BROWN GRADING WITH MORE FINE SAND
- SP - DARK GRAY VERY FINE TO FINE SAND-VERY DENSE
- ML - TAN-BROWN SILT-HARD
- CL - TAN-BROWN SILTY CLAY-HARD
- ML - LIGHT GRAY-BROWN TO OLIVE-BROWN CLAYEY SILT-HARD
- SP - DARK GRAY VERY FINE TO FINE SAND-VERY DENSE

LEGEND:

- PROPOSED PIPELINE
- PROPERTY LINE
- EXISTING EASEMENT
- SOIL BOUNDARY

NOTES:

1. TOPOGRAPHIC DATA PROVIDED BY TOPOGRAPHIC SURVEY, INC.
2. GEOTECHNICAL DATA PROVIDED BY RANEY GEOTECHNICAL.
3. DRILLED PATH COORDINATES REFER TO THE CENTERLINE OF THE PIPELINE.
4. GEOTECHNICAL DATA IS ONLY DESCRIPTIVE OF THE LOCATIONS ACTUALLY SAMPLED. EXTENSION OF THIS DATA OUTSIDE OF THE ORIGINAL BORINGS MAY BE DONE TO CHARACTERIZE THE SOIL CONDITIONS; HOWEVER, COMPANY DOES NOT GUARANTEE THESE CHARACTERIZATIONS TO BE ACCURATE. CONTRACTOR MUST USE HIS OWN EXPERIENCE AND JUDGMENT IN INTERPRETING THIS DATA.
5. PRIOR TO PIPE PULL BACK PIPE SHALL BE HYDROTESTED TO A MINIMUM OF 80% SMYS OR 2752 PSI. PIPE SHALL BE SUPPORTED AT INTERVALS OF NO MORE THAN 25 FEET.
6. DURING PULLBACK, PIPE SHALL BE SUPPORTED AT INTERVALS OF NO MORE THAN 100 FEET.
7. MINIMUM RADIUS OF CURVATURE ALLOWED SHALL BE 2000' R.

REGISTERED PROFESSIONAL ENGINEER — HAROLD C. PINGRE — No. M26546 — EXP. 06/30/08 — MECHANICAL — STATE OF CALIFORNIA

VERT. 1"=15' (15' 0' 15' 30')

HORIZ. 1"=150' (150' 0' 150' 300')

ISSUED FOR CONSTRUCTION
AUGUST 04, 2003

SPEC SERVICES

SPEC Services, Inc.
17101 Bushard Street
Fountain Valley, CA 92708
(714) 963-8077
K:\1682\ALIGN-1\1882-AL-008A150

REV.	DATE	BY	DESCRIPTION
0	08/04/03	TM	ISSUED FOR CONSTRUCTION

REVISION

WICKLAND PIPELINES LLC.
3610 AMERICAN RIVER DRIVE, SACRAMENTO, CA.

SACRAMENTO INTERNATIONAL AIRPORT
PROPOSED 12" DIRECTIONAL DRILL
SACRAMENTO, CALIFORNIA

DIRECTIONAL DRILL

DRAWN	DATE	CHECKED	APPROVED	SCALE	
GC	05/15/03	SPEC	–	1"=150'	1882-AL-008A

B1-1 SAFCA is aware of the location of the jet fuel pipeline and would implement measures to reduce the potential of accidental damage or release. See Mitigation Measure 4.15-c, "Review Design Specifications and Prepare and Implement an Impact Avoidance and Contingency Plan in Consultation with Wickland Pipelines, LLC," in the Phase 4a DEIS/DEIR.

B1-2 Relocation of the jet fuel pipeline is not part of the Phase 4a Project.

B1-3 The requested text is revised. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

B1-4 The requested text is revised. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR.

B1-5 SAFCA anticipates that Wickland Pipelines, LLC would attend weekly construction meetings that will be held during construction of the Phase 4a Project. Thus, Wickland Pipelines, LLC would have knowledge of the construction schedule and can make arrangements to observe construction activities within 20 feet of the jet fuel pipeline.

B1-6 Costs associated with modifications and additions to the jet fuel pipeline shutoff valve are not a NEPA/CEQA issue and will be determined at an appropriate time before project construction begins.

This page intentionally left blank

I1

SAFCA Board of Directors
Sacramento County Board of Supervisors

I again want to complain bitterly about SAFCA's treatment of the people who live in the area in which they are seizing property.

SAFCA seems to be able to obtain millions of dollars to protect the habitat of the Swenson hawk and the giant garter snake, even some of the old trees along the river. This seems to be "politically correct." However, they cheat the PEOPLE who have lived in this area for years. They do not offer just compensation for the land and homes that they are taking This is the reason for the many eminent domain actions that are currently pending. I would hope that some politicians would consider it "politically correct" to protect the PEOPLE who live in this area. Don't we deserve the consideration and the protection of our "habitat" equal to that of a garter snake? I1-1

SAFCA made an offer for my home of 57 years in an amount that was not even half enough to purchase a buildable lot on Garden Highway, let alone enough to rebuild my home and garden. They have made similarly low bids for compensation to my friends and neighbors who have been served with eminent domain actions. These actions were approved by the board of supervisors without comment. They "rubber stamped" everything SAFCA asked for with no concern for the people whose lives were adversely affected.

Aren't there any politicians with concern for the PEOPLE?

Frances Tennant
2196 Garden Highway
Sacramento, CA 95833
(916) 922-6080
francestenn@yahoo.com

I1-1 The commenter's property is located within the footprint of the Phase 4b Project (not the Phase 4a Project), which will be the subject of a separate EIS/EIR to be issued in early 2010. As noted in Section 2.3.8, "Lands, Easements, Relocations, and Rights-of-Way," in the Phase 4a DEIS/DEIR, privately owned lands required to implement the Phase 4a Project would be acquired in fee. Real property acquisition and relocation services would be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 USC 4601 *et seq.*) and implementing regulation, 49 CFR Part 24; and California Government Code Section 7267 *et seq*.

I2

Subject: FW: Plate 2-12, NLIP Phase 4a Landside Improvements Project
Date: Monday, September 28, 2009 1:16:12 PM

From: Adams/Amioka [mailto:vibrocount@lanset.com]
Sent: Monday, September 28, 2009 8:08 AM
To: Bassett. John (MSA)
Subject: Re: Plate 2-12, NLIP Phase 4a Landside Improvements Project

Re: Plate 2-12, Potential Fisherman's Lake Habitat Complex Development
NLIP Phase 4a Landside Improvements Project

Mr. Bassett:

The crosshatching representing proposed woodland appears to go directly through my mother's home in Reach 14 just south of Radio Road. We are hoping that this is an inadvertent oversight not recognizing the longtime residence and related structures on this property, and one that can be corrected with a revised map. What can we do to make sure the revision occurs? I2-1

Thank you,

Ann Amioka
Concerned Daughter
291 River Run Circle
Sacramento, CA 95833
(916) 929-7843 (home)
(916) 501-2949 (cell)
(916) 930-1234 (work)

I2-1 A SAFCA representative has met with the commenter to discuss her concerns regarding the Phase 4a Project's effects on her mother's property. As discussed with the commenter, SAFCA would only acquire a portion of the commenter's mother's property (not including the residence) for the Phase 4a Project. See Chapter 4.0, "Revisions to the DEIS/DEIR," of this FEIR for the corrected Plate.

I3

The MKG Trust
4140 Garden Highway
Sacramento, California 95834
12 October 2009

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

Re: Riverside Canal and Draft Environmental Impact Statement/Draft Environmental Impact Report (DEIS/DEIR) for Natomas Levee Improvement Program, Phase 4a Landside Improvements Project

Dear John,

Ross Oliveira and I met with you on 28 August 2009 and discussed the proposed Riverside Canal that would cross our property. The DEIS/DEIR describes pipelines being installed in certain areas in Reaches 12B-13 and elsewhere and we request to be involved in the decision process prior to any final approvals that would affect our property. Our preference would be for a pipeline to be installed across our property. I3-1

Additionally, after reading through the DEIS/DEIR, I would like to point out that there are mulitiple start dates documented in the report. On page 2-48, the construction activity "relocation of canal and removal of landside structures and other facilities," is estimated to begin on 1 May 2009 and end on 28 May 2009. It also states on page 2-56, the "construction season schedule for the relocated and extended Riverside Canal," is estimated to begin in August and end in January. Can you explain? I3-2

Please let us know when we can discuss how we can help to achieve our objectives with the Phase 4a Landside Improvements Project that will affect our property.

Respectfully yours,

Chris J. Rufer

I3-1 Comment noted; final design of the Riverside Canal is not yet complete.

I3-2 Table 2-4, on page 2-48 of the Phase 4a Project DEIS/DEIR, provides a summary of the Phase 4a Project's Sacramento River east levee major construction activities and their anticipated schedules. Canal relocation in the context of this table refers to irrigation conveyance features generally associated with agriculture. This does not include the Riverside Canal, construction of which is estimated to begin in August 2010 and end in January 2011 as shown in Table 2-7 on page 2-56 of the Phase 4a DEIS/DEIR.

I4

September 30, 2009

Elizabeth Holland, Planning Division
U.S. Army Corps of Engineers, Sacramento District
1325 J Street
Sacramento, CA 95814

Subject: Comments on Draft EIS/EIR, Natomas Levee Improvement Program, Phase 4a Landside Improvements Project

Dear Ms. Holland,

My name is Roland L. Candee and I live on the Garden Highway in Sutter County. I object to the U.S. Army Corps of Engineers giving permission to SAFCA to proceed with the Natomas Levee Improvement Program.

You should include in your documentation your U.S. Army Corps of Engineers August 28, 2009, letter to all interested parties as that letter contains what amount to admissions that this program is really a single project that is being improperly divided up into phases because SAFCA views this approach as the "most practical and cost-effective" way "to move forward as quickly as possible". It is hard to imagine a clearer example of connected actions than what is present here in the piecemeal approach being taken by SAFCA. 40 C.F.R. Section 1508.25 requires that an agency consider the effects of connected actions within a single EIS. Obviously, building up part of the 42-mile levee system for the Natomas basin would be a waste if the levee failed in any stretch of those 42 miles as the whole basin would be flooded regardless of where the levee failed. One of the obvious purposes of a single environmental review document is that such would avoid confusion and your August 28, 2009 letter notes that the piecemeal approach you are choosing to pursue is "confusing to the casual observer". While I am unaware of any legal NEPA/CEQA status for a "casual observer", your own documents admitting to the confusing nature of this piecemeal approach are very telling. Your executive summary in the DEIS (pg. ES-1) tries to justify this approach by saying that each phase has its own "independent utility", yet fails to explain how there is any independent utility to part of a levee being in place. Wouldn't that be like saying one wall to a bathtub has "independent utility"? I4-1

There continue to be deficiencies in the DEIS along the same lines as pointed out in the comments from FEMA dated December 21, 2006, addressed to John Bassett at SAFCA, Comments to SAFCA's draft EIR on Local Funding Mechanisms for the project. Under the cited authorities in the FEMA comments, any development must not increase base flood elevation levels and must document that any development would not cause *any* rise in base flood elevation levels. I pointed out the documentation in a prior comment on this matter showing that there was some, albeit small, rise in base flood elevation that would result from the project and got a response from SAFCA that SAFCA had determined that .1 foot was the threshold level of significance. I object to a determination that .1 foot is the threshold level of significance as "any" clearly means I4-2

any measurable amount – not any amount over .1 foot. In any event, Table 4.5-5 and 4.5-7 and 4.5-8 all currently document well over .1 foot rises in base flood elevation levels at many points and SAFCA should be estopped to now claim levels over .1 foot are not significant. It is just obvious that raising the levee height shifts the flood risk away from the Natomas basin at the direct expense of those living, such as myself and my neighbors, along the Sacramento River.

I4-2 (Cont.)

Under the circumstances, as a minimum, any permission or permits granted by the U.S. Army Corps of Engineers for the NLIP to proceed should require SAFCA to admit that the property of myself and my neighbors who live on the waterside of the current Garden Highway in areas where the levee is being raised is being inversely condemned and SAFCA should proceed as required by law in an inverse condemnation situation.

I4-3

Roland L. Candee
10411 Garden Highway
Sacramento, CA 95837

I4-1 See Response to Comment O1-1.

I4-2 The Sacramento River does not carry a FEMA Floodway designation. Both the Sacramento and Sutter County Floodplain Management Ordinances allow for increase in the base flood elevation with notification outreach to affected property owners, and FEMA conditional letter of map revision. The Sacramento County Floodplain Management Ordinance further states that (applicable to urban streams) a 0.1-foot change in base flood water surface elevation shall be considered to be zero impact. Sacramento County's ordinance clarifies that Sacramento County does not allow the 1-foot increase that FEMA allows in their minimum national policies; if there would be greater than a 0.1-foot increase, a formal process would be required before Sacramento County could consider allowing it. (Booth, pers. comm., 2009.)

See also **Appendix D1**, which includes the Phase 2 FEIR Master Response: "Hydraulic Impacts of the NLIP."

I4-3 Comment noted. SAFCA will comply with all applicable laws.

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PH

CLERK:
THE FIRST ITEM IS A PUBLIC HEARING – DRAFT ENVIRONMENTAL IMPACT STATEMENT/ENVIRONMENTAL IMPACT REPORT (STATE CLEARINGHOUSE # 2009032097) ON THE NATOMAS LEVEE IMPROVEMENT PROGRAM PHASE 4A LANDSIDE IMPROVEMENTS PROJECT

TIM WASHBURN:
MADAM CHAIR, MEMBERS OF THE BOARD, TIM WASHBURN, DIRECTOR OF PLANNING. THIS ITEM IS A PUBLIC HEARING ON THE DRAFT ENVIRONMENTAL IMPACT STATEMENT AND ENVIRONMENTAL IMPACT REPORT FOR THE NATOMAS LEVEE IMPROVEMENT PROGRAM, LANDSIDE IMPROVEMENT PROJECT, PHASE 4A. I WILL GIVE A LITTLE OVERVIEW OF WHAT'S IN THE PROJECT, ANSWER ANY QUESTIONS THE BOARD MAY HAVE AND THEN ASK THE BOARD TO OPEN THE HEARING AND TAKE ANY COMMENTS THAT THE PUBLIC MAY WANT TO OFFER ON THE DOCUMENT. THESE OF COURSE WILL BE RECORDED AND WE WILL RESPOND TO THESE COMMENTS WHEN THE PUBLIC COMMENT PERIOD ON THE DRAFT EIS/EIR CLOSES.

THE PUBLIC COMMENT PERIOD COMMENCED ON AUGUST 28TH, IT WILL END ON OCTOBER 13TH. AND SO, WE WILL TAKE ANY COMMENTS THAT ARE OFFERED TODAY ORALLY, AND THEN OF COURSE ANY WRITTEN COMMENTS THAT MAY BE SUBMITTED IN CONNECTION WITH THE DRAFT EIS/EIR AND RESPOND TO THEM.

LET ME JUST GIVE A LITTLE, SARAH IF YOU COULD BRING UP THE OVERHEAD, IT FITS BETTER SIDEWAYS, IF YOU DON'T MIND LOOKING AT NATOMAS SIDEWAYS. SO, THIS IS THE NATOMAS BASIN, AS YOU KNOW WE'VE SORTA MADE OUR WAY, PHASE 1 OF THE PROJECT, WE DID SOME WORK IN 2007, 2008 IN PHASE 2 OF THE PROJECT ALONG THE CROSS CANAL AND THE UPPER 4 MILES OF THE SACRAMENTO RIVER EAST LEVEE IS UNDER WAY THIS SUMMER. PHASE 3 OF THE PROJECT, WHICH IF YOU CAN SEE IT, IS IN GREEN HERE, JUST NORTH OF ELVERTA ROAD AND EXTENDING DOWN JUST PAST INTERSTATE 5. PHASE 3 OF THE RROJECT, THE FINAL EIR WAS CERTIFIED BY THIS BOARD, EARLIER THIS SUMMER. THE FINAL EIS IS OUT FOR PUBLIC REVIEW AND WE EXPECT THE CORPS TO ISSUE A RECORD OF DECISION ON THAT DOCUMENT, SOMETIME LATER THIS YEAR, NOVEMBER OR DECEMBER.

THIS DOCUMENT, THIS DRAFT EIS/EIR IS PHASE 4A, WHICH EXTENDS FROM JUST SOUTH OF INTERSTATE 5 AROUND PAST SAN JUAN ROAD DOWN TO THE AREA JUST SOUTH OF SAN JUAN ROAD. IT'S THE AREA IN THE COLOR ORANGE AND SO IT INVOLVES LEVEE RAISING AND UNDER SEEPAGE IMPROVEMENTS, FROM THAT POINT JUST SOUTH OF I-5. THE LEVEE RAISING IS PRETTY MUCH RESOLVED, AS WE GET TO POWERLINE ROAD,

AND THEN IT BECOMES A MATTER OF JUST ADDRESSING UNDER SEEPAGE ISSUES AROUND THE SACRAMENTO RIVER EAST LEVEE, AS I SAY, TO THE AREA SOUTH OF SAN JUAN ROAD.

