

Appendix D: Public Involvement

INTRODUCTION

This Appendix provides responses to public and agency comments on the American River Watershed Common Features 2016 Project, Sacramento River Erosion Contract 1: River Mile 55.2L Left Bank Protection Draft Environmental Assessment/Environmental Impact Report (SEA/EIR) received during the public comment period.

PUBLIC COMMENT SUMMARY

The Draft SEA/EIR was posted with the State Clearinghouse (SCH # 2020070269) on July 13, 2020. The Draft SEA/EIR was circulated for 47 days for review by Federal, State, and Local agencies, organizations, and members of the public from July 11, 2020, through August 26, 2020. The Notice of Availability was published in the Sacramento Bee on July 16, 2020. The Draft SEA/EIR was made available on the Sacramento District, U.S. Army Corps of Engineers (USACE) website, sacleveeupgrades.com, and on the Central Valley Flood Protection Board (CVFPB) website. Hard copies of the Draft SEA/EIR were made available upon request.

USACE posted information about the Proposed Action on its website at www.sacleveeupgrades.com, which included summarized information on the Proposed Action, an electronic copy of the Draft SEA/EIR, a Frequently Asked Questions document, and instructions as to how to participate in the virtual public meeting. A virtual public meeting was held on July 27, 2020, to provide additional opportunities for comments on the Draft SEA/EIR. All comments received during the public review period were considered and incorporated into the Final SEA/EIR as appropriate.

Instead of holding the usual in-person meeting to take comments, due the restrictions on meeting sizes and health concerns during the COVID-19 pandemic, a virtual public meeting was held using WebEx software. During the virtual public meeting, attendees could utilize the chat function to ask questions or send comments to the meeting moderator. Meeting attendees were also given an opportunity to voice comments at the end of the presentation directly over the phone or through WebEx software. During the virtual public meeting, several clarifying questions were asked by members of the public regarding the project, impacts, and other ARCF projects. No comments were received during the public meeting. In addition to the virtual public meeting, comments could be submitted through mail or electronic mail.

During the Draft SEA/EIR public review period, written comments were submitted in letters and one email. The comments were submitted by the following commenters:

- (2) State agencies
- (1) Local/regional agencies
- (1) Non-profit
- (1) private citizen/company

COMMENTS AND RESPONSES

The following pages include all public comments received and the responses to those comments. The responses are annotated to refer back to the corresponding letters and comments that precede them.

RESPONSES TO COMMENTS

Draft Supplemental Environmental Assessment/Environmental Impact Report American River Watershed Common Features Water Resources Development Act 2016 Project, Sacramento River Erosion Contract 1: River Mile 55.2 Left Bank Protection Sacramento, California

A. Letter from the California Department of Transportation, District 3 (Caltrans), dated August 19, 2020

A-1: The Proposed Action will have construction materials and equipment delivered and removed via barges on the Sacramento River, no bank protection material or large equipment is to be delivered from the land side. Landside access will be limited to personally owned vehicles, restroom facilities, fencing, and tree removal vehicles and equipment.

B. Letter from the Delta Stewardship Council (DSC), dated August 21, 2020

B-1: Comment noted. Delta Plan Appendix O was reviewed and considered during preparation of the Final Supplemental EA/EIR.

B-2: The Proposed Action was designed in accordance to the latest USACE engineering design standards. References for the instream-woody material (IWM) design has been added to the Final SEA/EIR. The location of the riparian planting bench is established by the Standard Assessment Model (SAM) model which establishes a prime interface for the specified habitat. The exact location is tempered and adjusted for specific locational variables by the professional contributions of the project development team and historic precedent.

B-3: Comment noted. Appendix I to the American River Common Features (ARCF) General Reevaluation Report (GRR) Environmental Impact Statement / Environmental Impact Report (EIS/EIR) is the Habitat Mitigation Monitoring and Adaptive Management Plan (HMMAMP), which provides a framework for mitigation monitoring, performance standards, and adaptive management for on and off-site mitigation for the ARCF 2016 Project, including the Proposed Action. Additionally, a site-specific habitat management plan will be created for the Proposed Action that defines performance standards, monitoring objectives, and adaptive management actions that must be followed to ensure the on-site planting bench is successful and meets the mitigation requirement. CVFPB intends to include this habitat management plan as part of a future certification of consistency with the Delta Plan for the Proposed Action.

