STATE COMMENTERS

CADPH

State of California—Health and Human Services Agency
California Department of Public Health

MARK B HORTON, MD, MSPH
Director

ARNOLD SCHWARZENEGGER
Governor

July 3, 2009

David Miller
City of Folsom
50 Natoma Street
Folsom, CA 95630

RE: Folsom South of U.S. Highway 50 Specific Plan – SCH 2008092051

Dear David,

The California Department of Public Health (CDPH), Environmental Review Unit (ERU) is in receipt of the Draft Environmental Impact Report/Environmental Impact Statement for the above project. As a responsible agency under the California Environmental Quality Act (CEQA), we appreciate the opportunity to comment.

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The CDPH, Division of Drinking Water and Environmental Management is responsible for issuing water supply permits administered under the Safe Drinking Water Program. A new or amended Water Supply Permit may need to be issued for the above referenced project if it includes an increase in water supply, storage, or treatment of drinking water. These future developments may be subject to separate environmental review.

For questions or information on the Water Supply Permit application process, please contact the CDPH Sacramento District office at (916) 449-5600.

Sincerely,

Bridget Binning
CDPH Environmental Review Unit

Cc:
Project File
David Lancaster

Division of Drinking Water and Environmental Management
P.O. Box 997377, MS 7400, 1616 Capitol Avenue, 2nd Floor, Sacramento, CA 95899-7377
(916) 449-5577 (916) 449-5575 Fax

CDPH-1

The comment states that the California Department of Public Health's (CDPH), Division of Drinking Water and Environmental Management is responsible for issuing water supply permits under the Safe Drinking Water Program and a new or amended water supply permit might be required for the project if it were to include an increase in water supply, storage, or treatment of drinking water. The comment further states that such future developments would possibly be subject to a separate environmental review.

CDPH's regulatory approval authority for the project is discussed in Section 1.6.3, "Regulatory Requirements, Permits, Authorizations, and Approvals" for both the "Land" and "Water" portions of the project, on page 1-15 of the DEIR/DEIS.

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CVRWQCB-1

California Regional Water Quality Control Board
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16 August 2010

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City of Folsom Community Development Department
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Lisa Gibson
U.S. Army Corps of Engineers
1325 J Street, Room 1480
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CENTRAL VALLEY WATER BOARD STAFF COMMENTS FOR THE ANNEXATION OF FOLSOM'S SPHERE OF INFLUENCE SOUTH OF U.S. 50 SPECIFIC PLAN PROJECT AND DEIR

This letter provides comments from the staff of the Central Valley Regional Water Quality Control Board staff (Board staff) for the proposed Annexation of Folsom's Sphere of Influence South of U.S. 50 Specific Plan Project and DEIR. The lower American River and Lake Natoma are currently listed on the Clean Water Act Section 303(d) list because of mercury impairment. Board staff are currently developing a Total Maximum Daily Load and Basin Plan Amendment methylmercury control program for the lower American River and Lake Natoma. A large portion of the project area is located in the Alder and Buffalo Creeks' watersheds, which drain to Lake Natoma and the lower American River. 1

A study has found that Alder Creek aqueous total and methyl- mercury concentrations are elevated, when compared to Lake Natoma water concentrations. Mean and median Alder Creek methylmercury concentrations (mean = 0.192 ng/L and median = 0.177 ng/L, n = 5) are statistically greater than Lake Natoma concentrations (mean = 0.023 ng/L and median = 0.022 ng/l, n = 6, ANOVA and Tukey's Test ($p<0.05$) and Kruskall-Wallis nonparametric test and Dunn's nonparametric multiple comparisons test ($p<0.05$)). Statistically significant, positive correlations have been found between aqueous methylmercury and aquatic biota, indicating that methylmercury levels in water is one of the primary factors determining methylmercury concentrations in fish. 2

The project proposes to replace, restore, or enhance on a "no net loss" basis the wetland acreage that may be removed, lost, and/or degraded with implementation plans of project. Many types of wetlands have been found to be areas of enhanced methylmercury production. If new wetlands are constructed in areas with elevated levels of inorganic mercury, there is the potential to discharge greater loads of methylmercury to Lake Natoma and the lower American 3

River. The project plan does not include any measures to ensure that methylmercury concentrations and loads are not increased by the implementation plans. 3 cont.

Board staff are currently developing a mercury control program for the lower American River and Lake Natoma. Potential implementation actions that may be required by the control program include, but are not limited to, monitoring total and methyl- mercury discharges, reducing total and/or methyl- mercury sources, developing controls for total and/or methyl-mercury, etc. 4

Please contact me at 916-464-4627 or sjlouie@waterboards.ca.gov if there are any questions on these comments.

Signed copy by mail.

Stephen Louie
Environmental Scientist

CVRWQCB-1-1 *The comment states that the lower American River and Lake Natoma are currently listed on the Clean Water Action Section 303(d) list for mercury, and that a large portion of the project site is located in the Alder and Buffalo Creek's watersheds, which drain to these impaired water bodies.*

The DEIR/DEIS acknowledges on page 3A.9-6 that a segment of the American River (which is the receiving water for the Alder Creek and Buffalo Creek watersheds) is on the 303(d) list for mercury from resource extraction (Lake Natoma and Lower American River). In addition, a summary of the joint U.S. Geological Survey and University of California, Davis survey of mercury contamination in edible fish tissue taken from several sites in Lake Natoma is acknowledged on page 3A.9-9 of the DEIR/DEIS.