IN ORDER TO DO THE LEVEE IMPROVEMENTS IN THIS REACH OF THE SYSTEM, AS IN THE REACHES ABOVE, WE HAVE TO RELOCATE IRRIGATION AND DRAINAGE FACILITIES TO ALLOW THE LEVEE IMPROVEMENTS TO GO FORWARD SO THERE IS A MAJOR RELOCATION OF THE RIVERSIDE IRRIGATION CANAL, WHICH IS THIS AREA SHOWN IN ORANGE HERE, WE ARE ACTUALLY, POTENTIALLY EXTENDING THE REACH OF THE RIVERSIDE IRRIGATION CANAL, SO IT GOES FURTHER TO THE EAST, ACROSS THE NOVAK PROPERTY THAT SAFCA OWNS AND THEN POTENTIALLY ACROSS THE BUFFERLANDS OF THE AIRPORT. THE AIRPORT HAS EXPRESSED AN INTEREST IN HAVING SURFACE WATER TO IRRIGATE THE BUFFERLANDS SOUTH OF THE AIRPORT…

YES SIR?

JOHN SHIELS:
EXCUSE ME TIM, REFERRING BACK TO THE RIVERSIDE, YOU MEAN – LANDSIDE?

TIM WASHBURN:
YES, LANDSIDE

WELL, IT'S CALLED THE RIVERSIDE CANAL, IT IS ON THE LANDSIDE OF THE LEVEE. SO IT IS THE RIVERSIDE IRRIGATION CANAL, LANDSIDE OF THE SACRAMENTO RIVER EAST LEVEE.

JIMMIE YEE:
IT'S ON THE SIDE OF THE RIVER.

TIM WASHBURN:
IT'S ON THE SIDE OF THE RIVER.

OKAY, SO THERE IS THE POTENTIAL FOR EXTENDING THE RIVERSIDE CANAL AND ACTUALLY PROVIDING SURFACE WATER IRRIGATION TO THE SOUTH AIRPORT BUFFERLANDS.

THE RELOCATION ACTUALLY IS REQUIRED FURTHER SOUTH AND IS COVERED IN THE ENVIRONMENTAL DOCUMENT, TAKING RIVERSIDE RELOCATION ALL THE WAY DOWN TO ITS TERMINEST POINT NEAR THE 880 OVERCROSSING. YOU KNOW THE LEVEE IMPROVEMENTS, LEVEE RAISING, AND SEEPAGE CONTROL ARE THE BASE FLOOD CONTROL PROJECT AND RELOCATION OF THIS IRRIGATION FACILITY AND RELOCATION OF BOTH RD1000'S DRAINAGE DISCHARGE PUMPS, SO WE HAVE PUMPING PLANT 5

HERE, SOUTH OF INTERESTATE 5 AND PUMPING PLANT 3, JUST WEST OF FISHERMANS LAKE. THOSE 2 PUMPING PLANTS NEED TO BE RELOCATED AND THE DISCHARGE PIPES RAISED OVER THE LEVEE.

AND THE WATER COMPANY HAS THE RIVERSIDE PUMPING PLANT HERE, JUST WEST OF FISHERMANS LAKE ALSO THAT HAS TO BE RELOCATED, IMPROVED AND THE PIPES RAISED OVER THE LEVEE, SO THESE ARE OUR MAJOR PUMPING FACILITY IMPROVEMENTS THAT HAVE TO BE DONE AS PART OF THIS PROJECT.

IN ADDITION, THERE ARE ANY NUMBER OF AGRICULTURAL WELLS IN THIS REACH OF THE PROJECT, SINCE THERE IS NO SURFACE WATER DELIVERY FROM THE SOUTHERLY POINT OF THE ELKHORN CANAL UP HERE, NORTH OF ELKHORN BOULEVARD, ALL THE WAY DOWN TO WHERE THE RIVERSIDE CANAL CURRENTLY COMMENCES. THERE ARE A LOT OF WELLS IN THE PROJECT FOOTPRINT THAT ARE GOING TO BE RELOCATED OUT OF THE PROJECT FOOTPRINT AND HAVE TO BE RE…, YOU KNOW WE HAVE TO PUT NEW WELLS IN TO REPLACE THOSE. AND THEN WE ARE ADDING WELLS IN THE VICINITY OF FISHERMANS LAKE IN CONNECTION WITH OUR BORROW AND MITIGATION ENHANCEMENT PROGRAM IN THE AREA OF FISHERMANS LAKE, THAT I WILL TALK ABOUT.

SO, THERE'S A LOT OF WELL RELOCATION AND WELL CONSTRUCTION. I THINK WE'RE ESTIMATING AS MANY AS 13 TO 18 WELLS MAY BE DUG IN CONNECTION WITH THIS PHASE OF THE PROJECT.

THE IMPROVEMENTS FOR UNDERSEEPAGE IN THIS REACH ARE LIKELY TO BE PREDOMINANTLY EARTHERN BERMS. IT LOOKS AT THIS POINT LIKE THERE WILL BE A LIMITED AMOUNT OF THE REACH WHERE WE WILL ESTABLISH CUTOFF WALLS, PERHAPS ONLY IN THIS FAIRLY LIMITED AREA IN REACH 12B DOWN TO 13 HERE, SO JUST SITTING ON EITHER SIDE OF THE RD1000 PUMP PLANT 3 THERE WILL BE A CUTOFF WALL, OTHERWISE IT LOOKS LIKE THE UNDERSEEPAGE OR MEDIATION MEASURE WILL BE AN EARTHERN BERM.

THAT MEANS WE NEED A LOT OF SOIL MATERIAL TO SUPPORT THIS PHASE OF THE PROJECT. AND THE CONCEPT IS, ALTHOUGH WE ARE SHOWING MANY POSSIBLE BORROW LOCATIONS IN THIS REACH. THE MOST LIKELY BORROW LOCATIONS ARE AROUND FISHERMANS LAKE, WHERE WE HAVE IDENTIFIED 4 PARCELS IN PARTICULAR THAT APPEAR TO BE LARGE ENOUGH IN SIZE, HAVE AN ADQUATE QUALITY AND QUANITY OF MATERIAL AND CAN BE RECLAIMED TO MEET THE MITIGATION NEEDS OF THE PROJECT THAT WOULD HELP TO EXPAND AND BE COMPATIBLE WITH THE REFUGE PROPERTIES OF THE HCP THAT THE NATOMAS BASIN CONSERVANCY CURRENTLY HAS AROUND FISHERMANS LAKE.

SO THE IDEA IS, THEY HAVE APPROXIMATELY 250 ACRES OF CONSERVATION LANDS JUST TO THE WEST OF FISHERMANS LAKE, WE ARE

POTENTIALLY PROPOSING TO ADD ANOTHER 250 TO 300 ACRES OF LAND THAT WOULD SERVE AS A SOURCE OF BORROW MATERIAL FOR THIS PHASE OF THE PROJECT, AND THEN WOULD BE RECLAIMED TO EITHER MARSH HABITAT, TO SWAINSON HAWK FORAGE HABITAT OR TO WOODLANDS THAT WE NEED TO MEET OUR COMPENSATION REQUIREMENTS FOR THE PROJECT AND ALL OF THAT WOULD OCCUR IN THE AREA AROUND FISHERMANS LAKE, ESSENTIALLY EAST OF POWERLINE AND EXTENDING DOWN TO ABOUT RADIO ROAD, JUST NORTH OF SAN JUAN ROAD.

THERE ARE OTHER PARCELS THAT WE'VE IDENTIFIED IN THE AREA THAT MAY PROVIDE BORROW MATERIAL, BUT THAT WOULD NOT NECESSARILY BE RECLAIMED FOR OUR COMPENSATION PURPOSES SOUTH OF FISHERMANS LAKE – THE OLD WHITTER RANCH PROPERTY AND A PORTION OF THE LOS RIOS COMMUNITY COLLEGE PROPERTY THAT IS NOW IN PRIVATE OWNERSHIP, MIGHT PROVIDE ADDITIONAL BORROW MATERIAL FOR THIS PHASE. LIKE I SAY, QUITE A BIT OF BORROW MATERIAL IS NEEDED HERE, BUT AS WITH PRIOR PHASES OF THE PROJECT, IT LOOKS LIKE WE ARE IN A GOOD POSITION FOR THAT BORROW MATERIAL TO BE MOVED TO THE LEVEE IMPROVEMENT LOCATIONS EFFICIENTLY, OFF ROAD, WITHIN THE PROJECT HAUL ROUTES, WHICH HAVE BEEN THE KEY TO GETTING VERY GOOD BIDS ON MOVING THIS DIRT AROUND IN OUR LAST TWO CONTRACT AWARDS.

SO, WE ARE HOPEFUL THAT WE WILL CONTINUE TO GET GOOD BIDS BY PROVIDING THE LOCATION OF THE BORROW MATERIAL AND THE PROXIMITY TO THE LEVEE SITES BEING ABLE TO REACH THE LEVEE SITES OFF ROAD. WE HOPE WE WILL CONTINUE TO GET GOOD BIDS ON THE BORROW MATERIAL.

SO, THIS PROJECT INVOLVES NOT ONLY AS I SAY, SUBSTANTIAL LEVEE IMPROVEMENTS AND FOOTPRINT IMPROVEMENTS ALONG THE SACRAMENTO RIVER EAST LEVEE, BUT VERY SUBSTANTIAL, OUR MOST SUBSTANTIAL HABITAT COMPENSATION TO DATE. THIS WILL BE THE MAJOR HABITAT CONSERVATION AREA FOR THE NATOMAS LEVEE IMPROVEMENT PROJECT AROUND FISHERMANS LAKE.

JIMMIE YEE:
TIM I HAVE A QUESTION, BEFORE YOU MOVE ON TO SOME OTHER ITEM. THIS THING ABOUT BORROW, FILL AND LOCATION, HAS THAT BEEN TRANSMITTED TO THE AIRPORT? BECAUSE, I'M CONCERNED ABOUT BIRD STRIKES.

TIM WASHBURN:
YAH, MAYBE I COULD SHOW THIS MAP JIMMIE. WE TOOK A LOOK AT THE AIRPORT CRITICAL ZONE, WHICH IS SHOWN IN BLACK AS THE CURRENT AIRPORT CRITICAL ZONE, AND THEN THE MAP HAS BEEN SLIGHTLY ADJUSTED TO ACCOUNT FOR FUTURE RUNWAY CONSTRUCTION, THAT'S IN THE AIRPORT MASTER PLAN, SO THEN THE CRITICAL ZONE WOULD ADD

THIS RED LINE AND THIS GREEN LINE AND BE A LITTLE BIT BIGGER. BUT WHERE WE'RE TALKING ABOUT THE BORROW OPERATION IS HERE AT FISHEMANS LAKE, THAT'S OUTSIDE OF THE 10,000 FOOT CRITICAL ZONE. WE' RE NOT DOING ANY MARSH CREATION WITHIN THE 10,000 FOOT CRITICAL ZONE. WE DO HAVE A POTENTIALLY SIGNIFICANT BORROW OPERATION OVER HERE WEST OF THE AIRPORT, BUT THIS LAND WOULD JUST BE CONVERTED BACK TO ITS CURRENT CROP LAND USE. SO THERE WOULD BE NO ADDITIONAL STANDING WATER OR OTHER AQUATIC HABITIAT CREATED IN CONNECTION WITH THAT BORROW OPERATION. BUT THE BORROW OPERATION AT FISHERMANS LAKE WOULD CREATE ABOUT 120 ACRES POTENTIALLY OF MARSH HABITAT, BUT OUTSIDE THE 10,000 FOOT CRITICAL ZONE.

JIMMIE YEE:
AIRPORT STAFF HAS SAID ITS OKAY?

TIM WASHBURN:
THE FAA IS A RESPONSIBLE AGENCY ON THE FEDERAL SITE, SO THEY ARE PART OF THE NEPA REVIEW PROCESS, SO THEY WILL REVIEW, AND OF COURSE AIRPORT STAFF WILL REVIEW, AND ARE REVIEWING THE DRAFT EIR RIGHT NOW.

JIMMIE YEE:
YAH, I JUST WANT TO BE SURE THAT AIRPORT STAFF HAS REVIEWED IT.

TIM WASHBURN:
YAH

JIMMIE YEE:
AND NOT POSTED ANY MAJOR OPPOSITION.

TIM WASHBURN:
WELL, OF COURSE, I MEAN YOU KNOW, WE DO HAVE A FIVE MILE ZONE ALSO, WHICH IS MUCH MORE DEMANDING. THE CRITICAL ZONE HAS BEEN THE AREA OF MOST CONCERN, THAT'S THE 10,000 FOOT ZONE AROUND THE AIRPORT, AND SO WE'VE AVOIDED THAT IN OUR PLAN.

JIMMIE YEE:
OKAY

TIM WASHBURN:
MAYBE I COULD TOUCH ON THE IMPLICATIONS FROM A PROPERTY POINT OF VIEW AND THIS IS IN THE ENVIRONMENTAL DOCUMENT, WHAT ARE THE PROPERTIES THAT ARE POTENTIALLY AFFECTED IN THIS PHASE OF THE PROJECT. SO IF WE'RE DOWNSTREAM BY 5, THERE ARE A NUMBER OF AGRICULTURAL PROPERTIES, A COUPLE OF WHICH HAVE HOMES ON THEM, THAT ARE AFFECTED BY THE PROJECT AND BECAUSE THIS IS AN AREA WITH FAIRLY DEEP UNDERSEEPAGE WHERE WE HAVEN'T REALLY BEEN ABLE

TO FIND ENOUGH SOLID MATERIAL TO CONNECT A WALL TO, THIS IS AN AREA, WHERE AS I SAY, THERE WILL BE A BERM CONSTRUCTED TO ADDRESS UNDERSEEPAGE AND WHERE THE BERM WILL BE IN MANY PLACES ALONG THE WAY HERE, AT LEAST 300 FEET WIDE, SO THIS IS A WIDE FOOTPRINT, ABOUT 450 FEET, FROM THE CENTERLINE OF THE LEVEE, WHICH IS THE LIGHT YELLOW AREA HERE, ESSENTIALLY CUTTING ACROSS THESE AGRICULTURAL PARCELS DOWNSTREAM OF I-5, UNTIL YOU HIT THE ORANGE AREA HERE, WHICH IS THE AIRPORT SOUTH BUFFERLAND, SO THERE WILL BE A NEED TO ACQUIRE PRIVATE PROPERTY, A FAIRLY SIGNIFICANT AMOUNT OF PRIVATE PROPERTY, TO ACCOMMODATE THE LEVEE FOOTPRINT, MUCH LIKE THE PHASE THREE PROJECT THAT CAME THROUGH THE BOARD THIS SUMMER, ALSO IN THIS REACH.

FURTHER DOWN, DOWN THE WAY, YOU GET TO THE END OF THE AIRPORT SOUTH BUFFERLANDS, THE NEXT PARCEL WE OWN, IT'S THE NOVAK PARCEL THAT WE PURCHASED IN 2008. THESE GREEN PARCELS ARE TNBC PARCELS AND TWO OF THEM WILL BE AFFECTED BY THE PROJECT FOOTPRINT AND WE WILL HAVE TO REPLACE THE LOST HABITAT TO THE TNBC, AS WE DID IN PHASE 2, CONSISTENT WITH THE NATOMAS BASIN HCP, THE WAY WE DO THAT IS, WE ACQUIRE SURPLUS LAND THAT THE TNBC OWNS, ACRE FOR ACRE, FOR THE AMOUNT OF LAND THAT IS ABSORBED INTO OUR PROJECT FOOTPRINT AND THE ENDOWMENT MONEY THAT IS CONNECTED TO THE LAND THAT IS BEING ABSORBED INTO OUR PROJECT FOOTPRINT, SHIFTS OVER TO THE SURPLUS LAND THAT WE BUY FROM TNBC, SO WE HAVE A FAIRLY EFFICIENT WAY OF HANDELING THE IMPACT OF OUR PROJECT ON TNBC LAND IN THIS REACH, WELL IN ANY REACH, BUT THIS IS WHERE WE ARE HAVING OUR MOST SIGNIFICANT IMPACT ON TNBC LAND.

RAY TRETHEWAY:
TIM, FOR THE PUBLIC'S SAKE, YOU MIGHT JUST WANT TO SPELL OUT..

TIM WASHBURN:
THE NATOMAS BASIN CONSERVANCY (TNBC) AND THEY HAVE, AS I SAID EARLIER, FAIRLY EXTENSIVE HOLDINGS HERE, IN AND AROUND FISHERMANS LAKE. SORRY, SUPPOSED TO GET RID OF THAT. (PHONE RANG)

THE BORROW SITES, ARE THE SHADED IN AREAS HERE AND SO THOSE ARE THE AREAS WHERE WE WOULD LOOK TO GET THE BORROW MATERIALS WE NEED FOR THIS PROJECT AND WITH THE EXCEPTION OF THE WHITTER PROPERTY AND THE LOS RIOS PROPERTY THE SHADED AREAS WOULD BE THE AREAS WE WOULD ANTICIPATE RECLAIMING FOR EITHER MARSH OR SWAINSON HAWK HABITAT IN THIS REACH OF THE PROJECT.