B-4: The riparian planting bench design is described in Section 2.3.1 of the Final SEA/EIR. The specific size, elevation, and slope of the planting bench were determined as a result of several interagency Project Development Team (PDT) meetings that included USACE, Department of Water Resources (DWR), Sacramento Area Flood Control Agency (SAFCA), U.S. Fish and Wildlife Service (USFWS), and National Marine Fisheries Service (NMFS). The 7-foot bottom elevation of the planting bench is set to the average low flow water surface elevation in the Sacramento River in August, September, and October. The planting

bench slopes upwards to a top elevation of approximately 8-feet. The purpose of targeting this specific elevation is to provide near shore aquatic habitat to special-status fish species during lower river stages that are common in summer and fall. The rock revetment design and the planting bench design would both be resilient to sea level rise. There is significantly more flow area above the elevation of the top of the revetment; therefore, there would be less pressure against the bank, and erosion is not expected. If flood stages increase slightly due to sea level rise, the design elevation of the top of revetment would not be affected because the larger flow area above that elevation is adequate to quickly dissipate pressure to protect the bank from erosion. The design of the elevation of the planting bench was set to ensure survival of young plants and to support natural recruitment of native vegetation even during low flow periods. As sea level rises in the future, it is expected that young plants will have developed into mature and healthy vegetation, which will encourage soil to accumulate along the river bank where new vegetation recruitment will occur.

B-5: The Proposed Action incorporates a riparian planting bench (see Section 2.3.1 of the Final SEA/EIR) that will be planted, monitored, and maintained to support a diverse riparian habitat community. Given the urban location of the Proposed Action, levee setback alternatives are not feasible. Additional information regarding the feasibility of levee setback alternatives can be found in the ARCF GRR EIS/EIR.

B-6: Management of invasive plant species for on and off-site mitigation as part of ARCF 2016 is defined in the HMMAMP. A site-specific habitat management plan will be created for the on-site mitigation as part of the Proposed Action, which will include management actions related to invasive plant species. (Please see response to Comment B-3.) The presence of invasive, nonnative fish species is part of the existing condition. The riparian planting bench will provide near shore mosaic flood plain aquatic habitat and refuge for native juvenile fish species, thereby reducing the risk that native fish species would be adversely impacted by invasive, nonnative fish species that are already present in the Sacramento River. This type of habitat feature/improvement has been shown to improve survivability amongst sub-yearling salmonids in channelized river systems such as the Lower Sacramento River.

B-7: The Proposed Action includes improvements to existing levee infrastructure and does not include expansion or changes to the footprint of these facilities or acquisition of private property beyond the existing flood control infrastructure. Additional information addressing the environmental analysis of the Proposed Action, including impacts to visual character, recreation, and vegetation removal, can be found in the Chapter 3 of the ARCF GRR EIS/EIR and in Chapter 3 of the Final SEA/EIR.

B-8: The Proposed Action would improve levees and protect existing urban development in an area defined as a “very high priority” (the highest priority category) for risk reduction improvements in Chapter 7 of the Delta Plan. The geotechnical design criteria adopted for the Proposed Action follow published USACE and DWR Urban Levee Design Criteria (ULDC). A 200-year water surface profile was used in the design analysis to evaluate project compliance with geotechnical criteria under DWR’s ULDC 200-year level of protection.

Additional information addressing the project purpose can be found in Chapter 1 of ARCF GRR EIS/EIR and in Chapter 1 of the Final SEA/EIR.

B-9: As described in Chapter 3 of the Final SEA/EIR, supplemental information on existing conditions, including environmental and regulatory setting, is provided for resource topics only where necessary to support the supplemental impact analysis. Otherwise, the document relies on the regulatory setting as described in the ARCF GRR EIS/EIR and is not repeated.

B-10: Comment noted. As stated in Chapter 5 of the Final SEA/EIR, CVFPB will submit a certification of consistency with the Delta Plan for the Proposed Action.

C. Letter from Sacramento Metropolitan Air Quality Management District (SMAQMD), dated August 4, 2020

C-1: The referenced text has been deleted and Mitigation Measure AIR-5 from the ARCF GRR EIS/EIR has been included to address this comment.