Impact 3A.9-1 (beginning on page 3A.9-24 of the DEIR/DEIS), which discusses the potential temporary, short-term construction-related drainage and water quality effects of the project, acknowledges that the presence and distribution of legacy mercury in upland areas and/or drainages is unknown; however, if it was present in the sediments where construction activities would disturb soils, it could mobilize and become exposed in the environment downstream. Mitigation Measure 3A.9-1 (on pages 3A.9-25 and 3A.9-26 of the DEIR/DEIS), would require the preparation of a project-specific Storm Water Pollution Prevention Plan (SWPPP) that would specify erosion and sediment control best management practices and construction techniques to reduce the potential for runoff and the release, mobilization, and exposure of pollutants, including legacy sources of mercury, from project-related construction sites.

CVRWQCB-1-2 *The comment states that aqueous total and methylmercury concentrations in Alder Creek are elevated when compared to Lake Natoma water concentrations and also states the correlations between aqueous methylmercury and aquatic biota.*

A summary of the joint U.S. Geological Survey and University of California, Davis survey of mercury contamination in edible fish tissue taken from several sites in Lake Natoma is provided on page 3A.9-9 of the DEIR/DEIS, including a description of the forms of mercury and how they are related to biological uptake in fish and bioaccumulation within the food chain.

Please see response to comment CVRWQCB-1-1 for a discussion of the potential impacts of project construction on legacy mercury mobilization and a description Mitigation Measure 3A.9-1 (on pages 3A.9-25 and 3A.9-26 of the DEIR/DEIS), which would reduce the potential for such mobilization and exposure of pollutants to less-than-significant levels.

CVRWQCB-1-3 *The comment states that the DEIR/DEIS does not include any measures to ensure that methylmercury is not discharged to Lake Natoma and the lower American River as a result of construction of new wetlands in areas with elevated levels of inorganic mercury.*

As stated on page 3A.3-40 of the DEIR/DEIS, compensatory mitigation for the loss of wetlands on the project site is proposed to be accomplished at an agency-approved mitigation bank, authorized to sell credits to offset impacts in the SPA. The draft wetland mitigation plan has been appended to the FEIR/FEIS (Appendix Q). Construction of new wetlands in the SPA is not proposed as mitigation, and approved mitigation banks have

been subject to a separate environmental review process to analyze and disclose the environmental impacts resulting from creation of wetlands within the mitigation bank site.

CVRWQCB-1-4 *The comment describes the mercury control program that is being developed for the lower American River and Lake Natoma, including potential requirements for monitoring and reduction of total and/or methylmercury sources.*

Any requirements developed by CVRWQCB would be anticipated to be required as a condition of coverage under the State Water Resources Control Board's (SWRCB's) National Pollution Discharge Elimination System (NPDES) stormwater permit for general construction activity (NPDES General Permit; Order No. 2009-0009-DWQ) and/or the Sacramento County and City of Folsom Phase I NPDES MS4 permit (Order No. R5-2008-0142). The SWPPP for the project is subject to all legally required elements.

CVRWQCB-2

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COMMENTS ON DRAFT ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT, FOLSOM SOUTH OF U.S. 50 SPECIFIC PLAN PROJECT, SACRAMENTO COUNTY, SCH#2008092051, SPK#2007-02159

The California Environmental Quality Act (CEQA) provides an opportunity for the Regional Water Quality Control Boards (Regional Water Boards) to exercise their authority to require avoidance, minimization and mitigation of impacts to the waters of the state. The State Water Board and the Regional Water Boards regulate discharges to protect the quality of waters of the state, broadly defined as "the chemical, physical, biological, bacteriological, radiological, and other properties and characteristics of water which affects its use."[1] Early consultation is encouraged, as project reconfiguration may be required to avoid and minimize impacts to waters of the state. 1

We noticed that a certain level of review has been performed, and some alternatives have been analyzed. We still have significant concerns about how the avoidance, minimization and mitigation process has been conducted and how some of the aquatic and ecological resources protection has been addressed.

In case the applicant chooses to move forward with an alternative that may result in potentially significant or significant environmental impacts, even after all feasible mitigation measures are implemented, the applicant must perform an anti-degradation analysis[2] since that analysis is required for further permitting actions, such as a Clean Water Act (CWA) Section 401 Water Quality Certification. 2

[1] California Water Code, §13050.
[2] State Water Resources Control Board Resolution No. 68-16 ("Statement of Policy With Respect to Maintaining High Quality Waters in California") and Code of Federal Regulations Part 40 (40 CFR) Section 131.12

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Effects of Urban Development on Water Quality

Watersheds are complex natural systems in which physical, chemical, and biologic components interact to create the beneficial uses of water on which our economy and well-being depend. Poorly planned urban development upsets these natural interactions and degrades water quality through a web of interrelated effects. The primary impacts of poorly planned development projects on water quality are:

- **Direct impacts** – the direct physical impacts of filling and excavation of wetlands, riparian areas, and other waters;
- **Pollutants** – the generation of urban pollutants during and after construction;
- **Hydrologic Modification** – the alteration of flow regimes and groundwater recharge by impervious surfaces and stormwater collector systems;
- **Watershed-level effects** – the disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity. 3

These impacts typically degrade water quality, increase peak flows and flooding, and destabilize stream channels, resulting in engineered solutions to the disrupted flow patterns and, ultimately, near-total loss of natural functions and values in the affected basins. Many examples of such degradation exist in California and elsewhere. The Water Boards' are mandated to prevent such degradation.