SO AGAIN, WE HAVE A PRETTY NICE FIT WITH THE AREAS WE NEED FOR OUR BORROW MATERIAL AND THE AREAS THAT WE NEED FOR OUR HABITAT AND GOOD PROXIMITY FOR MOVING THIS MATERIAL EITHER SOUTH, ALL

THE WAY DOWN TO THE END OF REACH 15 HERE, POTENTIALLY, AND THEN WEST BACK UP TOWARD I-5. SO WE HAVE NO HAULAGE EXCEEDING ABOUT THREE MILES, WHICH IS ABOUT WHERE WE WERE WHEN WE GOT OUR VERY GOOD BIDS THE LAST TIME THROUGH IN PHASE TWO. SO, WE'RE HOPEFUL THAT WE'RE, AS I SAID EARLIER, WE'VE GOT THE RIGHT COMBINATION OF LANDS AND LOCATION HERE, TO CONTINUE GETTING SOME GOOD BIDS ON MOVING SOIL MATERIAL.

SO REAL ESTATE ACQUISTION IS UNDER WAY AND WE WILL OBVIOUSLY BE INTERACTING WITH THE PROPERTY OWNERS AND THE BOARD IN THE NEXT SEVERAL MONTHS, TO GET THE RIGHTS WE NEED TO GO FORWARD WITH THE PROJECT.

SO IN TERMS OF IMPACTS, THE STAFF REPORT SUMMARIZES THEM, BUT THEY ARE OF THE SAME TYPE THAT WE HAVE DISCUSSED WITH THE BOARD IN OUR PHASE 2 AND PHASE 3 EIR'S. THERE IS GOING TO BE A LOSS OF PRIME AND IMPORTANT FARM LAND AS WE CONVERT PORTIONS OF THESE AGRICULTURAL PARCELS TO OUR LEVEE FOOTPRINT OR TO OUR HABITAT COMPENSATION AREA, SO IT'S A FAIRLY SUBSTANTIAL LOSS OF FARMLAND DUE TO THE PROJECT.

THERE WILL OF COURSE BE NOISE, DUST AND AIR QUALITY IMPACTS, IT IS A MAJOR PROJECT, AND ACTUALLY WE WILL HAVE UNDOUBTABLY, ACCUMULATION OF CONSTRUCTION ACTIVITY ALL ALONG THE EAST LEVEE OF THE SACRAMENTO RIVER AND THE GARDEN HIGHWAY, ADJACENT TO THE GARDEN HIGHWAY, BECAUSE PHASE 2, PHASE 3 AND PHASE 4A, ARE ALL LIKELY TO BE GOING AT THE SAME TIME. WE WILL LITERALLY, IN THE SUMMER OF 2010, BE CONSTRUCTING LEVEE IMPROVEMENTS, ALONG ABOUT A 15 MILE REACH OF THE LEVEE. SO THIS WILL BE EXTENSIVE CONSTRUCTION ACTIVITY ALONG THE GARDEN HIGHWAY, OR LANDSIDE OF THE GARDEN HIGHWAY IN 2010. SO THERE WILL BE NOISE; THERE WILL BE DUST; THERE WILL BE AIR QUALITY IMPACTS; THERE WILL BE TRANSPORTATION IMPACTS; BUT OF COURSE THE TRANSPORTATION IMPACTS ARE MITIGATED TO A LARGE EXTENT, BY OUR KEEPING THE PRINCIPAL CONSTRUCTION TRAFFIC - THE HAULAGE TRAFFIC, OFF-ROAD AND IN OUR PROJECT FOOTPRINT.

THERE WILL BE AN EXTENSIVE REMOVAL OF TREES ON THE LANDSIDE OF THE LEVEE IN THIS REACH OF THE PROJECT. MANY OF THEM WILL BE RELOCATED, BUT AN EVEN GREATER NUMBER WILL BE CUT DOWN. NOW OBVIOUSLY, WE HAVE A VERY ROBUST WOODLAND CREATION PROGRAM, AS WE'VE DESCRIBED TO THE BOARD AND WE EXPECT SOMEWHERE ON THE ORDER OF 40 PLUS ACRES OF WOODLAND HABITAT TO BE RE-ESTABLISHED IN THIS FISHERMAN LAKE AREA AND OVERALL OF COURSE, WE ARE REPLACING THE LOST WOODLANDS AT ABOUT A TWO AND ONE HALF TO ONE, PER ACRE RATIO. BUT, MANY OF THESE TREES ARE MATURE AND IT WILL TAKE TIME FOR THEM TO COME BACK AND THAT IS A SIGNIFICANT AND OBVIOUS LOSS BOTH AESTHETICALLY AND SHORT TERM

IN TERMS OF HABITAT. BUT WE HAVE, AS I'VE INDICATED, A VERY ROBUST HABITAT COMPENSATION PLAN THAT IS GEARED TO ENHANCE AND BE VERY COMPATIBLE WITH THE NATOMAS BASIN CONSERVANCY HOLDINGS. SO THE NET HERE, WE THINK, WILL BE LONG TERM, VERY POSITIVE IN TERMS OF WHAT RESULTS OVER TIME, NOT ONLY IN PUBLIC SAFETY BUT IN TERMS OF THE HABITAT VALUES THAT WE ARE CREATING.

SO, MAYBE I COULD TAKE QUESTIONS AND THEN YOU COULD OPEN THE HEARING.

CHAIR SUSAN PETERS:
ANY QUESTIONS, MR TRETHEWAY

RAY TRETHEWAY:
WELL SOUNDS LIKE TIM WE'RE MOVING INTO THE MORE POPULATED AREA?

TIM WASHBURN:
YES

RAY TRETHEWAY:
AND MORE EXTENSIVE WORK

TIM WASHBURN:
YES

RAY TRETHEWAY:
IT'S A FIFTEEN MILE STRETCH RIGHT?

TIM WASHBURN:
WELL THIS IS BECAUSE WE GOT A LATE START THIS SUMMER, SO PHASE 2 IS NOW GOING TO MOVE OVER INTO 2010 AND OF COURSE PHASE 3, FROM ELVERTA DOWN TO I-5 WILL GET UNDERWAY AND NOT ONLY UNDERWAY, BUT SUBSTANTIALLY COMPLETED AND THEN THIS WORK SOUTH OF I-5 ALL THE WAY AROUND TO SOUTH OF SAN JUAN ROAD, ALL THREE AREAS WILL BE UP AND GOING AT THE SAME TIME.

RAY TRETHEWAY:
EXACTLY. SO, I THINK PERHAPS THIS IS AN OPPORTUNITY, I'M THINKING ABOUT HOW LONG THE PUBLIC REVIEW IS SET FOR

TIM WASHBURN
THE PUBLIC REVIEW WILL RUN TROUGH OCTOBER 13 - IT'S A 45 DAY PUBLIC REVIEW PERIOD THAT COMMENCED AUGUST 28TH.

RAY TRETHEWAY:
THAT'S PRETTY SHORT. HOW MANY PUBLIC HEARINGS DO WE HAVE SCHEDULED?

TIM WASHBURN:
THIS IS THE PUBLIC HEARING.

RAY TRETHEWAY:
JUST SEEMS TO ME, THAT STAFF SHOULD CONSIDER AT LEAST ONE OR TWO PUBLIC HEARINGS, I KNOW WE'RE GOING TO CATCH PEOPLE NEXT YEAR, THEIR ATTENTION, BUT WE KNOW WHAT HAPPENED WITH THE CROSS CANAL, JUST IN THE FIRST THREE OR FOUR MILES OF THE SACRAMENTO RIVER…PUBLIC RELATIONS PROBLEMS, HOME OWNERS AND PROPERTY OWNERS, VEGETATION ISSUES. I THINK IT WOULD BE A WISE THOUGHT ON BEHALF OF STAFF TO TRY TO GET THE WORD OUT THERE AS EARLY AS POSSIBLE, EVEN THOUGH IT IS GOING TO HIT US NEXT CONSTRUCTION PERIOD. BUT THE MORE WE CAN TELL PEOPLE, YOU KNOW WE HELD A PUBLIC HEARING WITH THE BOARD AND WE'RE GOING TO TELL THEM, THERE WAS FIVE PEOPLE IN THE AUDIENCE, AND THEY'RE GOING TO ASK, HOW MANY WERE THERE? I THINK WE HAVE A PRETTY GOOD OUTREACH TEAM THAT COULD HANDLE THAT.

CHAIR SUSAN PETERS:
STEIN

STEIN BUER:
RAY I'D JUST LIKE TO, FIRST OF ALL, IF IT'S THE PLEASURE OF THE BOARD THAT WE HOLD ONE OR TWO MEETINGS IN THE COMMUNITY TO EMPHASIZE THIS INFORMATION, WE'RE HAPPY TO DO THAT, BUT I ALSO WANT TO POINT OUT THAT WE HAVE A VERY, VERY ACTIVE OUTREACH CAMPAIGN, WHEREIN WE ARE USING EMAIL, AND OUR WEBSITE AND DIRECT MAIL TO EFFECTED PROPERTY OWNERS AND RESIDENTS OF THE NATOMAS BASIN, AS THIS PROGRAM GOES FORWARD. IF YOU LIKE, WE CAN SPEND A FEW MINUTES ON THAT AT THE NEXT MEETING, JUST SO THAT THE BOARD CAN GET AN UPDATE ON HOW EXTENSIVE THAT OUTREACH EFFORT IS AND WE'LL BE HAPPY TO SUPPLEMENT WITH, LET'S SAY, ONE ADDITIONAL MEETING, IN THE BASIN, DURING THIS PERIOD, IF THAT'S THE PLEASURE OF THE BOARD.

RAY TRETHEWAY:
WELL I THINK PART OF IT, WELL, TRULY IT'S A STAFF DISCUSSION, I DON'T THINK WE NEED TO DIRECT YOU ON IT, QUITE FRANKLY. BUT WHEN I THINK WHAT TIM SAID, THIS SUMMER HE WAS, IN THE END IT'S A GREAT ENHANCEMENT TO THE AREA, NOT ONLY TO FLOOD CONTROL, BUT HABITAT WISE, OPEN SPACE LAND AND PUBLIC LANDS. AT EVERY OPPORTUNITY, WE'RE REALLY PUTTING INTO PLACE HERE THE BIGGER PICTURE INSTEAD OF ISSUE BY ISSUE, IT HELPS, IT HELPS THE GENERAL PUBLIC GET BEHIND EXTRAORDINARY EFFORTS THAT SAFCA IS UNDERTAKING. SO IT'S NOT JUST PARTICULARLY THIS DOCUMENT, IT'S THE OUTCOME OF THIS DOCUMENT THAT NEEDS TO BE PART OF THE STORY.

STEIN BUER:

AND THE CHALLENGE HAS BEEN THAT ATTENDANCE HAS BEEN DROPPING OFF AT THESE MEETINGS, FOR EXAMPLE, PETE GHELFI WORKED WITH THE CORPS TO CONDUCT A COUPLE MEETINGS, FAIRLY RECENTLY ON WORK THAT WAS GOING TO BE LED BY THE CORPS, ALONG THE GARDEN HIGHWAY AND IT GOT HOW MANY ATTENDEES?

PETE GHELFI:
ONE

STEIN BUER:
ONE. SO, WE PUT A LOT OF STAFF EFFORT INTO BEING OUT THERE AND WE REACH ONE PERSON. THAT'S NOT VERY EFFECTIVE AND SO WHAT WE'RE TRYING TO DO IS USE OUR RESOURCES EFFECTIVELY AND REACH A LARGE NUMBER OF PEOPLE. AND ANY COMMUNITY GROUP THAT INVITES US TO GO OUT TO SPEAK, WE'RE ALWAYS RECEPTIVE TO DOING SO.

RAY TRETHEWAY:
WELL, I THINK, PERHAPS MY OFFICE AND I'M SURE, SUPERVISOR DICKINSON'S OFFICE WILL HAVE SOME IDEAS ON HOW, PERHAPS NOT ON HOW FOR AN OPEN MEETING, BUT PERHAPS HAVE SOME FOCUS TARGET AUDIENCES.

TIM WASHBURN:
MY SURVIVAL FORMAT OR SOMETHING WOULD GENERATE SOME INTEREST

CHAIR SUSAN PETERS:
I THINK YOU'RE HEARING YOU NEED TO HAVE A MEETING OUT THERE, I DON'T KNOW IF WE NEED TO KEEP GOING OVER THE SAME INFORMATION, BUT

RAY TRETHEWAY:
NO, ACTUALLY I WAS REVERSING IT. I THINK WE CAN WORK DIRECTLY AND TARGET THE AUDIENCES

CHAIR SUSAN PETERS:
REALLY? YOU DON'T WANT IT TO COME TO A MEETING?

CORTEZ QUINN:
I KIND OF AGREE, IF ONLY ONE PERSON SHOWED UP

RAY TRETHEWAY:
WE HAVE FIVE HERE TODAY OR THREE

STEIN BUER:
YAH, SO MAYBE THE WAY TO DO THIS, A MORE EFFICIENT WAY IS TO GO AHEAD AND PLAN TO HAVE A COMMUNITY MEETING, WORK WITH THE COMMUNITY GROUPS OUT THERE, NOT NECESSARILY TIED FORMALLY TO THIS PARTICULAR DOCUMENT, BUT TO GIVE PEOPLE A CHANCE TO GET AN

UPDATE ON THE PROGRAM AS A WHOLE AND THAT WAY THIS PROCESS MOVES FORWARD WITHOUT IMPEDIMENT, BUT WE MEET THE GOAL OF BEING RESPONSIVE TO ANYONE WHO WANTS TO COME AND SPEAK WITH US DIRECTLY AND HEAR OUR RESPONSES.

RAY TRETHEWAY:
YAH, LET'S TALK OFF LINE ON THIS, THAT WOULD BE GREAT IDEA

CHAIR SUSAN PETERS:
ANY ADDITIONAL QUESTIONS? MR. NOTTOLI

DON NOTTOLI:
THANK YOU MADAM CHAIR, I HAVE A QUESTION ABOUT THE REFERENCE, I HAVEN'T FOUND THE DOCUMENT YET, BUT WHERE WE TALK ABOUT THE LANDSIDE VEGETATION REMOVAL. WE'VE HAD THESE DICUSSIONS IN THE PAST, THE CORRIDOR WAS JUST THREE TO FOUR HUNDRED FEET, YOU'RE NOW AT 660 FEET, YOU'RE A FULL QUARTER OF - AN EIGHTH OF A MILE?
TIM WASHBURN:
660 WAS FOR ENVIRONMENTAL REVIEW PURPOSES, OKAY, THE FOOTPRINT IS 450.

RAY TRETHEWAY:
THAT WAS MY QUESTION

TIM WASHBURN:
AT ITS WIDEST.

DON NOTTOLI:
OKAY, SO THAT HASN'T CHANGED FROM THE DISCUSSION WE HAD HERE A COUPLE OF MONTHS AGO.

TIM WASHBURN:
NO.

DON NOTTOLI:
SO WHY DO YOU HAVE TO LOOK AT 660?

TIM WASHBURN:
WELL, 660, WELL, LET'S SAY THIS TO. IN THAT REACH, DOWNSTREAM OF I-5, THERE IS YET A DISCUSSION GOING ON AMONG THE ENGINEERS AS TO WHETHER THE BERM MAY ACTUALLY HAVE TO BE FIVE HUNDRED FEET WIDE, BECAUSE OF THE DEPTH OF THE UNDERSEEPAGE AND THE FACT THAT THERE'S SIMPLY, STILL, A VERY LARGE GRADIENT, WATER EXIT GRADIENT, EVEN WHEN YOU GO OUT THREE HUNDRED FEET.

DON NOTTOLI:
SO THIS DOCUMENT WOULD COVER THAT FIVE HUNDRED FOOT BERM, VERSUS FOUR HUNDRED AND FIFTY FOOT FOOTPRINT?

TIM WASHBURN:
YES. YES. SO WE MADE THE FOOTPRINT FOR ENVIRONMENTAL PURPOSES AS WIDE AS POSSIBLE, SO WE DIDN'T END UP IN A POSITION, WHERE WE SUBSEQUENTLY DECIDE, OH NOW WE NEED TO MAKE IT WIDER, OH BUT THE ENVIRONMENTAL DOCUMENT ASSUMED 450.

NOW IT WILL BE THE EXCEPTION, THAT YOU MAY HAVE A BERM AS WIDE AS 500 FEET PLUS AN O&M CORRIDOR AND A UTILITY CORRIDOR WHICH WOULD MAKE IT OUT TOWARD 660. THAT'S POSSIBLE, BUT THAT WILL BE THE EXCEPTION NOT THE RULE.