D. Letter from the Environmental Council of Sacramento (ECOS), dated August 26, 2020

D-1: Mitigation Measures in draft NEPA/CEQA documents are usually written using “would” to convey the conditional nature of the environmental commitments. If a FONSI is prepared, it will contain non-conditional language and all of the agency’s mitigation commitments. The Final SEA/EIR Mitigation Measures have been updated to reflect the non-conditional commitment of USACE and CVFPB to carry out the mitigation measures.

D-2: Impacts to special-status species, including Swainson’s hawk (SWHA), are discussed in Section 3.2.2 of the Final SEA/EIR. Tree removal from construction activities would reduce the amount of habitat available to SWHA and could destroy active nests, resulting in loss of eggs and young. Mitigation Measures VEG-1, VEG-2, SRA-1, and BIRD-1, will reduce impacts on Swainson’s Hawks to be less-than-significant by implementing measures to avoid impacts to active nests and by providing on and off-site riparian habitat mitigation to replace habitat loss caused by construction.

Mitigating for project impacts by protecting locations that already contain nesting habitat is not feasible given the scale and types of mitigation required for the overall ARCF 2016 Project, including the Proposed Action. Additionally, protecting nesting habitat does not serve the same functional lift as replacement because the trees removed due to construction are not being replaced which results in a net negative habitat loss. Therefore, because protection is infeasible in some locations, replacement is the best mitigation strategy and prevents a net habitat loss.

Impacts to vegetation and wildlife habitat are discussed in Section 3.2.9 Vegetation and Wildlife, which states that 1.258 acres of canopy are to be removed from the site and includes Mitigation Measures VEG-1, VEG-2, and SRA-1 to avoid, minimize, and mitigate for long-term impacts to riparian habitat and wildlife to a less than significant level. VEG-2 also states that “replacement habitat would be created at a ratio of 2:1 to account for the

temporal loss of habitat while newly created habitat is growing.” The acreage to be removed has been added to the discussion of impacts to Swainson’s Hawks and other birds as well as a cross-reference to Section 3.2.9 to guide readers to further discussion on habitat impacts and mitigation. Mitigation Measures VEG-1 and VEG-2 were added to the list of mitigation measures in Section 3.2.2.

Additionally, as described in Section 3.2.9, the ARCF GRR EIS/EIR concluded that short-term impacts to vegetation and wildlife habitat would be significant and unavoidable because it would take many years for riparian habitat to become fully mature and provide the same value as existing riparian habitat. Long-term impacts to vegetation and wildlife habitat would be reduced the less than significant because once the vegetation has fully grown, the on-site and off-site mitigation areas would provide similar or greater habitat value compared to what was impacted by construction. Language has been added to Section 3.2.9 to clarify short-term and long-term impacts as stated above.

Habitat mitigation described in VEG-2 and SRA-1 will be implemented consistent with ARCF GRR EIS/EIR Appendix I, *Habitat Mitigation Monitoring and Adaptive Management Plan* (HMMAMP) and in coordination with NMFS and USFWS according to the Biological Opinions issued under the Endangered Species Act (GRR EIS/EIR Appendix J) for the ARCF 2016 Project, including the Proposed Action. The HMMAMP states that the compensation objective for the ARCF 2016 Project is to directly mitigate project impacts by establishing successful and diverse habitats that provide an ecological value consistent with mature existing habitat conditions in the study area. HMMAMP Section 2.2 provides a framework for accomplishing compensation objectives.

USACE, CVFPB, DWR, and SAFCA are dedicated to providing quality mitigation for shaded riverine aquatic habitat (SRA) and riparian habitat losses due to the Proposed Action and for all other components of the ARCF 2016 Project. The offsite mitigation will occur as close to the project impacts as feasible considering site availability and the scale of mitigation required for the overall ARCF 2016 Project. USACE, CVFPB, and SAFCA are seeking compensatory mitigation opportunities on or adjacent to the main stem of the Sacramento River within a 20 mile radius (27 river miles), ideally, but sites within a 50 mile radius (55 river miles) may need to be utilized. Coordination with USFWS and NMFS to identify and design the mitigation sites is currently ongoing. USACE, CVFPB, and SAFCA are seeking to implement mitigation to address impacts associated with the ARCF 2016 Project by 2025. However, the specific timing of implementing the mitigation is uncertain due to potential challenges with acquiring the necessary real estate on a scale that can provide mitigation for impacts anticipated from multiple contracts being constructed as part of the ARCF 2016 Project. If mitigation cannot be fulfilled onsite and offsite, mitigation requirements may be completed by purchasing credits from USFWS approved mitigation banks or in-lieu fee programs.