A recent U.S. Geological Survey Study, *Selected Physical, Chemical, and Biological Data Used to Study Urbanizing Streams in Nine Metropolitan Areas of the United States, 1999–2004*, identified the impacts of urbanization on stream ecosystems at very low percentages of change in impermeability of the watersheds.

Another finding of the study identified that urban development significantly affected one or more biological communities with an immediate decline in macroinvertebrate community as urban development increases. In addition, the research determined that urban development was typically accompanied by a loss of pollution sensitive species and an overall shift in community composition to species that are more pollution tolerant.

Comments on the Proposed Development

The Environmental Impact Report (EIR) for this project should characterize all project-specific, cumulative, direct, and indirect impacts of this project on the quality of waters of the state as defined above, and identify alternatives and other mitigation measures to reduce and eliminate such impacts. This analysis should be done at the: 4

- overall project size level;
- regional or subwatershed/subdrainage/neighborhood area; and
- lot-level, starting at the source.

Analyses should include:

1. Avoidance and Minimization Analysis

   There are many ways a proposed project can degrade water quality, and this complicates analysis. Fortunately, avoiding or minimizing any step in a pollution pathway will eliminate or reduce subsequent effects, and will simplify the associated needed analyses; and a 5

small number of key variables control most of the pathways causing water quality degradation. We strongly encourage avoidance as the primary strategy to address water quality concerns. 5 cont.

For this issue, the EIR needs to include: 6

a. Measures to avoid or minimize each potential cause of water quality degradation.

b. An analysis of why any remaining impacts cannot be avoided or further minimized. 7

2. Alternatives Analysis

Because development projects can individually and cumulatively cause major water quality impacts, we strongly encourage a low-impact planning approach. The projects proposed in the City of Folsom's Specific Plan and DEIR are within the regulated area covered by the *Sacramento County and Cities of Folsom, Citrus Heights, Galt, Elk Grove, Rancho Cordova, and Sacramento* (Permittees) *Storm Water Discharges from Municipal Separate Storm Sewer System* (MS4 Permit), *NPDES No. CAS083740, Waste Discharge Requirements Order No. R5-2008-0142, (Order)* which is regulated by the Regional Water Board. An integral and enforceable part of the Order includes the Storm Water Quality Improvement Plan (SQIP). One of the six programmatic control measures in the SQIP includes the Planning and New Development Program. The Order states that the Permittees must require long-term post-construction best management practices (BMPs) that protect water quality and control runoff flow ideally to the pre-development levels to be incorporated into development and significant redevelopment projects. Low impact design (LID) strategies are specifically required, as well as the City addressing LID designs early in the entitlement phase of a project. LID provides opportunities to avoid and minimize impacts starting at the source and at initial phases of planning and design of a project. It also provides opportunities for mitigation close to the source avoiding expensive, end-of-pipe, treatment controls. The MS4 Permit may be found at: http://www.waterboards.ca.gov/centralvalley/water_issues/storm_water/municipal_permits/ 8

In addition, the new CALGreen Code, California Code of Regulations Title 24, Part 11, scheduled to be in effect on 1 January 2011, also requires implementation of BMPs and LID techniques in residential and non-residential projects. http://www.bsc.ca.gov/CALGreen/default.htm 9

The EIR should be revised to include:

a. A low-impact approach, based on principles and practices described in the documents listed, *Low Impact Development References*. The low impact development analysis should be performed starting at the lot-level, continuing at the neighborhood, sub-drainage, culminating at the watershed level. 10

b. Such an approach generally involves more compact development that:

- minimizes generation of urban pollutants;
- preserves the amenity and other values of natural waters;
- maintains natural waters, drainage paths, landscape features and other water-holding areas to promote stormwater retention, pollution removal, and groundwater recharge; 11

- designs communities and landscaping to minimize storm water generation, runoff, and concentration; promote groundwater recharge; and reduce water demand; and
- promotes water conservation and re-use.

11 cont.

3. Identification of Affected Waters

A clear understanding of the location and nature of the waters potentially affected by this project is fundamental to fulfillment of our regulatory responsibilities.

a. The EIR should provide regional-scale and 1:24,000-scale (or other appropriate scale for the project) maps and a description of all waters potentially affected by the proposed project, tabulated and organized by watershed (drainage basin) and waterbody type, e.g., wetlands, riparian areas (as defined by the National Academy of Sciences),[3] streams, other surface waters, and groundwater basins (a greater level of discrimination is usually appropriate, e.g. of wetland type). An estimate of the quality status of the resource should be included. 12

b. The EIR needs to contain additional specific information regarding waterbodies. For waterbodies expected to be directly affected, identify the acreage and, for drainage or shoreline features, the number of linear feet potentially impacted, and sum the total affected acres and linear feet by waterbody type. 13

c. A figure should be included in the EIR that identifies any "isolated" wetlands or other waters excluded from federal jurisdiction by court decisions.[4] 14

2. Characterization of Impacts

As noted above, we believe avoidance is the best strategy for managing potential water quality impacts. In case avoidance is not achievable, a description of the overriding considerations must be included. 15

For unavoidable impacts, understanding how pollution pathways will operate is essential to managing them.