DON NOTTOLI:
AND AGAIN, LOOKING AT THIS EXCEPTION, POTENTIALLY THEN, FOR WHAT LINEAR LENGHTS WOULD YOU BE LOOKING AT POTENTIALLY, SINCE YOU KNOW THESE AREAS WHERE THEY ARE CONCERNED ABOUT SEEPAGE?

TIM WASHBURN:
JOHN HELP ME HERE, BUT I'M THINKING 3,000 FEET MAYBE. IN THAT RANGE WOULD BE THE OUTER

JOHN BASSETT:
THAT'S AN APPROXIMATE RANGE, THE BIGGEST REACH OF THE 500 FOOT BERM ACTUALLY IS ON THE AIRPORT PROPERTY, JUST WEST OF POWERLINE ROAD AND THEN THERE IS ONE REACH UPSTREAM AND ONE END REACH AT THE DOWNSTREAM END OF THE PROJECT.

DON NOTTOLI:
AGAIN I RECOGNIZE THAT YOU ARE TRYING TO HOLD BACK THE SACRAMENTO RIVER, BUT THAT'S AN EXTREMELY WIDE, ARE YOU TALKING ABOUT FROM TOE TO TOE OR ARE YOU TALKING ABOUT ACROSS THE TOP OF IT, THE BERM?

JOHN BASSETT:
THAT'S FROM THE TOE OF THE LEVEE OUT TO THE EDGE OF THE BERM.

TIM WASHBURN:
SO ITS, ESSENTIALLY WE WILL HAVE ADDED THE ADJACENT LEVEE, WHICH HAS A 40 FOOT CROWN

DON NOTTOLI:
RIGHT

TIM WASHBURN:
WE WILL NOW HAVE A 60 FOOT WIDE LEVEE, WITH A 3 TO 1 SLOPE AND A 500 FOOT SEEPAGE BERM

DON NOTTOLI:

AND YOU CAN'T PUT ANY PLANTING ON THAT BERM, IT HAS TO ALL BE FREE AND CLEAR, OR CAN YOU? I MEAN, YOU CAN PLANT GRASSES, BUT YOU CAN'T PUT TREES.

TIM WASHBURN:
THAT'S CORRECT. WE WILL BE PUTTING NATIVE GRASSES ON THE BERM, SO IT WILL HAVE A HABITAT VALUE, BUT IT BECOMES A WIDE FOOTPRINT AND GETS OUT TO THAT 660.

DON NOTTOLI:
IT CERTAINLY CHANGES THE LANDSCAPE, AGAIN, I DON'T KNOW IF THE AIRPORT PROPERTY IS THE ONE THAT HAS THE FORESTED, I DON'T THINK IT'S THE FORESTED PIECE THAT YOU WERE TALKING ABOUT EARLIER, BUT, OR IS IT? IS THIS WHERE YOU ARE GOING TO BE CLEARING, YOU HAVE SOME AREAS WHERE YOU ARE GOING TO CLEAR OUT SOME PRETTY GOOD SIZED TRACKS OF TREES.

JOHN BASSETT:
THERE IS TREE CLEARING ON THE AIRPORT. THERE IS ONLY A FAIRLY SMALL AREA IN THE SOUTH BUFFERLANDS THAT HAS TREES, MOST OF IT IS ALREADY OPEN FARM LAND THAT WOULD BE CONVERTED TO GRASSLANDS WHICH IS ALSO MEETING AIRPORT SWAINSON HAWK FORAGING AREA REQUIREMENTS.

DON NOTTOLI:
WHEN YOU SAY GRASSLANDS YOU'RE GOING TO BE, ALFALFA, YOU'RE GOING TO FARM, OR YOU JUST GOING TO PUT NATIVE GRASSES AND JUST LET IT GROW WILD.

TIM WASHBURN:
WELL, IT GETS MOWED AND IT GETS MANAGED AS A SURFACE ON THE FLOOD CONTROL BERM AND ON THE LEVEE SLOPE, BUT IT HAS A HIGHER HABITAT VALUE, WE BELIEVE THAN

DON NOTTOLI:
THAN GRAVEL

TIM WASHBURN:
YAH, WELL, OR BERMUDA OR OTHER NON-NATIVE GRASSES.

DON NOTTOLI:
OKAY, THANKS.

CHAIR SUSAN PETERS:
ANYONE ELSE WITH QUESTIONS FOR MR. WASHBURN

RAY TRETHEWAY
JUST A FOLLOW UP ON THAT

CHAIR SUSAN PETERS:
MR. TRETHEWAY

RAY TRETHEWAY:
DOES IT QUALIFY FOR ANY CREDITS WITH FISH AND GAME FOR OUR WILDLIFE?

TIM WASHBURN:
WELL, WHAT WE HAVE PROPOSED TO THEM IS A PACKAGE, WE TRIED TO AVOID, YOU KNOW, SPECIFIC RATIO'S FOR, OKAY HOW MUCH DO YOU GET FOR THIS AND HOW MUCH DO YOU GET FOR THAT. WHAT WE HAVE PROPOSED IS, WE ARE CREATING A SIGNIFICANT AMOUNT OF GRASSLAND ON THE LEVEE SLOPE, BERM AND IN THE O&M CORRIDORS, AND THEY APPRECIATE THAT. WE ARE ALSO CREATING BLOCKS OF EITHER FARMED OR MANAGED FARMED HABITAT, WHICH WE WOULD TAKE A BORROW AREA AND CONVERT IT BACK INTO CROP LAND, OR WE WOULD MANAGE IT AS GRASSLAND, PERHAPS A HAY CROP, PERHAPS ALFALFA, SO IT'S A MORE ACTIVELY MANAGED LAND SURFACE THAN THE GRASSLANDS ON THE BERM, OR THE SLOPE, OR IN THE O&M CORRIDOR. SO, THE TOTAL AMOUNT OF HABITAT THAT WE HAVE CREATED FOR FORAGING HABITAT, FOR SWAINSON'S HAWK, IS CONSIDERABLE AND THEY APPRECIATE THAT.

RAY THETHEWAY:
IT'S PRIME HABITAT TOO.

TIM WASHBURN:
YOU KNOW THEY WOULD SAY, ALFALFA IN PARTICULAR, WITH FOUR OR FIVE CUTTINGS IN A SEASON, THAT'S PRIME, OKAY, BUT GRASSLAND HABITIAT, WE HOPE AND BELIEVE, WHICH IS MORE OF ITS NATIVE HABITAT TO BEGIN WITH, ALSO PROVIDES A HIGH QUALITY OF FORAGING POTENTIAL.

RAY TRETHEWAY:
OKAY, THANK YOU.

CHAIR SUSAN PETERS:
ADDITIONAL QUESTIONS – I DON'T SEE ANY, STAY TUNED

TIM WASHBURN:
ALL RIGHT

CHAIR SUSAN PETERS:
IF ANYONE HERE WISHES TO SPEAK

TIM WASHBURN:
YOU NEED TO OPEN THE PUBLIC HEARING

CHAIR SUSAN PETERS:
I WILL AS SOON AS I FINISH THIS STATEMENT.

PLEASE FILL OUT A SPEAKERS REQUEST FORM AND GIVE IT TO OUR CLERK, SO, AND WE DO ALREADY HAVE ONE PERSON SIGNED UP, SO WE WILL **[GAVEL SOUND] OPEN THE PUBLIC HEARING**.

FRANCIS TENNANT

FRANCIS TENNANT:
(CAN'T HEAR HER, TOO FAR AWAY)

CHAIR SUSAN PETERS:
IF YOU COULD COME TO THE MICROPHONE WE COULD HEAR YOU.
THANK YOU.

FRANCES TENNANT:
I'VE BEEN AT EVERY SINGLE MEETING THAT I'VE KNOW ABOUT. I'VE NEVER GOTTEN ONE EMAIL FROM SAFCA OR ANYBODY ELSE. I WOULD HAVE BEEN AT THE MEETING IF I KNEW ABOUT IT.

THIS MAN JUST SPENT 40 MINUTES TALKING ABOUT HABITAT FOR SWAINSON'S HAWK AND PASSED OVER IN 5 WORDS, THE ACQUISTION OF PRIVATE PROPERTY AND HOMES. SAFCA SEEMS ABLE TO PAY MILLIONS OF DOLLARS TO PROTECT THE HABITAT OF SWAINSON HAWK AND OF THE GIANT GARTER SNAKE, BUT THEY ARE CHEATING THE PEOPLE WHO LIVE OUT THERE. THAT'S WHY YOU HAVE ALL OF THESE EMINENT DOMAIN THAT ARE BEING PURSUED RIGHT NOW. PH-1

THEY OFFERED ME, FOR MY HOME OF 57 YEARS, AN AMOUNT THAT WAS NOT EVEN ENOUGH, HALF ENOUGH TO BUY A LOT ON GARDEN HIGHWAY AND THEY'VE DONE THIS TO A LOT OF MY FRIENDS TOO. THESE ACTIONS THAT THEY SAY THEY ARE GOING TO DO ARE APPROVED BY THE BOARD OF SUPERVISORS WITHOUT COMMENT, THEY'RE RUBBER STAMPED, NOBODY PAYS ANY ATTENTION TO THE PEOPLE THAT LIVE OUT THERE. I THINK WE DESERVE AS MUCH CONSIDERATION AS A GARTER SNAKE!

AND I GO TO EVERY SINGLE MEETING THAT I KNOW ABOUT AND YOU KNOW IT AND MY EMAIL IS ON EVERY SINGLE HANDOUT THAT I GIVEOUT WHEN I COME TO ONE.

CHAIR SUSAN PETERS:
THANK YOU MRS. TENNANT, WE HAVE YOUR LETTER, AND IT WILL BE PUT IN THE FILE DOCUMENTATION RESPONDED TO IN THAT EIR, IN THAT FINAL EIR.

OUR NEXT SPEAKER IS JAVED SIDDIQUI

JAVED SIDDIQUI:
GOOD AFTERNOON. I AM JAVED SIDDIQUI, MY ADDRESS IS AT 1808 J STREET IN SACRAMENTO. OUR FAMILY OWNS PROPERTY WITHIN THE NATOMAS BASIN, SOUTH OF I-5 AND IT IS AFFECTED BY THIS PROJECT.

I WANT TO MENTION THAT WE ARE SUPPORTIVE OF THE FLOOD CONTROL PROJECT AND WE'RE LOOKING FORWARD TO WORKING WITH SAFCA STAFF TO ACHIEVE THE 200 YEAR FLOOD PROTECTION THAT YOU ARE SEEKING.

WE HAVE REQUESTED INFORMATION THAT I BELIEVE IS BEING DEVELOPED, BUT THAT DETAILED DESIGN INFORMATION IS NOT AVAILABLE NOW AND I'VE NOT BEEN ABLE TO VIEW IT. WE HOPE THAT THE FINAL DESIGN WILL BE REFINED TO REDUCE THE ADVERSE IMPACTS TO OUR PROPERTY AND TO OUR NEIGHBORS PROPERTIES AND THE FOOTPRINT OF THE LEVEE WOULD BE REDUCED ACCORDINGLY, IF POSSIBLE, TO COME UP WITH A SMART DESIGN. PH-2

I HEARD TODAY, THAT THE ONLY ALTERNATE THAT IS BEING CONSIDERED IS THE LEVEE AND THE BERM. THERE ARE OTHER ALTERNATES, AND WE WANT THOSE TO BE CONSIDERED AND INDEPENDENTLY ANALYZED. PH-3

SO, WE'RE LOOKING FORWARD TO WORKING WITH SAFCA AND WE'LL CONTINUE TO SUPPORT THE EFFORTS, BUT WE JUST WANT TO, THE BOARD TO REALIZE, THAT THE LAND OVER THERE MAY BE AGRICULTURAL NOW, DOES HAVE A GOOD FUTURE AND WHAT YOU DO WITH IT AND HOW YOU DO IT, WOULD AFFECT IT FOR A LONG TIME. JUST LIKE K STREET MALL. PH-4

CHAIR SUSAN PETERS:
WERE YOU PLANNING TO SUBMIT YOUR COMMENTS IN WRITING MR SIDDIQUI?

JAVED SIDDIQUI:
UH.. I CAN SEND THEM.

CHAIR SUSAN PETERS:
I THINK IT WOULD BE A GOOD IDEA, IF YOU HAVE SOME ALTERNATES THAT YOU WANT STUDIED.

JAVED SIDDIQUI:
THANK YOU VERY MUCH.

ARE THERE ANY OTHER SPEAKERS ON THIS ISSUE?
OKAY
[GAVEL]
CLOSE THE PUBLIC HEARING THEN.

ARE THERE ANY ADDITIONAL QUESTIONS FROM THIS BOARD?
MR. NOTTOLI

DON NOTTOLI:
THANK YOU MADAM CHAIR.
TIM, ARE THERE ANY HOMES THAT ARE OCCUPIED, AGAIN I STEPPED IN A BIT LATE, SO MAYBE YOU WENT OVER THAT BEFORE I GOT HERE, BUT ARE THERE OCCUPIED HOMES TO BE AFFECTED HERE?

TIM WASHBURN:
THERE ARE THREE OCCUPIED HOMES IN THIS PROJECT REACH THAT ARE IN CONFLICT WITH THE PROJECT FOOTPRINT.

DON NOTTOLI:
OKAY, SO WHAT IS PROPOSED, TO REMOVE THE HOUSES OR ARE WE WORKING AROUND THEM AS WE TRIED TO DO IN OTHER AREAS?

TIM WASHBURN:
THERE ARE THREE THAT WE CAN WORK AROUND.

DON NOTTOLI:
SO THE THREE THAT YOU MENTIONED ARE THE THREE THAT YOU CAN WORK AROUND?

TIM WASHBURN:
NO. THERE ARE SIX ALTOGETHER, THREE THAT WE CAN WE CAN WORK AROUND, THREE THAT DO NOT APPEAR TO HAVE A WORK AROUND POTENTIAL, ALTHOUGH WE ARE STILL…

DON NOTTOLI:
AND IS MS. TENNANT'S ONE OF THOSE?

TIM WASHBURN:
MR SIDDIQUI, NO, NO.

DON NOTTOLI:
NO, HOW ABOUT THE LADY THAT SPOKE PREVIOUSLY

TIM WASHBURN:
MS. TENNANT IS NOT ACTUALLY IN THIS PHASE OF THE PROJECT.

DON NOTTOLI:
THAT'S WHAT I THOUGHT, SHE IS IN ANOTHER REACH, I JUST WANT TO BE CLEAR ABOUT THAT. AND WE HAD DIRECT CONTACT WITH THE HOMEOWNERS EITHER, WHO'S HOMES ARE WORK AROUND AND/OR POTENTIALLY THE ONES THAT WOULD BE IN THE PATH AND WOULD ACTUALLY BE SLATED FOR REMOVAL, TO BE FRANK ABOUT IT, UM, WE'VE HAD CONVERSATIONS ABOUT IT, THEY'VE ALL RECEIVED PUBLIC NOTICE AND WE'VE HAD OUTREACH CONVERSATIONS WITH THOSE FOLKS?

TIM WASHBURN:
I'M GOING TO TURN TO JOHN ON THAT.

40:01

JOHN BASSETT:
THE THREE THAT ARE SAVEABLE, TIM HAS HAD EXTENSIVE DISCUSSIONS, THE CHARMINE/ROBINSON PROPERTIES. THE SOUZA PROPERTY WHICH IS JUST UPSTREAM OF THAT HAS TWO RENTAL PROPERTIES ON IT, MR. SOUZA DOES NOT LIVE THERE. HEINRICK, WHICH IS JUST NORTH OF THAT, WE HAVE MADE AN OFFER TO MS. HEINRICK ALREADY, HEWITT IS THE NEXT ONE UPSTREAM FROM THAT, WE HAVE MADE AN OFFER TO MS. HEWITT AND THEN THE REST OF THE RESIDENTIAL STRUCTURES ARE OWNED BY, OR A NUMBER OF THEM ARE ALSO RENTAL, ARE OWNED BY MR. SIDDIQUI AND THEN WE GO TO THE KRUGAL PROPERTY AND WE MADE CONTACT WITH MS. KRUGAL.

DON NOTTOLI:
OKAY, SO YOU HAVE. I'M GLAD YOU MADE THAT CONTACT, DOESN'T MEAN PEOPLE ARE NECESSARILY PLEASED OR NOT, BUT I WANTED TO BE CLEAR ABOUT THAT. THANK YOU.

CHAIR SUSAN PETERS:
OKAY. ANYONE ELSE? OKAY, THERE IS NO ACTION RECOMMENDED ON THIS SO WE WILL RECEIVE AND FILE THIS REPORT AND I THINK I DID SAY WE ENDED THE PUBLIC HEARING.

OKAY, NEXT ON OUR AGENDA IS A CLOSED SESSION. IS THAT WHAT YOU WANT TO DO NEXT?

41.16

Transcript prepared by Lyndee Russell, Clerk of the Board

Frances Tennant

PH-1 See Response to Comment I1-1.