The vegetation removal is planned to occur in the winter (outside of the breeding bird season); however, during construction unforeseen circumstances may arise that require additional tree trimming or removal. In the event of this situation, USACE will implement

measures described in BIRD-1 including conducting nesting bird surveys and establishing protective buffers around active nests.

D-3: Please refer to Comment D-1 above for NEPA and CEQA language for draft documents.

HMMAMP Section 1.9 Location of Mitigation and Compensation Sites states that it is appropriate to select on and off-site mitigation areas within the ARCF 2016 study area rather than purchasing credits at a mitigation bank. However, there are significant barriers to providing nearby off-site mitigation on the scale required for the overall ARCF 2016 Project, so purchasing mitigation bank credits is an option, if available and approved by USFWS and NMFS. Some barriers for implementing the offsite mitigation include land availability, land use, land elevations, existing habitat, and existing infrastructure, such as roads and utilities.

SRA and riparian habitat losses will be mitigated as prescribed in the mitigation measures, which have been approved by USFWS and NMFS and are in the HMMAMP and the ARCF 2016 NMFS Biological Opinion. Reconsultation is currently on going with USFWS and NMFS, any new stipulations in the BOs, to be issued in early 2021, will be incorporated into the Proposed Action and mitigation, as feasible. Mitigation sites are being identified and analyzed by USACE, CVFPB, DWR, SAFCA, NMFS, and USFWS to mitigate for impacts anticipated from multiple contracts, including the Proposed Action, to be performed under the ARCF 2016 Project on the Sacramento River.

Reaches of the East bank of the Sacramento River that are in close proximity to the Proposed Action site are within the ARCF Project study area. Reaches within the ARCF Project study area have been categorized into three tiers of flood risk. Tier 1 need repairs as soon as possible, Tier 2 might need repair in the next 50 years, and Tier 3 needs no repair. Tier 3 sites are generally well vegetated and do not need habitat modification, Tier 2 sites are still being evaluated and it would be an improper use of funding to create a mitigation site in an area that may be removed at a later date. Tier 1 sites are subject to ARCF Project actions and are being designed to include onsite mitigation. For these reasons, mitigation on the East bank of the Sacramento River within close proximity to the proposed action are not feasible.

USACE, CVFPB, DWR, and SAFCA are dedicated to providing quality mitigation for riparian and SRA habitat losses. This mitigation will occur as close to the project impacts as feasible. USACE, CVFPB, and SAFCA are seeking mitigation opportunities on or adjacent to the main stem of the Sacramento River within a 20 mile radius (27 river miles), ideally, but sites within a 50 mile radius (55 river mile) may need to be utilized. Coordination with USFWS and NMFS to identify and design the mitigation sites is currently ongoing. USACE, CVFPB, and SAFCA are seeking to implement mitigation by 2025. However, the specific timing of the mitigation is unknown due to potential challenges with acquiring the necessary real estate on a scale that can provide mitigation for impacts anticipated from multiple contracts being constructed as part of the ARCF 2016 Project. If some mitigation cannot be accomplished onsite, mitigation requirements may be completed by purchasing credits from USFWS and/or NMFS approved mitigation banks or in-lieu fee programs.

D-4: Please refer to Comment D-1 above for NEPA and CEQA language for draft documents.

The riparian habitat losses will be mitigated as prescribed in the mitigation measures, which have been approved by USFWS and NMFS. Mitigation sites are being identified and analyzed by USACE, CVFPB, DWR, SAFCA, NFMS, and USFW to mitigate for impacts anticipated from performance of multiple contracts under the American River Watershed Common Features Project.

Regarding timing, location, and implementation of off-site mitigation, please see responses to Comments D-2 and D-3.

D-5: Please refer to responses to D-1, D-2, and D-3 for NEPA and CEQA language and discussion of the timing, location, and implementation of mitigation measures.

E. Comment from Nordic Industries, Inc., dated August 25, 2020

E-1: Access to the site has been limited to barge traffic for delivery of equipment and material to reduce the impacts to riparian habitat and recreation. Large trucks accessing the site would necessitate construction of ramps and additional riparian habitat removal which is inconsistent with the USACE's obligation to protect to the riparian corridor.