The EIR should be revised to:

a. Specify the causes, nature, and magnitude of all proposed impacts. Provide a level of analyses commensurate with the size and complexity of the project and its potential water quality impacts. 16

b. Quantify impacts as definitively as feasible, using appropriate modeling and adequate data. Modeling approaches should be documented; and data deficiencies or other factors affecting the reliability of the results identified and characterized; and 17

[3] "Riparian areas are transitional between terrestrial and aquatic ecosystems and are distinguished by gradients in biophysical conditions, ecological process, and biota. They are areas through which surface and subsurface hydrology connect water bodies with their adjacent uplands. They include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., a zone of influence). Riparian areas are adjacent to perennial, intermittent, and ephemeral streams, lakes, and estuarine-marine shorelines" (National Research Council. *Riparian Areas, Functions and Strategies for Management.* National Academy of Sciences, Washington, D.C. 2002). Riparian areas are created and maintained by periodic inundation by overbank flood flows from the adjacent surface water bodies.

[4] E.g., U.S. Supreme Court, *Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers*, 2001.

c. Identify whether impacts will be temporary or permanent. 18

5. Hydrologic Disruption Analysis

Because increased runoff from developed areas is the key variable driving a number of other adverse effects, attention to maintaining the pre-development hydrograph will prevent or minimize many problems and will limit the need for other analyses and mitigation in the EIR.

The EIR needs to be revised to: 19

a. Perform an existing status hydrograph profile. Include in the EIR's alternatives and mitigations analyses measures to maintain the pre-project hydrograph; and

b. Provide a meaningful analysis of potential cumulative impacts to watershed hydrology from existing and other planned development in the watershed or planning area. 20

6. Habitat Connectivity Analysis

Riparian corridors and other waters within the regulatory purview of the Regional Water Boards play an important role in maintaining habitat connectivity. Both aquatic and terrestrial habitat may be fragmented by impacts to streams, riparian areas, or other waters. The analysis must include the areas adjacent to the proposed project(s) and how the proposed development will assure connectivity and viability with the neighboring natural resources or corridors throughout the watersheds/subwatersheds and riparian corridors. As presented currently, the alternatives depict only features ending at the boundaries of the project and it is hard to determine if the proposed development cuts off any headwaters or adjacent habitats or natural features, or how the proposed development is harmonized with the adjacent natural features pre development. 21 22

The EIR should be revised to:

a. Analyze the regional importance of movement corridors in and along waterbodies, the potential effect of disrupting such corridors, how those disruptions will be avoided, and the potential for enhancing such corridors through mitigation measures, including connectivity and continuity with adjacent natural features or corridors. 23

b. Include information regarding any sensitive plant and animal species that likely utilize the corridors. 24

c. Identify any impacts to riparian or other waters that could compromise future remediation of existing connectivity barriers; and 25

d. To inform these analyses, consider the information and literature referenced in Attachment 1, *Terrestrial Habitat Connectivity Related To Wetland, Riparian, and Other Aquatic Resources*, including recent data on the role of riparian corridors as movement corridors in California. 26

Mitigation Monitoring and Reporting Program

The DEIR should include a proposed Mitigation Monitoring and Reporting Program (MMRP) as required by California Public Resource Code Section 21081.6 and CEQA Guidelines, California Code of Regulations Section 15097. The MMRP must include the elements outlined in this comment letter for purposes of monitoring how they are addressed through the entire process of adopting the EIR, and throughout the design and implementation phase of the project. CEQA Guidelines Section 15041 grants the Regional Water Board the authority to 27

require changes in a project to lessen or avoid effects of that part of the project which the Responsible Agency will be called on to approve or permit. 27 cont.

Low Impact Development References

http://www.opr.ca.gov/ceqa/pdfs/Technical_Advisory_LID.pdf
http://www.epa.gov/smartgrowth/
http://www.waterboards.ca.gov/water_issues/programs/low_impact_development/index.shtml
Some additional, detailed comments are included in this document in Attachment 2. 28

We welcome the opportunity to work with you and the project proponent to make this project an example of environmental sustainability in California. If we may clarify any of our comments or be of further assistance, please contact me at (916) 464-4736 or email *dradulescu@waterboards.ca.gov*.

Dan Radulescu, P.E.
Lead of the 401 WQC and Storm Water Unit

Kim A. Schwab, P.G.
Engineering Geologist

cc: State Clearinghouse
Bill Orme, 401 Certification and Wetlands Unit, State Water Resources Control Board
Bruce Fujimoto, Storm Water Unit, State Water Resources Control Board
Daniel Barry, Storm Water Coordinator, County of Sacramento
Sarah Staley, Storm Water Coordinator, City of Folsom

Sacramento Storm Water Quality Partnership
Sherill Huun, Storm Water Coordinator, City of Sacramento
Fernando Duenas, Storm Water Coordinator, City of Elk Grove
Kevin Becker, Storm Water Coordinator, City of Citrus Heights
Trung Trinh, Storm Water Coordinator, City of Galt
Britton Snipes, Storm Water Coordinator, City of Rancho Cordova