Javed Siddiqui

PH-2 USACE and SAFCA are coordinating with the commenter and other affected property owners to share requested project design information as appropriate, available, and feasible. Most recently, in response to letters submitted to SAFCA by the commenter on June 16 and July 22, 2009, SAFCA issued a letter response to the commenter dated October 16, 2009 that included a table documenting the dates SAFCA provided or will provide each of the commenter's requested items (noted in the June and July letters). These items are included in **Appendix E** of this FEIR. SAFCA has participated in numerous telephone conversations and meetings with the commenter to discuss the NLIP and its potential effects to the commenter's property.

PH-3 Under NEPA and CEQA, the Federal and state lead agencies must consider a reasonable range of alternatives that would achieve most of the project objectives and reduce some of the environmental impacts of the project. The alternatives must also include a no-project alternative. Lead agencies are not required to consider every conceivable alternative, but are instead required to present a range of reasonable alternatives to foster informed decision-making (see CCR, Title 14, Section 15126.6 and 40 CFR 1502.14).

Section 2.1.5, "Alternatives Considered, but Eliminated from Further Consideration," of the Phase 4a DEIS/DEIS describes nine alternatives that were considered but eliminated from further consideration in previously certified and approved NLIP environmental documents (USACE and SAFCA 2009:2-10 through 2-13). This discussion illustrates the range of possible alternatives considered by USACE and SAFCA in relation to the NLIP as a whole. The Phase 4a DEIS/DEIR carries forward three alternatives to the Phase 4a Project for detailed analysis: the No-Action Alternative, the Proposed Action, and the RSLIP Alternative. The differences among these alternatives are described in the Phase 4a DEIS/DEIR (see Table ES-1of the Phase 4a DEIS/DEIR for a comparison of the major components of the alternatives), as are the differences in associated environmental effects (see Table 2.5 of the Phase 4a DEIS/DEIR for a comparison of the impacts of the alternatives). Because the Phase 4a Project alternatives vary in the nature and severity of their potential environmental effects, USACE and SAFCA have presented a reasonable range of alternatives from which to select the proposed action.

PH-4 Comment noted.

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4.0 REVISIONS TO THE DEIS/DEIR

Changes to the text of the Phase 4a DEIS/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-4

To provide clarification and in response to Comment O1-9, the first full paragraph on page ES-4, under Section ES.5, "Project Background and Phasing," of the Phase 4a DEIS/DEIR is revised as follows:

> Although SAFCA anticipates that all segments of the Natomas perimeter levee system will eventually be improved to meet all of the above design criteria, SAFCA is partnering with the California Department of Water Resources (DWR) using SAFCA's local assessments and grant funding available through DWR's FloodSAFE California Program to initiate improvements to segments of the Natomas perimeter levee system in advance of full Federal authorization for the constructed improvements. SAFCA proposes to complete this "early implementation project"—which includes the Phase 2, 3, and 4a Projects—by the end of ~~2010~~2011. Phase 2 Project construction is underway and would be complete by 2010; and it is anticipated that construction of the Phase 3 and 4a Projects will be completed by the end of 2011. It is anticipated that the remaining segments of the perimeter levee system (i.e., the Phase 4b Project) would be improved by USACE. This will require Congressional authorization to expand the scope of the already authorized Common Features Project based on a General Re-evaluation Report (GRR) to be completed by USACE for presentation to Congress in 2010. SAFCA is coordinating with USACE to ensure that the planning and design of the early implementation project are consistent with applicable USACE planning, engineering, and design guidelines. While the GRR will be a separate report with its own environmental documentation, USACE and SAFCA recognize that Federal actions taken in connection with the early implementation project will need to be appropriately reflected in the GRR.

PAGE ES-25

To correct an inaccuracy and in response to Comment O1-11, Table ES-2 on page ES-25 of the Phase 4a DEIS/DEIR is revised as follows:

Table ES-2
Summary of Impacts and Mitigation Measures

Resource Topic/Impact	Alternative	Duration of Impact	Quantification of Impact (Where Applicable)	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
Biological Resources						
Impact 4.7-a: Loss of Woodland Habitats	No-Action Alternative: No Construction	Permanent	Loss of 21 acres to conform with USACE guidance regarding levee vegetation encroachments	Potentially Significant	No feasible mitigation is available	Significant and Unavoidable

Table ES-2
Summary of Impacts and Mitigation Measures

Resource Topic/Impact	Alternative	Duration of Impact	Quantification of Impact (Where Applicable)	Level of Significance before Mitigation	Mitigation Measure	Level of Significance after Mitigation
	No-Action Alternative: Potential Levee Failure	Not Applicable	Unquantifiable	Too Speculative	No mitigation is required	Too Speculative
	Proposed Action	Short term (10–15 years) and Permanent	Loss of approximately 18 acres of landside woodlands and approximately 4 acres of waterside woodlands	Significant	Mitigation Measure 4.7-a: Minimize Effects on Woodland Habitat; Implement all Woodland Habitat Improvements and Management Agreements; Compensate for Loss of Habitat; and Comply with Section 7 of the Federal Endangered Species Act, Section 1602 of the California Fish and Game Code, and Section 2081 of the California Endangered Species Act Permit Conditions	Short term (10–15 years) impact: Significant and Unavoidable Permanent impact: Less than Significant
	RSLIP Alternative	Permanent	Loss of approximately 18 acres of landside woodlands and 21 acres of waterside woodland	Significant	Implement Mitigation Measure 4.7-a	Significant and Unavoidable

4.2 REVISIONS TO CHAPTER 1.0, "INTRODUCTION AND STATEMENT OF PURPOSE AND NEED"

PAGE 1-10 THROUGH 1-12

To provide clarification and in response to Comment O1-9, the last paragraph on page 1-10 and continuing on page 1.12, under Section 1.3, "Project History and Planning Context," of the Phase 4a DEIS/DEIR is revised as follows:

> SAFCA is partnering with DWR using SAFCA's local assessments and grant funding available through DWR's FloodSAFE California Program to initiate improvements to segments of the Natomas perimeter levee system in advance of full Federal authorization for the constructed improvements. SAFCA proposes to complete this "early implementation project"—which includes the Phase 2, 3, and 4a Projects—by the end of ~~2010~~2011. Phase 2 Project construction is underway and would be complete by 2010; and it is anticipated that construction of the Phase 3 and 4a Projects will be completed by the end of 2011. It is anticipated that the remaining segments of the perimeter levee system (i.e., the Phase 4b Project) would be improved by USACE. This will require Congressional authorization to expand the scope of the already authorized Natomas components of the Common Features Project based on a General Re-evaluation Report (GRR) to be completed by USACE for presentation to Congress in 2010. SAFCA is coordinating

with USACE to ensure that the planning and design of the early implementation project are consistent with applicable USACE planning, engineering, and design guidelines. While the GRR will be a separate report with its own environmental documentation, USACE and SAFCA recognize that Federal actions taken in connection with the early implementation project will need to be appropriately reflected in the GRR.

PAGE 1-23

In response to Comment L1-7, the first and second full paragraphs on page 1-23, under Section 1.4.2.2, "Other Problems and Needs Related to Project Implementation," of the Phase 4a DEIS/DEIR are revised as follows:

The Airport has one of the highest numbers of reported bird strikes of all California airports. The frequency of these strikes is directly related to the Airport's location in the western portion of the Natomas Basin, which is a relatively flat, low-lying area, along the Pacific Flyway, dominated by agricultural crop lands and supporting irrigation and drainage infrastructure. These agricultural uses are the primary wildlife attractants in the area, with rice cultivation, including flooding of the rice fields in winter and summer, considered the most significant attractant. The greatest potential threat to aviation safety arises from the synergistic effect of two or more hazardous wildlife attractants that encourage wildlife movement directly through the Airport and/or surround airspace. In the Natomas Basin, the most problematic situation is the co-location of agriculture near the Airport in combination with other land uses such as habitat preserves, stormwater management facilities, and golf courses.

Since 1996, the Federal Aviation Administration (FAA) has required the Airport to maintain and implement a WHMP. The WHMP relies on a combination of wildlife control and land management strategies and outlines steps for monitoring, documenting, and reporting potential wildlife hazards and bird strikes. ~~In accordance with~~ The FAA Advisory Circular (AC) 150/5200-33B, *Hazardous Wildlife Attractants on or Near Airports* (FAA 2007)~~,~~ provides separation criteria for hazardous wildlife attractants, as follows:

- Perimeter A – a separation distance of 5,000 feet from the airport operations area boundary for airports that support piston-powered (propeller) aircraft.
- Perimeter B – notwithstanding more stringent requirements for specific land uses, a separation distance of 10,000 feet between an airport's airport operations area and hazardous wildlife attractants for airports serving turbine-powered (jet) aircraft.
- Perimeter C – a separation distance of 5 statute miles between the farthest edge of the airport's airport operation area and hazardous wildlife attractants if such attractants would cause hazardous wildlife movement into or across aircraft approach, departure and circling airspace.

~~t~~The Airport has been directed by the FAA to reduce wildlife attractants in ~~the Airport Critical Zone~~ Perimeter B, the area within a 10,000-foot separation distance from the air operations area ~~radius from the centerline of the two parallel runways~~ for turbine-powered aircraft. For purposes of this document, the term "Airport Critical Zone" is used to describe "Perimeter B."

4.3 REVISIONS TO CHAPTER 2.0, "ALTERNATIVES"

PAGE 2-25

As noted in Section 2.3.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR, construction of modifications to Pumping Plant Nos. 3 and 5 would occur 24 hours per day, seven days per

week (24/7). Because of this project modification, the seventh bullet on page 2-25 under Section 2.3, "Proposed Action," of the Phase 4a DEIS/DEIR is revised as follows:

- **Modifications to RD 1000 Pumping Plants Nos. 3 and 5**—Raise the pumping plants' discharge pipes above the 200-year design water surface, extend the pipes to tie into existing discharge pipes within the waterside bench, replace or modify pumps and motors, and perform other seepage remediation, including relocating the landside stations away from the levee to accommodate the raised discharge pipes. Most of the modifications would take place above the Sacramento River's normal summer and fall water surface elevations; however, reconstruction of the Pumping Plant No. 3 outfall and the removal of a deep culvert at Pumping Plant No. 3 would require dewatering. Construction on both pumping plants would occur 24/7.

PAGE 2-38

As noted in Section 2.4, "Other Project Modifications," of this FEIR, as the design of the drainage system has been refined, the locations have changed, with no outlets required south of Sacramento River east levee Reach 12A. Because of this project modification, the first bullet on page 2-38 under Section 2.3.1.1, "Sacramento River East Levee," of the Phase 4a DEIS/DEIR is revised as follows:

- **Waterside Drainage Outfalls.** Raising the approximately 16,800 feet of levee in Reaches 10–12 would require stormwater to be collected and drained from the area between Garden Highway and the raised adjacent levee. A grassed drainage swale would convey runoff water to drop inlets, and new pipe laterals would convey the water beneath Garden Highway to new outfalls on the waterside of the levee. Seven to ten drainage outlets would be required; most of the outlets would be placed above the Sacramento River's 2-year water surface elevation. No waterside outlets would be required ~~in~~ south of Reach ~~15~~12A because the new adjacent levee would not be raised above the existing levee, and runoff from Garden Highway would continue to drain to both the landside and waterside of the levee.

PAGE 2-39

To correct an inaccuracy, Table 2-2 of the Phase 4a DEIS/DEIR is revised as follows:

Table 2-2
Quantities of Fill Required for the Proposed Action

Material Type	Quantity	Primary Source (Average Round-Trip Haul Distance)
Levee fill	~~2,271,000~~2,217,000 cy	Fisherman's Lake (4 miles)
Seepage berm fill	1,792,000 cy	Fisherman's Lake (4 miles)
Stability berm/Inspection trench	185,000 cy	On-site
Aggregate base	34,000 tons	Commercial source (30 miles)
Asphalt concrete	4,500 tons	Commercial source (30 miles)
Total	**4,194,000 cy/38,500 tons**	

Note: cy = cubic yards
Source: Data provided by HDR in 2009 and compiled by EDAW in 2009

PAGE 2-47

As noted in Section 2.4, "Other Project Modifications," of this FEIR, waterside drainage outlets would not be required along the Sacramento River east levee south of Reach 12A. Because of this project modification, the third bullet on page 2-47 of the Phase 4a DEIS/DEIR is revised as follows:

- **Installation of Surface Drainage Outlets across Garden Highway:** Upstream of Reach 13~~15~~ of the Sacramento River east levee, the area between the new adjacent levee and the Garden Highway pavement would include new storm drainage collection facilities to convey surface water beneath Garden Highway and toward the Sacramento River. These drainage facilities would be necessary only in areas where the adjacent levee is higher than Garden Highway or during the transition back to the non-raised adjacent levee. A surface collection system (grassed drainage swale) would convey runoff water to drop inlets, and new pipe laterals would convey the water beneath Garden Highway to new waterside outfalls spaced approximately 1,500 feet apart in the berm along the east bank of the Sacramento River. In most locations, the outfalls would be placed above the Sacramento River's 2-year water surface elevation. The locations 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 that applicable water quality standards are met. Excavation of a trench to install the culvert piping 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 would be required during this phase of construction. No waterside outlets would be required ~~in Reach 15 either~~ from Reach 13 south because the new adjacent levee would not be raised above the existing levee or because the transition from the raised levee to the existing levee height would end at a point where runoff from Garden Highway in this reach could continue to drain to both the landside and waterside of the levee as it does now.

PAGE 2-48

As noted in Section 2.4, "Other Project Modifications," of this FEIR, the length of the cutoff wall in the Sacramento River east levee Reach 4B has been reduced. Because of this project modification, the first paragraph under the section "Reach 4B Cutoff Wall Installation," of the Phase 4a DEIS/DEIR is revised as follows:

> Additional geotechnical analysis conducted since certification of the Phase 2 SEIR has determined that a cutoff wall is required in Reach 4B of the Sacramento River east levee. The 3-foot-wide soil-bentonite cutoff wall would be installed in the adjacent levee from approximately Station 190+00 to station 2014~~14~~+~~0~~50. The approximate location of the proposed cutoff wall is shown on **Plate 2-6c**. Installation of the cutoff wall is expected to occur during the 2010 construction season, when reconstruction of RD 1000 Pumping Plant No. 2 is also planned. Construction of the Reach 4B adjacent levee, in which the cutoff wall would later be installed, is expected to occur in the 2009 and 2010 construction seasons. Construction of the adjacent levee and reconstruction of Pumping Plant No. 2 were addressed in the Phase 2 EIR. Installation of the cutoff wall in Reach 4B, however, cannot occur until the Phase 4a ROD has been issued by USACE and the Phase 4a EIR has been certified by the SAFCA Board of Directors.

PAGES 2-58 AND 2-59

As noted in Section 2.3.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR, construction at Pumping Plant Nos. 3 and 5 would occur for up to 120 days and would occur 24/7. Because of this project modification, the first paragraph under Section 2.3.2.3, "Modifications or Relocations of Pumping Plant Nos. 3 and 5," of the Phase 4a DEIS/DEIR is revised as follows:

> Because the Natomas Basin is surrounded by levees, all excess drainage within the Basin must be pumped out. Drainage within most of the Basin is pumped to the Sacramento River and the NEMDC via RD

1000's drainage system and pumping plants. The existing discharge pipes at RD 1000's Pumping Plant Nos. 3 and 5 cross through the Sacramento River east levee above the 1957 design water surface elevation (see **Plates 2-6a** and **2-6b**). Under the new levee performance criteria, the discharge pipes are required to cross the levee above the new 200-year design water surface. Therefore, both pumping plants would require new discharge pipes and additional modifications to accommodate the new criteria and levee improvements. Raising these discharge pipes, which currently cross the levee under Garden Highway, would require closure of Garden Highway to through traffic for up to ~~6~~120 days, with a traffic detour for Pumping Plant No. 5 between North Bayou Road and Powerline Road and a detour for Pumping Plant No. 3 between Powerline Road and San Juan Road. As design evaluations continue and the design is refined, additional modifications could be required to maintain the plant's current operations, such as adding relief wells and lining the intake channel with either filter gravel or rock-covered geotextile fabric. In addition, relocating the pump stations may be necessary to accommodate the adjacent levee footprint. Temporary pipes will be installed under Garden Highway at Pumping Plant Nos. 3 and 5 (see **Plates 2-6a** and **2-6b**) concurrent with cutoff wall construction. In the following construction year, permanent pipes will be installed after the levee has settled. Garden Highway would be closed to through traffic for up to ~~6~~120 days for replacement of the temporary pipes. Traffic detours would be located between Bayou Road and Powerline Road for Pumping Plant No. 5, and between Powerline Road and San Juan Road for Pumping Plant No. 3. Construction on both pumping plants would occur 24/7.