CVRWQCB-2

ATTACHMENT A

DETAILED COMMENTS ON DRAFT EIR/EIS FOR THE FOLSOM SOUTH OF US50 SPECIFIC PLAN

Section 2, Alternatives

1. Page 2-15, Exhibit 2-3. This exhibit provides a figure depicting the land uses in the Proposed Project Alternative. Development on the adjacent Aerojet site as part of the Easton Project has been designed to maintain the existing habitat along the Alder Creek corridor from Prairie City Road west to the Aerojet property boundary at Folsom Boulevard. We recommend that this process be continued as Alder Creek crosses the proposed project area. It is difficult to discern the location of Alder Creek in relationship to the proposed industrial/office park use in the northwestern corner of the project. That land use should be kept away from Alder Creek and outside of the existing tree canopy that lines the northern portion of Prairie City Road (south of US 50) and wraps around with Alder Creek. 29 30

2. In addition, the sections of Eastern Valley Parkway and Oak Avenue that bifurcate the oak woodlands that are being preserved should be designed in such a manner to maintain a continuous corridor and an appropriate buffer zone to the Alder Creek preserve on the Aerojet property. By doing so, it will greatly enhance the value of the open space preserve and help maintain water quality in Alder Creek. This could be done by making the crossings of Alder Creek sufficiently large so as to provide unobstructed pathways for animal migration along the length of the Alder Creek and oak woodland open space. 31 32

3. There is also a proposal for a water quality detention basin at the northwestern edge of the project. This basin should not be located within the Alder Creek channel or floodplain. 33

Section 3A.8

1. Page 3A.8-3, Area 40. In the discussion on Area 40 there is text about an RI/FS prepared by Aerojet that includes Area 40. In fact, the document being discussed is an RI/FS sampling plan, and not the RI/FS itself. The sampling for the RI/FS is just being completed and the RI/FS document will not be available for some time. Aerojet did conduct RI sampling back in the early 1990's and the work under the recent sampling plan is the follow-on to that initial sampling. 34

2. The information supplied in the summary is correct; however, the sampling conducted under the recent RI effort will further delineate the extent of contamination and refine the earlier assessment of Area 40. This more recent data needs to be reviewed and assessed before it can be determined what the allowable uses of the property will be. Given the shallow depth to groundwater and the 35 36

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elevated concentrations of VOCs, as well as the potential long-term remedial efforts needed at the site, concerns over vapor intrusion into buildings will likely influence land-use decisions. 37

3. The assessment of the potential hazards performed by Arcadis was done prior to Aerojet collecting the latest RI samples and should be reviewed for adequacy once the newer data become available. In addition, how was it determined that a 3000 µg/L total VOC value was that which should be used to determine areas of possible VOC off-gassing and its associated risks? Similar assessments on other portions of the Aerojet site (Perimeter Groundwater Operable Unit) showed potentially unacceptable risk at much lower concentrations. Until the groundwater concentrations are remediated to low enough levels, the potential adverse exposure remains on certain uses of the property. 38 39 40 41

4. Page 3A.8-6, Eastern OU. The text discusses a potential detention basin on the east side of Prairie City Road within the Eastern OU. The Eastern OU is on the west side of the road. Regardless, this section refer to Exhibit 3A.8-3 for the location of the proposed basin to allow an assessment of the conclusion that there are no source sites at that location. 42

5. Page 3A.8-6, Phase I Assessments. The Phase I site assessment performed by ERM was done prior to Aerojet collecting the more recent RI sampling discussed above. 43

6. Page 3A.8-21, Mitigation Measure 3A.8-2. Unless the groundwater is grossly contaminated, there will very little sensory indication that contamination is present. In any excavation around Area 40, groundwater should be assumed to be contaminated and handled appropriately. 44

7. Page 3A.8-23. This page discusses the Arcadis assessment mentioned above in Comment 3. Comment 3 also applies to this section and to the figures presented in Exhibits 3A.8-4, 5, 6, 7 and 8. The area of potential off-gassing that will require land use restricts can be significant larger than that shown based on more recent RI data and a screening level of much less than 3000 µg/L. 45 46

8. Page 3A.8-26. Not only will Aerojet and the regulatory agencies need access to monitor wells, but also to any remediation system that will be installed in Area 40. An alternative may be that Aerojet would maintain those portions of the property, or at least have an access agreement, instead of "purchasing existing lots" as proposed in the text. 47

9. Page 3B.17-11, Construction Dewatering. If the flows from the dewatering effort go to surface water or surface water drainage courses, the project proponent must seek coverage under an appropriate NPDES permit issued by the Regional Board to allow the discharge of the water from the dewatering wells to occur. 48

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ATTACHMENT 1

State Water Resources Control Board

Terrestrial Habitat Connectivity Related To Wetland, Riparian and Other Aquatic Resources

Terrestrial Habitat Connectivity as Related To Wetland, Riparian, and Other Aquatic Resources

"Habitat connectivity" refers to the need for plant and animal populations to have some mobility over the landscape, i.e., to avoid becoming "isolated" or "disjunct."[1] A large body of research has demonstrated that such "isolated" populations face a high probability of eventual extinction, even if their immediate habitats are spared.[2] In general, the smaller such an isolated population, the more quickly it will die out. Urban development typically fragments habitat by creating artificial landscapes which are movement barriers for most species. Unless mitigation measures are taken, isolated, non-viable populations are created as buildings, roads, and landscaping cut off lines of movement.