PAGE 2-65

To provide clarification and in response to Comment O1-5, the first paragraph in Section 2.3.3.1, "Fisherman's Lake Borrow Area," of the Phase 4a DEIS/DEIR is revised as follows:

The Fisherman's Lake Borrow Area consists of multiple parcels (**Plate 2-9b**) beginning at Powerline Road and extending south to and beyond Radio Road. These parcels, including the Novak borrow site, total approximately 563 acres. Existing land uses within the Fisherman's Lake Borrow Area include orchard, field crops, and rice cultivation. Some lands in the surrounding area include managed marsh and agricultural upland (field crop) areas owned by TNBC~~. T~~; these existing conservation areas would not be used for borrow operations. As part of the Phase 4a Project, parcels within the Fisherman's Lake Borrow Area would be used for several project purposes: levee improvements, relocation and extension of the Riverside Canal, woodland mitigation, other habitat creation, and borrow. The areas excavated for borrow material would be reclaimed as agricultural land, grassland, or managed marsh depending on their location and existing land use.

PAGE 2-66

In response to Comment S2-1 and the subsequently revised "Borrow Site Environmental Conditions" report prepared by Kleinfelder (See **Appendix A** of this FEIR for the revised report), the second paragraph in Section 2.3.3.4, "Borrow Site Construction," of the Phase 4a DEIS/DEIR is revised as follows:

Excavated soils not used for borrow material, such as the organic surface layer or soils considered unsuitable for levee construction, would be stockpiled and respread on-site after excavation. Any unsuitable borrow material would be stockpiled on-site and graded back into the restored site, which would result in a finish grade elevation somewhat higher than the final design grades. As described in Mitigation Measure 4.15-b(2), soil reuse may include: containing portions of the affected topsoil within the core of seepage berms, with an overlay of clean soil to prevent surface runoff caused by rainfall erosion on the topsoil materials; rip, mix, and/or amend affected topsoil that is re-spread onto borrow sites, levee, and/or berm surfaces, to provide a plant growth medium and reduce the concentration of pesticide residues in the soil; establish native perennial grasses and other perennial vegetation cover (e.g., hay, alfalfa) on these planted surfaces to reduce sediment runoff that may be caused by rainfall erosion or

surface irrigation; and improve the drainage of agricultural lands used as borrow/mitigation sites to reduce ponded water and minimize the discharge of sediments into nearby drainages.

The borrow-site excavation operations would use water for dust control and to maintain proper moisture content in the borrow material. Revegetation activities would include erosion control on excavated slopes (i.e., hydroseeding), application of fertilizer, and seeding. It is anticipated that no unsuitable material would be hauled off-site. Debris encountered during excavation would be hauled off-site.

PAGE 2-70

To correct an inaccuracy, the second sentence in Section 2.3.4.2, "Fisherman's Lake Habitat Complex," of the Phase 4a DEIS/DEIR is revised as follows:

This complex (**Plate 2-12**) would be developed beginning ~~in~~ as part of the Phase 4a Project (see Section 2.3.4.3, "Construction of Phase 4a Habitat Elements," below), with other improvements to continue ~~in~~ as part of the Phase 4b ~~and Phase 4c~~ Project~~s~~.

PAGE 2-70

As noted in Section 2.2, "Design Refinements in Fisherman's Lake Habitat Area," of this FEIR, proposed woodland corridors in Sacramento River east levee Reaches 12–14 would support about 30 acres of woodland compensation. Because of this project modification, the first bullet under Section 2.3.4.2, "Fisherman's Lake Habitat Complex," of the Phase 4a DEIS/DEIR is revised as follows:

- more than doubling TNBC's preserve holdings west of Fisherman's Lake by creating up to 120 acres of managed marsh, preserving approximately 140 acres of managed agricultural uplands, and establishing ~~up to 40~~about 30 acres of oak woodland groves;

PAGE 2-74

As noted in Section 2.2, "Design Refinements in Fisherman's Lake Habitat Area," of this FEIR, proposed woodland corridors in Sacramento River east levee Reaches 12–14 would support about 30 acres of woodland compensation. Because of this project modification, the third footnote in Table 2-11 in the Phase 4a DEIS/DEIR is revised as follows:

Table 2-11
Proposed Habitat Creation/Preservation in the Phase 4a Project Area

Habitat Type	Created (acres)
Managed marsh/canals (giant garter snake habitat)	Up to 120
Agricultural uplands[1]	136
Managed grassland[2]	400
Woodlands[3]	58

[1] Includes Novak borrow site, which was previously analyzed as part of the Phase 3 Project.

[2] Located on levee slopes, seepage berms, and rights-of-way.

[3] Approximately ~~38~~30 acres of woodlands would be established in Reaches 12A–14 of the Sacramento River east levee (**Plate 2-12**) and approximately 20 acres of woodlands would be established in Reach 4A of the Sacramento River east levee (**Plate 2-14**).

Source: Data provided by SAFCA in 2009 and compiled by EDAW in 2009

PAGE 2-84

In response to Comment L1-7, the first paragraph of Section 2.3.5, "Aviation Safety Components," of the Phase 4a DEIS/DEIR is revised as follows:

> The Airport experiences a high rate of aircraft/bird strikes, which pose a substantial hazard to flight safety. In accordance with the Federal Aviation Administration (FAA) Advisory Circular (AC) 150/5200-33B, Hazardous Wildlife Attractants on or Near Airports (FAA 2007), the Airport has been directed by the FAA to reduce wildlife attractants in the Airport Critical Zone (i.e., Perimeter B), the area within a 10,000-foot ~~radius from the centerline of the two parallel runways~~ separation distance from the air operations area for turbine-powered aircraft. Additionally, the FAA recommends that no land uses deemed incompatible with safe airport operations be maintained in the General Zone, a radius of 5 miles from the edge of the Airport Operations Area, if the attractant could cause hazardous wildlife movement into or across the approach or departure airspace. Open water and agricultural crops are recognized as being the greatest wildlife attractants in the Airport vicinity, and rice cultivation is considered the most incompatible agricultural crop because of its flooding regime. The following describes the aviation safety components associated with the project:

4.4 REVISIONS TO CHAPTER 3.0, "AFFECTED ENVIRONMENT"

PAGE 3-1

In response to Comment L1-16, the first paragraph of Section 3.1.1, "Natomas Basin," of the Phase 4a DEIS/DEIR is revised as follows:

> The Natomas Basin (**Plate 1-1**) is located at the confluence of the American and Sacramento Rivers. Encompassing approximately 53,000 acres, the Basin extends northward from the American River and includes portions of the city of Sacramento, Sacramento County, and Sutter County. In addition to the American and Sacramento Rivers, the Natomas Basin is bordered on the north by the Natomas Cross Canal (NCC) and on the east by the Pleasant Grove Creek Canal (PGCC) and the Natomas East Main Drainage Canal (NEMDC) (also known as Steelhead Creek). The NCC diverts the runoff from a large watershed in western Placer and southern Sutter Counties around the Natomas Basin and is a contributor to the flows in the upper reach of the Sacramento River channel in SAFCA's jurisdiction. The NEMDC is an engineered channel along the southeastern flank of the Natomas Basin. Tributaries to the NEMDC include Dry Creek, Arcade Creek, Rio Linda Creek, Robla Creek, and Magpie Creek Diversion Channel. The Natomas Basin is protected from high flows in these water bodies and in the American and Sacramento Rivers by an interconnected perimeter levee system. This levee system was originally created to promote agricultural development. Today, however, the Natomas Basin contains three major public transportation facilities (Interstate 5 [I-5], Interstate 80 [I-80], and State Route [SR] 99/70) and is the site of the Sacramento International Airport (Airport). Airport lands account for a little over 10% of the total acreage in the Basin. Half of the Airport lands lie outside of the Airport Operations Area and consist of "bufferlands" ~~devoted to agricultural or open space use~~ managed as grassland open space (see **Plate 1-7**). About 30% of the Basin consists of developed urban uses mostly located south of Elkhorn Boulevard in the city of Sacramento. The remaining 60% of the Basin is in some form of developed agricultural or open space use in unincorporated areas of Sacramento and Sutter Counties, including 4,000 acres under the management of The Natomas Basin Conservancy (TNBC) (see **Plate 1-8**).

PAGE 3-3

In response to Comment L1-17, Table 3.1-1 on page 3-3 of the Phase 4a DEIS/DEIR is revised as follows:

Table 3.1-1
Description of the Sacramento River East Levee Area by Reach and by NLIP Phase

Reach	Landside	Waterside
	Phase 3 Project	
5A and 5B	Field crops and ~~fallow~~ idle Airport north bufferlands border the levee throughout the reach on Airport land. A cluster of woodlands is located at the start of the reach. A rural residence with outbuildings and surrounding woodland is located approximately 1,600 feet south of the start of the reach. West Elverta Road intersects Garden Highway approximately 1,500 feet north of the end of the reach. The Elkhorn Canal closely parallels the levee throughout the reach.	Woodland covers the entire reach west of Garden Highway.

PAGE 3-35

In response to Comment L1-19, Plate 3-3 in the Phase 4a DEIS/DEIR is revised. The land use designations on Airport land have been reclassified from "Fallow Crop" and "Agricultural Field" habitat types to "Airport" and "Aircraft Approach/Departure Land Use Compatibility Area," where appropriate.

PAGE 3-55

In response to Comment T1-2, Section 3.8.2.1, "Prehistoric and Ethnographic Setting," of the Phase 4a DEIS/DEIR is revised as follows:

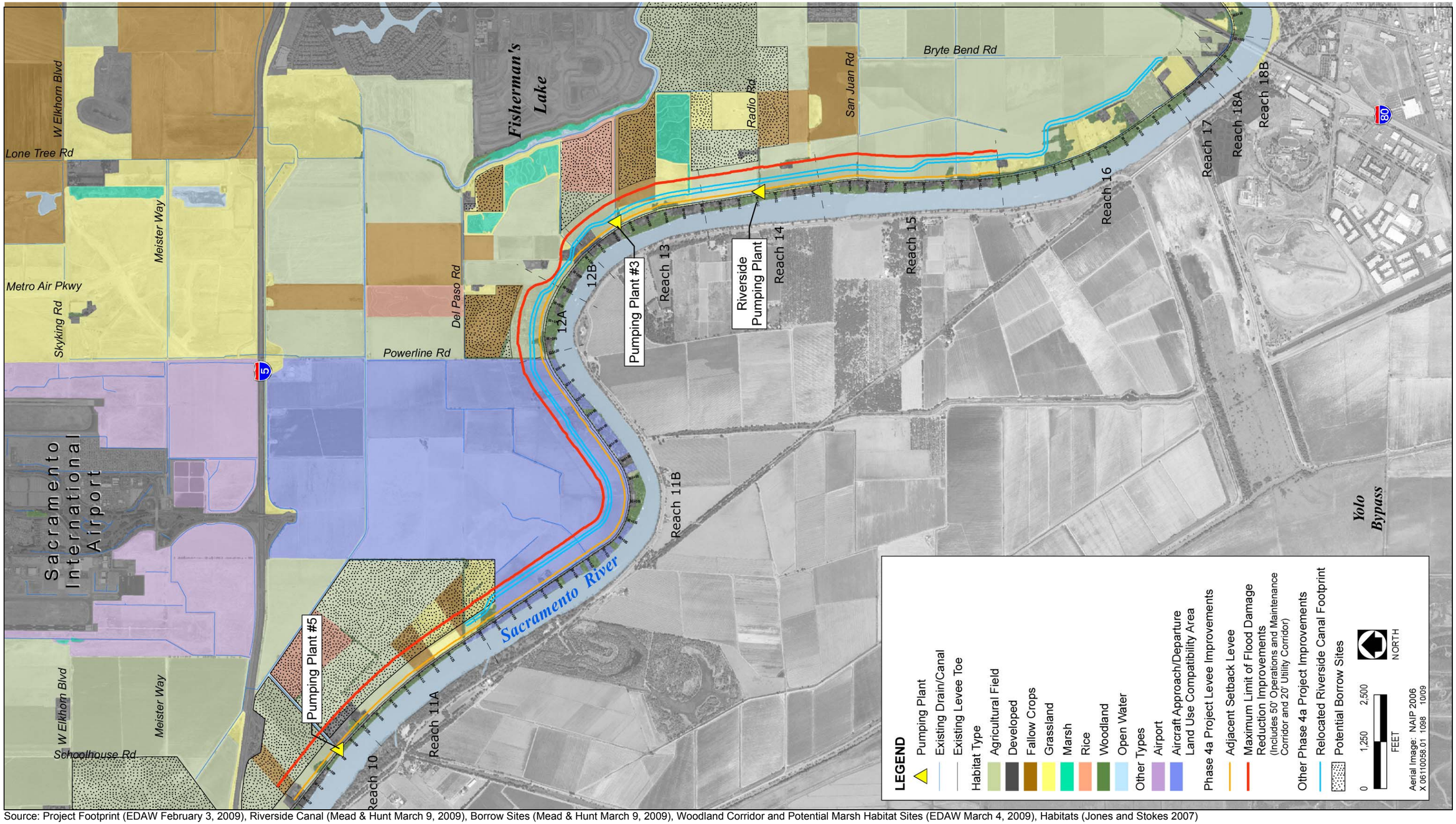
> The Phase 4a Project area is situated within the lands traditionally occupied by the Nisenan, or Southern Maidu. The language of the Nisenan, which includes several dialects, is classified within the Maiduan family of the Penutian linguistic stock (Kroeber 1925). The western boundary of Nisenan territory was the western bank of the Sacramento River and the area between present-day Sacramento and Marysville. In the Sacramento Valley, the tribelet, consisting of a primary village and a few satellite villages, served as the basic political unit (Moratto 1984). Valley Nisenan territory was divided into three tribelet areas, each populated with several large villages (Wilson and Towne 1978), generally located on low, natural rises along streams and rivers or on slopes with a southern exposure. One important village, Pusune, near Discovery Park, appears to have been recorded as CA-Sac-26. Other villages—Wollok, Leuchi, Wishuna, Totola, and Nawrean—were located east of the confluence of the Feather and Sacramento Rivers, near the northwestern portion of the Natomas Basin.
>
> Euro-American contact with the Nisenan began with infrequent excursions by Spanish explorers and Hudson Bay Company trappers traveling through the Sacramento and San Joaquin Valleys in the early 1800s. In general, Nisenan lifeways remained stable for centuries until the early to middle decades of the 19th century. With the coming of Russian trappers and Spanish missionaries, cultural patterns began to be disrupted as social structures were stressed. An estimated 75% of the Valley Nisenan population died in the malaria epidemic of 1833. With the influx of Europeans during the Gold Rush era, the population was further reduced by disease and violent relations with the miners. However, today the Maidu are reinvesting in their traditional culture and, through newfound political, economic, and social influence, now constitute a growing and thriving native community in California.

The Shingle Springs Band of Miwok Indians (Tribe) is descended from the Nisenan and Maidu people and attaches special cultural significance to the NLIP project area because the NLIP is situated in the Tribe's aboriginal territory.

PAGE 3-101

In response to Comment L1-20, the second full paragraph on page 3-101 of the Phase 4a DEIS/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 a relatively flat, low-lying area that was part of the Sacramento/American River floodplain. Historically, wetlands in the 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 TNBC 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 non-Airport portion Critical Zone. The FAA considers rice cultivation, including flooding of the rice fields in winter and summer, as the most incompatible current land use in the Critical Zone (SCAS 2007).



Source: Project Footprint (EDAW February 3, 2009), Riverside Canal (Mead & Hunt March 9, 2009), Borrow Sites (Mead & Hunt March 9, 2009), Woodland Corridor and Potential Marsh Habitat Sites (EDAW March 4, 2009), Habitats (Jones and Stokes 2007)

Existing Habitat in the Phase 4a Project Area **Plate 3-3**

4.5 REVISIONS TO CHAPTER 4.0, "ENVIRONMENTAL CONSEQUENCES AND MITIGATION MEASURES"

REVISIONS TO SECTION 4.3, "LAND USE, SOCIOECONOMICS, AND POPULATION AND HOUSING"

PAGES 4.3-1 AND 4.3-2

To correct an inaccurate cross-reference and to provide an update, the third paragraph in Section 4.3.1.2, "Thresholds of Significance," of the Phase 4a DEIS/DEIR is revised as follows:

> As stated in Section 2.3.~~6~~8, "Lands, Easements, Relocations, and Rights-of-Way," under the Proposed Action and RSLIP Alternative, approximately 12 residences and associated structures may need to be removed from the landside of the Sacramento River east levee during implementation of the Phase 4a Project. SAFCA would minimize the project footprint to avoid these residences to the extent feasible (see ~~Chapter 2.0, "Alternatives"~~ the sixth bullet in Section 2.3.1.1, "Sacramento River East Levee"). All relocations of residents would be conducted in compliance with Federal and state relocation law. Acquisition and relocation services would be accomplished in accordance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 United States Code [USC] 4601 et seq.), and implementing regulation, 49 Code of Federal Regulations [CFR] Part 24; and California Government Code Section 7267 et seq., California Code of Civil Procedure Sections 1263.010 to 1263.620 and 1255.010 to 1255.060, California Community and Housing Development Title 25, and State and Caltrans Right of Way Manual, Chapter 10. These laws require that appropriate compensation be provided to displaced landowners and tenants, and residents would be relocated to comparable replacement housing. Refer to Section 3.3, "Land Use, Socioeconomics, and Population and Housing," and Chapter 6.0, "Compliance with Federal Environmental Laws and Regulations," for more details regarding these regulations. The existing housing stock in the project vicinity has sufficient available housing for rent and purchase to accommodate displaced residents from these residences. Therefore, no new construction would be required to accommodate the relocation of residences and no further discussion of the permanent displacement of housing or persons is necessary in this EIS/EIR.