In the context of wetlands, "habitat connectivity" refers to three related phenomena:

a. The need of some animals to have access to both wetland and upland habitats at different parts of their life cycle. Some wetland animals, e.g., some amphibians and turtles, require access at different seasons and/or at different life stages to both wetland and to nearby upland. Preserving the wetland but not access to upland habitat will locally exterminate such species.[3]

b. The ecological relationship between separate wetlands. Some wetland communities and their associated species comprise networks of "patches" throughout a landscape. Wetland plants and animals are adapted to the presence of wetland complexes within a watershed and are dependent on moving among the wetlands within the complex, either regularly or in response to environmental stressors such as flood or drought, local food shortage, predator pressure, or influx of pollution. Removing one such water from the complex will reduce the biological quality of the rest, and at some point the simplified wetland complex will be incapable of supporting at least some of the species, even though some wetlands remain.[4]

c. The role wetlands and riparian corridors play in allowing larger-scale movements. Some strategically located wetlands and continuous strips of riparian habitat along streams facilitate connectivity at watershed and regional scales for terrestrial as well as aquatic and amphibious species.

As noted above, habitat connectivity is critical to biodiversity maintenance, and will become more so because of global warming. Significant range shifts and other responses to global warming have already occurred. The ability of biotic populations to move across the landscape may be critical to their survival in coming decades.[5]

[1] Such mobility may occur at the level of the individual organism (e.g., a bird or turtle travelling between separated wetlands) and/or of the population (e.g., a plant species colonizing a new wetland through seed dispersal); and over different time scales.

[2] For the effects of habitat fragmentation and population isolation on the survival of plants and animals, see for example:

K. L. Knutson and V.L. Naef, *Management Recommendations for Washington's Priority Habitats: Riparian*, Washington Dept. of Fish and Wildlife, Olympia, WA, December 1997, p. 71.

R.F Noss and A.Y Cooperrider, *Saving Nature's Legacy; Protecting and Restoring Biodiversity,* Washington, D.C., Island Press, 1994, pp. 33-34, 50-54, 59-62, 61-62.

D.E. Saunders, R.J. Hobbs, and C.R. Margules, "Biological Consequences of Ecosystem Fragmentation: A Review," *Conservation Biology* 5(1), March 1991, pp. 18-32.

Michael E.Soulé, "Land Use Planning and Wildlife Maintenance, Guidelines for Conserving Wildlife in an Urban Landscape," *Journal of the American Planning Association* 57(3), 1991, pp. 313-323.

Michael E. Soulé, "The Effects of Habitat Fragmentation on Chaparral Plants and Vertebrates," *Oikos* 63, 1992, pp. 39-47.

United States Federal Interagency Stream Restoration Working Group, *Stream Corridor Restoration: Principles, Practices, and Processes*, October 1998, [Online]. Available from: http://www.usda.gov/stream_restoration. Printed copy available from: National Technical Information Service (NTIS), Springfield, VA, pp. 2-80, 2-82.

[3] Regarding the relationship between wetland/riparian and upland habitats, see for example:

Vincent J. Burke and J. Whitfield Gibbons, "Terrestrial Buffer Zones and Wetland Conservation: A Case Study of Freshwater Turtles in a Carolina Bay," *Conservation Biology* 9(6), 1995, pp. 1365-1369;

C. Kenneth Dodd , Jr. and Brian S. Cade, "Movement Patterns and the Conservation of Amphibians Breeding in Small Temporary Wetlands," *Conservation Biology* 12(2), 1998, pp. 331-339;

Raymond D. Semlitsch, "Biological Delineation of Terrestrial Buffer Zones for Pond Breeding Salamanders," *Conservation Biology* 12(4), 1997, pp. 1113-1119.

Hilty, J. A. and Merenlender, A. M. Use of Riparian Corridors and Vineyards by Mammalian Predators in Northern California. Conservation Biology 18(1) 126-135; 2004 February.

[4] Regarding the ecological relationship between separated wetlands, see for example:

C. Scott Findley and Jeff Houlahan, "Anthropogenic Correlates of Species Richness in Southeastern Ontario Wetlands, *Conservation Biology* 11(4), 1997, pp. 1000-1009;

Lisa A. Joyal, Mark McCollough, and Malcom L. Hunter, Jr., "Landscape Ecology Approaches to Wetland Species Conservation: A Case Study of Two Turtle Species in Southern Maine," *Conservation Biology* 15(6), 2001, pp. 1755-1762;

Raymond D. Semlitsch and J. Russell Bodie, "Are Small, Isolated Wetlands Expendable?" *Conservation Biology 12(5),* 1998, pp.1129-1133;

National Research Council, *op. cit.,* 2001, p. 42;

Nature Conservancy, *op. cit.*, July 2000, p. 10.

[5] Recent reports comprehensively review observed effects of global change on plant and animal range shifts, advancement of spring events, and other responses. See:

Terry L. Root, Jeff T. Price, Kimberly R. Hall, Stephen H. Schnieder, Cynthia Rosenzweig, and Alan Pounds, "Fingerprints of Global warming on Wild Animals and Plants," *Science* 421:2, January 2003, pp. 57-60.

CVRWQCB-2

ATTACHMENT 1

Camille Parmesan and Gary Yohe, "A Globally Coherent Fingerprint of Climate Change Impacts cross Natural Systems," *Science* 421:2, January 2003, pp. 37-42.

Thomas, et al. "Extinction risk from climate change", *Nature* 427, January 2004, pp. 145-148

CVRWCB-2-1 *The comment states that CVRWQCB regulates discharges to protect the quality of waters of the state. Based on their review of the DEIR/DEIS, although a certain level of review was conducted, reviewers had substantial concerns related to how avoidance, minimization, and mitigation would be conducted and how some of the aquatic and ecological resources protection would be addressed.*

Topics associated with the avoidance, minimization, and mitigation of potential water quality and biological resources impacts are addressed in DEIR/DEIS Sections 3A.9, "Hydrology and Water Quality" and 3A.3, "Biological Resources." The commenter does not provide any specifics as to how he believes the existing analysis is deficient. Please refer to subsequent responses to CVRWQCB-2 comments, including CVRWQCB-2-5 and CVRWQCB-2-17, for additional discussion of specific analysis that was requested.

CVRWCB-2-2 *The comment states that if an alternative is adopted that would result in potentially significant or significant environmental impacts, regardless of implementation of mitigation measures, the project applicants would be required to prepare an anti-degradation analysis for further permitting actions (e.g., Clean Water Act Section 401 Water Quality Certification.*

The comment is noted. The project applicant(s) would be required to comply with all adopted laws, regulations, policies, and ordinances as part of the permitting process.

CVRWCB-2-3 *The comment states that urban development might result in direct impacts to wetlands, riparian areas, and other waters; the generation of urban pollutants during and after construction; the alteration of flow regimes and groundwater recharge by impervious surfaces and stormwater collector system; and the disruption of watershed-level aquatic functions, including pollutant removal, floodwater retention, and habitat connectivity. These impacts would result in water quality degradation, increase peak flows and flooding, and stream channel destabilization, which in turn could negatively affect function and value of a habitats and biological communities, result in the loss of sensitive species, and cause an overall shift in community composition.*

The DEIR/DEIS discusses the potential long-term water quality and hydrology effects from urban runoff in Impact 3A.9-3 on pages 3A.9-37 to 3A.9-43. The impacts of urban runoff, erosion, siltation, and altered hydrology on wetland habitat and biological communities is discussed on page 3A.3-33 of the DEIR/DEIS.

CVRWQCB-2-4 *The comment states that an analysis should be included in the DEIR/DEIS for the topics described in the response to comment CVRWQCB-2-3, at the overall project size level, by regional or subwatershed area, and at the lot level.*

The intended uses and purpose of this EIR/EIS are discussed in detail on DEIR/DEIS pages 1-8 through 1-10. This EIR/EIS provides a program-level analysis of a specific plan. (See Master Response 10 – Programmatic Nature of EIR/EIS Analysis.) The project has not been designed to a level that would permit a more detailed analysis as requested by the commenter. As stated on DEIR/DEIS page 1-10, "[D]evelopment of the SPA is expected to occur in multiple phases (see Section 2.3.1, "Project Phasing" in Chapter 2, "Alternatives"). To move forward with a specific phase, the project applicant(s) intend to

submit a tentative subdivision map/improvement plan for each project development phase. At that time, the City would require compliance with the FPASP performance standards and mitigation measures set forth in this EIR/EIS and incorporated into the FPASP for each tentative subdivision map/improvement plan as conditions of approval. Those future phases may require further environmental review."

The long-term water quality and hydrology effects of urban runoff are discussed for each of the alternatives in the DEIR/DEIS at a program level in Impact 3A.9-3, and Mitigation Measure 3A.9-3 is proposed for implementation before approval of the final small-lot subdivision maps for all project phases and would include a detailed BMP and water quality maintenance plan. This mitigation measure includes specific performance standards requiring a plan to be prepared and implemented that would finalize the water quality improvements and would further detail the structural and nonstructural BMPs proposed for the specific plan, both at an overall project level as well as at a smaller, lot-level.

CVRWQCB-2-5 *The comment states that CVRWQCB encourages avoidance as the primary strategy to address water quality concerns.*

Several mitigation measures and BMPs have been included in the DEIR/DEIS that would serve to avoid or minimize the potential for water quality degradation, both during short-term construction and long-term operation of the project (Mitigation Measures 3A.9-1, 3A.9-2, and 3A.9-3 on DEIR/DEIS pages 3A.9-24 through -39).

CVRWQCB-2-6 *The comment states that the DEIR/DEIS must include measures to avoid or minimize each potential cause of water quality degradation.*

Measures to avoid or minimize the potential causes of short-term/temporary construction-related water quality degradation are addressed in Impact 3A.9-1 (beginning on page 3A.9-24) and associated Mitigation Measure 3A.9-1(on page 3A.9-25) of the DEIR/DEIS. Mitigation Measure 3A.9-1 requires that the project applicants(s) obtain coverage under the SWRCB's NPDES General Permit, which would include preparation and submittal of a project-specific SWPPP and any necessary erosion and sediment control and engineering plans. The SWPPP would be required to identify and specify erosion and sediment control BMPs to be used during construction, including spill prevention and contingency measures and the implementation of approved local plans. The SWPPP also would need to address hazardous materials storage and use in addition to identifying measures for preventing non-stormwater discharges to surface water drainages. Specific BMPs to be implemented at the project site would be identified in detail in the SWPPP, in coordination with CVRWQCB; a list of potential BMPs that might be included in the SWPPP are provided on pages 3A.9-25 and 3A.9-26 of the DEIR/DEIS.