REVISIONS TO SECTION 4.5, "HYDROLOGY AND HYDRAULICS"

PAGE 4.5-1

To correct an error, the second bulleted item on page 4.5-1 of the Phase 4a DEIS/DEIR is revised as follows:

- ~~*Draft*~~ *Evaluation of Potential Groundwater Impacts Due to Proposed Construction for Natomas Levee Improvement Program*, Luhdorff & Scalmanini Consulting Engineers ~~2008~~2009 (**Appendix C2**);

REVISIONS TO SECTION 4.6, "WATER QUALITY"

PAGE 4.6-1

As noted in Section 2.3.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR, construction of these modifications would require discharge of dewatering. Because of this project modification, the fifth paragraph on page 4.6-1, under "Proposed Action and RSLIP Alternative," of the Phase 4a DEIS/DEIR is revised as follows:

> Project implementation would include extensive ground-disturbing activities during construction, many of them near local drainages and waterways that could become contaminated by soil or construction substances. These waterways include the Sacramento River, the NCC, the West Drainage Canal in the Fisherman's Lake Area, and the Riverside Canal. Construction for the Proposed Action would include landside widening of the Sacramento River east levee along Reaches 10–15 (with levee raising in Reaches 10–11B); and the RSLIP Alternative would raise the Sacramento River east levee in place along reaches 10–11B and strengthen it in place in Reaches 12–15. Both action alternatives would include installation of cutoff walls, seepage berms, and relief wells where necessary. In addition, both of these alternatives would include raising the NCC south levee with the installation of cutoff walls at the Bennett and Northern Main Pump Stations, ~~and~~ relocation and extension of the Riverside Canal away from the existing Sacramento River east levee, and modifications to Pumping Plant Nos. 3 and 5 to accommodate levee construction. Activities associated with Sacramento River east levee construction include reconstructing sections of Garden Highway and some intersections, and removing vegetation along the landside of the existing levee.

PAGE 4.6-2

As noted in Section 2.3.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR, construction of these pumping plant modifications would require discharge of dewatering. Because of this project modification, a new paragraph has been added to page. 4.6-2 of the Phase 4a DEIS/DEIR as follows:

> Slurry that would be used for construction of the new cutoff walls has a fluid consistency when being placed. Improper handling or storage could result in releases to nearby surface water, thereby degrading water quality.
>
> Construction of Pumping Plant Nos. 3 and 5 would require dewatering on both the waterside and landside of the Sacramento River east levee. Discharge from dewatering would either be dispersed on farmland or released to adjacent canals or the Sacramento River, potentially degrading water quality in these water bodies.

REVISIONS TO SECTION 4.8, "CULTURAL RESOURCES"

PAGE 4.8-1

To response to Comment T1-2, the third paragraph under "Native American Tribal Consultation" in Section 4.8.1.1, "Methodology," of the Phase 4a DEIS/DEIR is revised as follows:

> The NAHC also designated a Most Likely Descendant (MLD) for the project, Mr. John Tayaba of the Shingle Springs Band of Miwok Indians. Mr. Tayaba has been designated as the MLD because he is a member of the Shingle Springs Band of Miwok Indians, and the Tribe's aboriginal territory includes the NLIP project area. Mr. Tayaba is designated to determine how to reinter identified prehistoric human remains that are uncovered in the NLIP area with appropriate dignity per California Public Resources Code Section 5097.98. Representatives from SAFCA,

USACE, and EDAW, and Mr. Tayaba meet weekly to discuss management of cultural resources for the NLIP and milestones in the Section 106 process.

PAGES 4.8-5

In response to Comment T1-5, Section 4.8.3, "Impacts and Mitigation Measures," of the Phase 4a DEIS/DEIR is revised as follows:

> This section describes the impacts of the Proposed Action and alternatives under consideration on cultural resources and outlines treatment measures that may avoid or reduce the predicted impacts. These measures would be implemented by USACE and SAFCA, in consultation with the SHPO and the MLD, as appropriate. The specific documents that will further define and describe monitoring and mitigation measures include HPTPs that SAFCA will prepare and the Construction Monitoring and Inadvertent Discovery Plan, in compliance with the PA.

PAGE 4.8-8

In response to Comment T1-5, the second full paragraph on page 4.8-8 of the Phase 4a DEIS/DEIR is revised as follows:

> The evaluation of eligibility and determination of effects on all eligible and listed sites will be made in consultation with USACE and the SHPO, and the MLD, as appropriate. The sites that require evaluation may be significant both for their data potential and for their importance to local Native American groups, and may have the integrity to convey this significance. Such resources would be eligible for listing on the NRHP and the CRHR. As described above, it is possible that ground-disturbing work associated with the Phase 4a Project may, absent mitigation or treatment, result in significant impacts to CA-Sac-16/H, CA-Sac-17/H, CA-Sac-268, and CA-Sac-485/H, as well as other prehistoric sites listed in **Table 4.8-1**. Significant impacts may occur by conducting ground-disturbing construction that diminishes the data these resources may contain, or disturbing interred human skeletal remains and associated grave goods, under both the Proposed Action and the RSLIP Alternative. This impact is considered **potentially significant**. ***(Similar)***

In response to Comment T1-5, the second bullet under Mitigation Measure 4.8-b, "Avoid Ground Disturbance Near Eligible and Listed Resources to the Extent Feasible, Prepare a Finding of Effect, and Resolve Any Adverse Effects through Preparation of an HPTP," of the Phase 4a DEIS/DEIR is revised as follows:

- Consult with USACE, the SHPO, the MLD, and other consulting parties such as Native American individuals and organizations, to develop appropriate treatment or mitigation in an HPTP, per Stipulation V(A) of the PA if the project would result in adverse effects on eligible resources.

To correct a typographical error and in response to Comment T1-6, the third bullet under Mitigation Measure 4.8-b, "Avoid Ground Disturbance Near Eligible and Listed Resources to the Extent Feasible, Prepare a Finding of Effect, and Resolve Any Adverse Effects through Preparation of an HPTP," of the Phase 4a DEIS/DEIR is revised as follows:

- Document the site and avoid further effects by protecting the resource through capping per management under an HPTP or other avoidance measures where feasible. Where physical impacts cannot be avoided and such physical impacts could damage the data these sites contain, including mortuary components, further mitigation may be required. Such mitigation may consist of data recovery excavations to retrieve those values and mortuary assemblages that contain significance for archaeology after consultation with and the agreement of the Native American most likely descendent (MLD), where possible.

PAGE 4.8-10

In response to Comment T1-4, the second bullet under Mitigation Measure 3.4-d, "Conduct Additional Backhoe and Canine Forensic Investigations," of the Phase 4a DEIS/DEIR is revised as follows:

- Additional inventory ~~should~~ may be conducted at appropriate intervals along the Sacramento River east levee ~~for the Phase 2 Project~~, using a backhoe excavator, to increase the sample of information at depths below 6 feet that cannot be reached with conventional shovel test methods. Such methods may be used only when necessary to address potential project-related effects to cultural resources because other methods are ineffective or project circumstances dictate that such resources must be identified in advance of construction. USACE and SAFCA shall consult with the MLD regarding the use of such methods. USACE and SAFCA recognize the Tribe's preference for less invasive methods of investigation such as the use of canine forensics.

In response to Comment T1-3, the final bullet on page 4.8-10 under Mitigation Measure 4.8-c, "Train Construction Workers before Construction, Monitor Construction Activities, Stop Potentially Damaging Activities, Evaluate Any Discoveries, and Resolve Adverse Effects on Eligible Resources, if Encountered," of the Phase 4a DEIS/DEIR is revised as follows:

- Before construction begins, a qualified professional archaeologist retained by SAFCA shall give a presentation and training session to all construction personnel so that they can assist with identification of undiscovered cultural resource materials and avoid them where possible. Such training shall note the importance of these materials to Native American groups that attach cultural significance to resources in the project area.

PAGE 4.8-11

In response to Comment T1-5, the first bullet on page 4.8-11 under Mitigation Measure 4.8-c, "Train Construction Workers before Construction, Monitor Construction Activities, Stop Potentially Damaging Activities, Evaluate Any Discoveries, and Resolve Adverse Effects on Eligible Resources, if Encountered," of the Phase 4a DEIS/DEIR is revised as follows:

- A qualified archaeologist shall monitor ground-disturbing construction activities along the Sacramento River east levee. In areas of known sacred value, such as archaeological sites containing Native American burials, a Native American monitor will be present to observe potentially destructive construction activities and to ensure proper treatment of human remains in accordance with State law. If a previously unidentified archaeological resource is uncovered during construction, construction activities shall be halted in the vicinity of the find and the construction contractor, SAFCA, USACE, the MLD, and the NAHC (if appropriate), and other appropriate parties shall be notified regarding the discovery. Where construction would consist of cutoff walls excavated in a bentonite and/or cement slurry, SAFCA and USACE anticipate that it will not be possible to identify the precise location of any materials found in spoils or at soil mixing stations, thus construction cannot stop during excavation of cutoff walls if resources are discovered in spoils.

REVISIONS TO SECTION 4.10, "TRANSPORTATION AND CIRCULATION"

PAGE 4.10-3

In response to Comment L3-1, the second full paragraph on page 4.10-3 of the Phase 4a DEIS/DEIR is revised as follows:

Haul routes proposed for transporting materials from borrow sites to construction areas are shown in **Plate 2-7**. Construction of the Sacramento River east levee improvements and Riverside Canal relocation and extension would require borrow from the Fisherman's Lake Area, which is located in Reaches 12A–15. Other potential sources of soil borrow include the I-5 Borrow Area, the Elkhorn Borrow Area, South Sutter, LLC, the Airport north bufferlands, the Krumenacher borrow site, and the Twin Rivers Unified School District stockpile site (adjacent to the NEMDC west levee). Hauling from the Fisherman's Lake Borrow Area would primarily take place on off-road haul routes, with some truck traffic occurring on short sections of Del Paso, Powerline, and Radio Roads. The improvements to the Sacramento River east levee would involve haul trucks carrying borrow material to construction areas along unpaved access roads that would be constructed parallel to the Sacramento River east levee to allow equipment to move up and down the levee during construction. Because the I-5 Borrow Area, the Elkhorn Borrow Area, and the South Sutter, LLC borrow site are located close to construction sites along the Sacramento River east levee, borrow material would primarily be trucked on the off-road haul routes shown on **Plate 2-7** or moved overland via scrapers. Truck hauling from the South Sutter, LLC borrow site and the Elkhorn Borrow Area could also take place on West Elkhorn Boulevard west of Schoolhouse Road. Hauling from the Krumenacher borrow site and the Twin Rivers Unified School District stockpile site, which are both located adjacent to the NEMDC west levee, would use Elkhorn Boulevard and Powerline Road. Personnel, equipment, and other imported construction materials would reach the construction areas and Garden Highway via a combination of roadways that may include SR 99/70, Elverta Road, Powerline Road, Natomas Road, East Levee Road, Elkhorn Boulevard, Del Paso Road, San Juan Road, El Centro Road, and West El Camino Avenue. Borrow material would be hauled from the Brookfield borrow site to the NCC south levee along a short section of ~~Sankey~~Howsley Road and on off-road haul routes paralleling the levee.

PAGE 4.10-3

As noted in Section 2.4.1, "Road Closures Required during Relocation of Riverside Canal," of this FEIR, construction of the relocated Riverside Canal would require additional road closures. Because of this project modification, the last paragraph on page 4.10-3 of the Phase 4a DEIS/DEIR is revised as follows:

Implementation of the Proposed Action would result in a substantial increase in traffic on local roadways associated with truck haul trips during construction activities. In addition, temporary, short-term road closures would be required to accommodate construction activities on the levee and relocated Riverside Canal. The Proposed Action may require portions of Garden Highway south of Powerline Road to experience single-lane closures for 8–12 weeks for construction of cutoff walls. One-way traffic would be maintained during cutoff-wall construction to provide access to properties along the work area. Lane closures on the landside of Garden Highway may also be necessary in this area for installation of underground utilities. Relocation of the Riverside Canal would require road closures at San Juan, Powerline, and Radio Roads for up to 2 weeks at each crossing as culverts are installed under these roads. These lane closures would be minimal in duration and extent, and measures would be taken to provide access outside of construction working hours for residents on the landside of Garden Highway.

PAGE 4.10-4

As noted in Section 2.3.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR, Garden Highway would need to be closed for up to 120 days to install pipes. Because of this project modification, the first full paragraph on page 4.10-4 of the Phase 4a DEIS/DEIR is revised as follows:

Temporary pipes would be installed under Garden Highway at the Riverside Pumping Plant and Pumping Plants Nos. 3 and 5 (see **Plate 2-6a**) concurrent with cutoff wall construction. In the following construction year permanent pipes would be installed after the levee has settled. Garden Highway would be closed to through traffic for up to ~~60~~120 days in three locations for replacement of the temporary

pipes; except for these closure points, Garden Highway would remain open and traffic detours would be located between Powerline Road and San Juan Road for the Riverside Pumping Plant, between North Bayou Road and Powerline Road for Pumping Plant No. 5, and between Powerline Road and San Juan Road for Pumping Plant No. 3.

PAGE 4.10-6

To provide clarification and in response to Comment L4-1, subpart (h) of Mitigation Measure 4.10-a, "Prepare and Implement a Traffic Safety and Control Plan for Construction-Related Truck Trips," of the Phase 4a DEIS/DEIR is revised as follows:

(h) Before the start of construction, SAFCA and its primary contractors shall coordinate with Sacramento County regarding any closures of ~~Garden Highway~~any public roadways.

PAGE 4.10-8

As noted in Section 2.4.1, "Road Closures Required during Relocation of Riverside Canal," of this FEIR, construction of the relocated Riverside Canal would require additional road closures. Because of this project modification, the fourth paragraph on page 4.10-8 of the Phase 4a DEIS/DEIR is revised as follows:

The Proposed Action would increase traffic on local roadways associated with construction trips. In addition, temporary road closures associated with levee improvements could cause or contribute to temporary increases in traffic levels as traffic is detoured or slowed on some local roadways and SR 99/70. Increased traffic congestion could interfere with the use of main roadways for emergency evacuation routes. Garden Highway is the primary access for homes and businesses located on the water side of the levee. Temporary construction closures, including an approximately 8- to 12-week closure of one lane of Garden Highway downstream of Powerline Road, would interfere with emergency access to these residences and businesses (see also Section 4.16, "Socioeconomics and Population and Housing"). Installation of the permanent pipes for the pumping stations would take place one year following completion of levee construction as described in Impact 4.10-a, "Temporary Increase in Traffic on Local Roadways." Closures of Garden Highway would be required at three different locations with detours provided that would maintain access; however delays in emergency service response times may result. In addition, relocation of the Riverside Canal would require road closures at San Juan, Powerline, and Radio Roads for up to 2 weeks at each crossing as culverts are installed under these roads. Because the Proposed Action could result in delays in emergency service response times, this impact is considered **potentially significant**.

REVISIONS TO SECTION 4.11, "AIR QUALITY"

PAGES 4.11-7 THROUGH 4.11-12

In response to Comment L2-1, Mitigation Measure 4.11-a, "Implement Applicable District-Recommended Control Measures to Minimize Temporary Emissions of ROG, NO_X, and PM_{10} during Construction," in the Phase 4a DEIS/DEIR is revised to add the following text:

SMAQMD has also recently released since publication of the DEIS/DEIR, draft BMPs for consideration as practical alternatives to reduce construction-generated greenhouse gas (GHG) emissions. SAFCA shall implement a range of measures to reduce GHG emissions, which may include the following:

- improve fuel efficiency from construction equipment by reducing unnecessary idling (modify work practices, install auxiliary power for driver comfort); performing equipment maintenance (inspections, detect failures early, corrections); training equipment operators in proper use of equipment; using the

proper size of equipment for the job; and using equipment with new technologies (repowered engines, electric drive trains);

- use alternative fuels for generators at construction sites such as propane or solar, or use electrical power;
- encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction worker commutes;
- reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones;
- recycle or salvage non-hazardous construction and demolition debris (goal of at least 75% by weight);
- use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, and sidewalk and curb materials); and
- develop a plan to efficiently use water for adequate dust control.

REVISIONS TO SECTION 4.12, "NOISE"

PAGE 4.12-6

As noted in Section 2.3.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR, 24/7 construction would be required for these pumping plants. Because of this project modification, the second paragraph on page 4.12-6 of the Phase 4a DEIS/DEIR is revised as follows:

> Assuming a standard exterior-to-interior attenuation rate of 25 dBA for typical residential buildings with doors and windows closed, noise generated by construction equipment could result in interior noise levels that exceed the interior noise standard of 45 dBA L_{dn}/CNEL for residential land uses established by the City of Sacramento, Sacramento County, and Sutter County. Although construction activity is expected to take place during daytime hours in Sacramento County, Sutter County, and the City of Sacramento, because of the need to complete levee improvements outside of the flood season and because of other environmental and engineering constraints on project schedule, as described in Chapter 2.0, "Alternatives," it is possible that construction may need to be conducted 24 hours per day, 7 days per week (24/7). For example, 24/7 construction would be needed for installation of cutoff walls in Reach 4B and in portions of Reaches 10–15 of the Sacramento River east levee, as well as for modifications to Pumping Plant Nos. 3 and 5. In addition, up to three days of 24-hour construction would be required for drilling of groundwater wells to replace existing wells located within the proposed levee footprint and for new wells to supply water for habitat mitigation. Therefore, noise may be generated by construction equipment operating near homes during the more noise-sensitive early morning and nighttime hours (i.e., during hours that are not exempted by the applicable local ordinances in the City and County of Sacramento) and could result in sleep disturbance at nearby residences.

PAGE 4.12-7 THROUGH 4.12-8

As noted in Section 2.3.2, "Modifications to Construction Activities at Pumping Plant Nos. 3 and 5," of this FEIR, 24/7 construction would be required for these pumping plants. Because of this project modification, Mitigation Measure 4.12-a, "Implement Noise-Reducing Construction Practices, Prepare and Implement a Noise Control Plan, and Monitor and Record Construction Noise Near Sensitive Receptors," of the Phase 4a DEIS/DEIR is revised as follows:

Proposed Action and RSLIP Alternative

SAFCA and its primary contractors for engineering design and construction shall ensure that the following measures are implemented at each work site in any year of project construction to avoid and minimize construction noise effects on sensitive receptors. These measures are consistent with SAFCA's standard contract specifications for noise control.

All Project Construction

The primary construction contractors shall employ noise-reducing construction practices. Measures that shall be used to limit noise shall include the measures listed below:

- Equipment shall be used as far away as practical from noise-sensitive uses.
- All construction equipment shall be equipped with noise-reduction devices such as mufflers to minimize construction noise and all internal combustion engines shall be equipped with exhaust and intake silencers in accordance with manufacturers' specifications.
- Equipment that is quieter than standard equipment shall be used, including electrically powered equipment instead of internal combustion equipment where use of such equipment is a readily available substitute that accomplishes project tasks in the same manner as internal combustion equipment.
- Construction site and haul road speed limits shall be established and enforced.
- The use of bells, whistles, alarms, and horns shall be restricted to safety warning purposes only.
- Noise-reducing enclosures shall be used around stationary noise-generating equipment (e.g., compressors and generators).
- Fixed construction equipment (e.g., compressors and generators), construction staging and stockpiling areas, and construction vehicle routes shall be located at the most distant point feasible from noise-sensitive receptors.
- When noise sensitive uses are within close proximity and subject to prolonged construction noise, noise-attenuating buffers such as structures, truck trailers, or soil piles shall be located between noise generation sources and sensitive receptors.
- Before construction activity begins within 500 feet of one or more residences or businesses, written notification shall be provided to the potentially affected residents or business owners, identifying the type, duration, and frequency of construction activities. Notification materials shall also identify a mechanism for residents or business owners to register complaints with the appropriate jurisdiction if construction noise levels are overly intrusive. The distance of 500 feet is based on the 60-dBA contour of the loudest anticipated construction activity.

- ~~When construction of cutoff walls takes place during nighttime hours (between 10:00 p.m. and 6:00 a.m.), SAFCA shall honor requests from affected residents to provide reasonable reimbursement of local hotel or short-term rental stays for the period of time that cutoff wall construction takes place within 500 feet of the residents requesting reimbursement.~~

- If noise-generating activities are conducted within 100 feet of noise-sensitive receptors (the 70-dBA noise contour of construction noise), the primary contractor shall continuously measure and record noise levels generated as a result of the proposed work activities. Sound monitoring equipment shall be calibrated before taking measurements and shall have a resolution within 2 dBA. Monitoring shall take place at each activity operation adjacent to sensitive receptors. The recorded noise monitoring results shall be furnished weekly to SAFCA.

- The primary contractor shall prepare and implement a detailed noise control plan based on the proposed construction methods. This plan shall identify specific measures to ensure compliance with the noise control measures specified above. The noise control plan shall be submitted to and approved by SAFCA before any noise-generating construction activity begins.

24/7 Project Construction

In addition to the noise-reducing measures listed above, SAFCA shall implement the following measures concerning 24/7 project construction:

- When construction of cutoff walls takes place during nighttime hours (between 10:00 p.m. and 6:00 a.m.), SAFCA shall honor requests from affected residents to provide reasonable reimbursement of local hotel or short-term rental stays for the period of time that cutoff wall construction takes place within 500 feet of the residents requesting reimbursement.

- When construction of groundwater wells (including up to two weeks of continuous pump testing for each well) or modifications to Pumping Plant Nos. 3 and 5 takes place during nighttime hours (between 10:00 p.m. and 6:00 a.m.) and the resulting noise levels exceed the applicable County noise standard (i.e., 45 dBA L_{eq} and 65 dBA L_{max} for Sutter County and 45 dBA L_{50} and 65 dBA L_{max} for Sacramento County), SAFCA shall honor requests from affected residents to provide reasonable reimbursement of local hotel or short-term rental stays for the period of time that construction of groundwater wells or modifications to Pumping Plant Nos. 3 and 5 takes place within 500 feet of the residents requesting reimbursement.

Implementing this mitigation measure would reduce the impact, but may not reduce noise levels at all times to a **less-than-significant** level because of the close proximity of noise-sensitive receptors to construction activities and the limited feasibility of mitigating construction noise to acceptable levels, especially during nighttime hours. Therefore, this temporary, short-term impact would remain **significant and unavoidable.** ***(Similar)***

REVISIONS TO SECTION 4.15, "HAZARDS AND HAZARDOUS MATERIALS"

PAGE 4.6

To correct an inaccuracy and in response to Comment S2-1 and the subsequently revised "Borrow Site Environmental Conditions" report prepared by Kleinfelder (See **Appendix A** of this FEIR for the revised report), the second paragraph on page 4.15-6 of the Phase 4a DEIS/DEIR is revised as follows:

> A review of preliminary risk screening levels indicates that concentrations of on-site pesticide residues could pose a risk to ecological receptors (i.e., wildlife in land and aquatic habitats). This exposure could occur through leaching of pesticide residues into groundwater or through runoff of soils containing pesticide residue into surface water bodies. Borrow activities would reduce the distance from the ground surface to the groundwater table by removing approximately ~~6–12 inches~~2–3 feet of soil. Respreading topsoil onto borrow sites could potentially increase the risk of pesticide residues and other contaminants leaching into the groundwater because the migration distance to the water table would be reduced (Kleinfelder 2009b:24-25). However, according to calculations performed by Kleinfelder, borrow material activities on the South Sutter, LLC borrow site and the Novak property would not be expected to affect groundwater or pose an unacceptable ecological risk, because the levels of potentially hazardous materials are less than project-specific screening levels and within DTSC's normal concentrations for agricultural sites (Kleinfelder 2009b: 31). Because the Huffstutler Trust/Johnson property would be used for habitat following completion of borrow activities, there could be an ecological risk posed by arsenic and dieldrin (Kleinfelder 2009: 31). Even with implementation of Mitigation Measure 4.6-a, "Implement Standard Best Management Practices, Prepare and Implement a Stormwater Pollution Prevention Plan, and Comply with National Pollutant Discharge Elimination System Permit Conditions," which would reduce the potential for runoff of soils containing hazardous materials during construction, impacts after construction from respreading of topsoil containing pesticides residue would pose a risk to ecological receptors (Kleinfelder 2009b:32). Therefore, this impact~~s~~ is considered to be **significant**.

PAGE 4.15-12 THROUGH 4.15-13

In response to Comments B1-3 and B1-4, Mitigation Measure 4.15-c, "Review Design Specifications and Prepare and Implement an Impact Avoidance and Contingency Plan in Consultation with Wickland Pipelines, LLC," of the Phase 4a DEIS/DEIR is revised as follows:

Proposed Action and RSLIP Alternative

Prior to issuance of construction contract bid requests for the Phase 4a Project, SAFCA and its engineers shall ensure that Wickland Pipelines, LLC has approved design specifications and impact avoidance and safety measures for construction activities within ~~10~~50 feet of the jet fuel pipeline (CCR Title 8, Section 1541). Construction specifications to be approved with Wickland Pipelines, LLC include, but are not limited to, the type of construction and equipment (e.g., bulldozers, graders, excavators) and the location and depth of earth-moving activities near the pipeline (i.e., ~~10~~50 feet). All excavation and construction in the vicinity (i.e., 50 feet) of the jet fuel pipeline shall be undertaken in strict conformity with the most recent version of the Best Practices of the Common Ground Alliance available.

Prior to the start of earthmoving activities, an impact avoidance and contingency plan shall be prepared and implemented by SAFCA in consultation with Wickland Pipelines, LLC. The plan shall include, but shall not be limited to:

- a contingency plan for actions to take in the event of damage to the pipeline or release of jet fuel, which shall include chain of command and notification procedures, worker safety, pipeline security, wildlife care, response procedures, necessary permits for response actions, and waste handling and disposal;

- a worker health and safety plan and worker training that shall consider personal protective equipment, operations safety within ~~10~~ 50 feet of the pipeline, and a contact list for reporting and obtaining medical service; and
- a method to provide the Airport with jet fuel in the event that the pipeline incurs substantial damage.

Agreements made between SAFCA, SAFCA's contractor, and Wickland Pipelines, LLC shall be in compliance with applicable Federal and state regulations (e.g., Hazardous Liquid Pipeline Safety Act, Pipeline Safety Improvement Act of 2002, Cal OSHA regulations).

Implementing this mitigation measure would reduce the potential impact of accidental release of jet fuel due to damage of the jet fuel pipeline under the Proposed Action and the RSLIP Alternative to a **less-than-significant** level because excavation and construction activities within 50 feet of the jet fuel pipeline will be implemented in conformity with the Best Practices of the Common Ground Alliance, and an impact avoidance plan and design specifications would be agreed upon by SAFCA and Wickland Pipelines, LLC prior to issuance of construction bid requests, ensuring contractor compliance with avoidance and safety measures related to the jet fuel pipeline. ***(Similar)***

4.6 REVISIONS TO CHAPTER 5.0, "CUMULATIVE AND GROWTH-INDUCING IMPACTS AND OTHER STATUTORY REQUIREMENTS"

PAGES 5-24 AND 5-35

In response to Comment L2-1, the final paragraph on page 5-34 of the Phase 4a DEIS/DEIR is revised as follows:

To establish additional context in which to consider the order of magnitude of project-generated GHG emissions, it may be noted that facilities (i.e., stationary, continuous sources of GHG emissions) that generate greater than 25,000 metric tons CO_2/year are mandated to report GHG emissions to the California Air Resources Board (ARB) pursuant to AB 32. In addition, a threshold of 10,000 metric tons CO_2/year was recommended by the Market Advisory Committee for inclusion in a GHG cap and trade system, a threshold of 10,000 metric tons CO_2e/year adopted by the South Coast Air Quality Management District for stationary/industrial projects, and a draft preliminary threshold of 7,000 metric tons of CO_2e/year for industrial projects by ARB. Absent any agency-adopted threshold for GHG emissions, it is notable that the Proposed Action would generate emissions substantially less than 25,000 metric tons CO_2/year (and other recommended targets). This information is presented for informational purposes, and it is not the intention of SAFCA to adopt 25,000 metric tons CO_2/year as a numeric threshold. Rather, the intention is to put project-generated GHG emissions in the appropriate statewide context in order to evaluate the contribution to the global impact of climate change. SMAQMD has also recently released since publication of the DEIS/DEIR, draft BMPs for consideration as practical alternatives to reduce construction-generated GHG emissions. As part of Mitigation Measure 4.11-a, "Implement Applicable District-Recommended Control Measures to Minimize Temporary Emissions of ROG, NO_X, and PM_{10} during Construction," SAFCA would implement a range of measures to reduce GHG emissions, which may include the following:

- improve fuel efficiency from construction equipment by reducing unnecessary idling (modify work practices, install auxiliary power for driver comfort); performing equipment maintenance (inspections, detect failures early, corrections); training equipment operators in proper use of equipment; using the proper size of equipment for the job; and using equipment with new technologies (repowered engines, electric drive trains);

- use alternative fuels for generators at construction sites such as propane or solar, or use electrical power;
- encourage and provide carpools, shuttle vans, transit passes, and/or secure bicycle parking for construction worker commutes;
- reduce electricity use in the construction office by using compact fluorescent bulbs, powering off computers every day, and replacing heating and cooling units with more efficient ones;
- recycle or salvage non-hazardous construction and demolition debris (goal of at least 75% by weight);
- use locally sourced or recycled materials for construction materials (goal of at least 20% based on costs for building materials, and based on volume for roadway, parking lot, and sidewalk and curb materials); and
- develop a plan to efficiently use water for adequate dust control.

Therefore, b~~B~~ecause the project's emissions would be temporary and short-term in nature~~,~~ and far below the minimum standard for reporting requirements under AB 32, and because the project would implement a range of measures to reduce GHG emission, the project's GHG emissions would not result in a cumulatively considerable contribution to a significant cumulative impact on GHG emissions and global climate change.

4.7 REVISIONS TO CHAPTER 7.0, "CONSULTATION AND COORDINATION"

To correct an inadvertent omission of an NOP comment letter submitted by the Sacramento Metropolitan Air Quality Management District, Table 7-1 is revised as follows:

Table 7-1
Written Comments Received on the NOI/NOP

Commenter	Date
…	
Sacramento Metropolitan Air Quality Management District	April 13, 2009
► Requests that the complete air quality analysis and all assumptions used in the model or calculations be included as an appendix to the DEIS/DEIR. ► Provides the staff contacts for permitting and future NLIP environmental documents.	
…	
Source: Compiled by AECOM in 2009	

4.8 REVISIONS TO CHAPTER 8.0, "LIST OF PREPARERS"

To correct an inadvertent omission, the list of preparers in the Phase 4a DEIS/DEIR is revised as follows:

EDAW

Name	Qualifications and Experience	Participation
…		
Chris Fitzer	B.A. Geography (Environmental Concentration); M.A. Environmental Planning (Watershed/Water Resources Concentration); 14 years experience	Fisheries
…		

4.9 REVISIONS TO APPENDIX A, "PUBLIC OUTREACH"

The following NOP comment letter submitted by the Sacramento Metropolitan Air Quality Management District was inadvertently left out of the Phase 4a DEIS/DEIR. It is reproduced here.

SACRAMENTO METROPOLITAN
AIR QUALITY
MANAGEMENT DISTRICT

Larry Greene
AIR POLLUTION CONTROL OFFICER

April 13, 2009

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

Natomas Levee Improvement Program (NLIP), Phase 4a Landside Improvements Project, Notice of Preparation (NOP)
SAC200701184d

Dear Mr. Bassett:

Thank you for providing the NLIP Phase 4a Landside Improvements Project NOP to the Sacramento Metropolitan Air Quality Management District (SMAQMD).

We appreciate that you will be including an air quality analysis (including greenhouse gas emissions) for this phase and the potential overlap with phases 2 and 3. Be sure to include the complete analysis as an appendix to the DEIR/DEIS and all assumptions used in the model or calculations.

The SMAQMD permitting contacts will be Ali Othman (916-874-4857 or aothman@airquality.org) and Brian Krebs (916-874-4856 or bkrebs@airquality.org).

I will be the SMAQMD contact for all future NLIP environmental documents. Please forward the DEIR/DEIS directly to me. I can be reached at 916-874-4881 or khuss@airquality.org.

Sincerely,

Karen Huss

Karen Huss
Associate Air Quality Planner/Analyst

Cc: Larry Robinson, Sacramento Metropolitan Air Quality Management District
Sondra Andersson, Feather River Air Quality Management District

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Buck, Peter. Natural Resources Supervisor. SAFCA, Sacramento, CA. October 27, 2009—email to Marianne Lowenthal of AECOM regarding previous woodland planting success rates.

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6.0 LIST OF PREPARERS

Following is a list of the individuals who prepared sections of the FEIR, provided significant background materials, or participated in preparing the FEIR.

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John Bassett, P.E. ..... Director of Engineering, Project Manager
Peter Buck ..... Natural Resource Supervisor

AECOM

Phil Dunn ..... Principal-in-Charge, Senior Reviewer/Advisor
Francine Dunn ..... Principal, NEPA/CEQA Task Leader, EIS/EIR Project Manager
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