Measures to avoid or minimize the potential causes of long-term water quality degradation are addressed under Impact 3A.9-3 (on pages 3A.9-37 and 3A.9-38 of the DEIR/DEIS) and associated Mitigation Measure 3A.9-3 (on page 3A.9-38 of the DEIR/DEIS). Mitigation Measure 3A.9-3 would require development and implementation of a BMP and water quality maintenance plan that would include structural and nonstructural BMPs for the long-term operation of the project, as well as final details of the water quality improvements to be included as part of the project. Nonstructural BMPs would include source control programs to control water quality pollutants in the SPA. Structural BMPs would be designed pursuant to the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (SSQP 2007b) and

would include LID control measures as well as other water quality BMPs to meet or exceed the requirements established by the City of Folsom. Management and maintenance of design features and BMPs also would be required.

CVRWQCB-2-7 *The comment states that the FEIR/FEIS needs to include an analysis of any remaining impacts that cannot be avoided or further minimized.*

Impacts 3A.9-1 and 3A.9-3 (beginning on page 3A.9-24 and page 3A.9-37 of the DEIR/DEIS, respectively), relating to potential short- and long-term water quality impacts of the project, were determined to be less than significant with mitigation. No further analysis is required.

CVRWQCB-2-8 *The comment describes the requirements of the MS4 NPDES permit, including Low Impact Development (LID), and encourages a low-impact planning approach. The comment also states that the Waste Discharge Requirements Order No. R5-2008-0142 would require permittees to protect water quality and control runoff flow ideally to the pre-development levels.*

The Sacramento County and City of Folsom Phase I MS4 NPDES permit as well as the Stormwater Quality Improvement Plan (SQIP) are described on page 3A.9-18 of the DEIR/DEIS. Chapter 2, "Alternatives," pages 2-20 and 2-23 of the DEIR/DEIS states that the project would employ a LID stormwater management system and describes the benefits of LID systems in reducing runoff volume, rate, and reducing pollutants. Design elements that could be included as part of the LID system could include: bioretention facilities, infiltration trenches, dry wells, landscape/buffer strips, and swales. Specific features to be included in the LID system would be determined between the project applicant(s) and the City. Furthermore, Mitigation Measure 3A.9-2 (on page 3A.9-29 of the DEIR/DEIS) would require the preparation, submittal, and implementation of final drainage plans that would include the use of LID techniques to limit increases in stormwater runoff at the point of origination. Mitigation Measure 3A.9-3 (on page 3A.9-38 of the DEIR/DEIS) would include development and implementation of a BMP and water quality maintenance plan that also would include LID control measures.

Modeling results of peak flows, presented under Impact 3A.9-2 (on page 3A.9-32 of the DEIR/DEIS) indicate that with the detention basin facilities as proposed, the 100-year and 10-year storm events under the Proposed Project Alternative development conditions would remain at or below pre-development levels. During the 5-year and 2-year events, flow rates would increase at some locations under the Proposed Project Alternative, although these increases would be minor and would not be anticipated to affect downstream facilities.

CVRWQCB-2-9 *The comment describes LID requirements of California Code of Regulations Title 24, Part 11 (CALGreen Code), effective January 1, 2011.*

See response to comment CVRWQCB-2-8 for a description of how LID would be employed in the project and the DEIR/DEIS mitigation measures that would require the use of LID techniques.

CVRWQCB-2-10 *The comment suggests that the DEIR/DEIS should include LID principles and practices to protect water quality and control runoff.*

The discussion on pages 2-20 through 2-23 of the DEIR/DEIS states that the project would employ a LID stormwater management system that would increase infiltration

potential, evaporation, and surface storage while reducing excess stormwater runoff. The LID system might include the following elements: bioretention facilities, infiltration trenches, dry wells, landscape/buffer strips, and swales (grassed, bioretention, and/or wet). Additionally, Mitigation Measure 3A.9-2 (on pages 3A.9-29 and 3A.9-30 of the DEIR/DEIS) would require the preparation and approval of a drainage plan before issuance of grading or building permits, including LID techniques.

CVRWQCB-2-11 *The comment describes components of an LID approach to project design, including minimization of urban pollutant generation, preservation of natural waters, promotion of groundwater recharge, minimization of stormwater generation and runoff, and promotion of water conservation and re-use.*

As described in response to comment CVRWQCB-2-6, measures to avoid or minimize the generation of urban pollutants and protect water quality are addressed in Impact 3A.9-3 and associated Mitigation Measure 3A.9-3 (beginning on page 3A.9-37 of the DEIR/DEIS). Mitigation Measure 3A.9-3 would require the development and implementation of a BMP and water quality maintenance plan that would include nonstructural BMPs, including source control programs to control water quality pollutants in the SPA through programs such as recycling, street sweeping, storm drain cleaning, household hazardous waste collection, waste minimization, prevention of spills and illegal dumping, and effective management of public trash collection areas.

The project would maintain at least 30% of the SPA as natural open space, including most of Alder Creek as well as most of the stream channels, and intermittent drainage channels found in the area, as described on page 2-24 of the DEIR/DEIS. Buffers of at least 75 feet also would be included in the open space design, to protect preserved habitats from adjacent development.

Soils in the SPA and surrounding area are described on page 3A.9-46 of the DEIR/DEIS as having a poor capacity for groundwater recharge, with most of the substantial recharge occurring along active stream channels. With the project, the areas within the SPA that would be most conducive to groundwater recharge, such as Alder Creek and tributary corridors, generally would be maintained as open space and would, therefore, continue to allow for groundwater recharge. Proposed detention basins and LID features, described in Mitigation Measure 3A.9-3 on page 3A.9-38 of the DEIR/DEIS, also would be sited and designed to maximize infiltration. Landscape irrigation also would have the potential to contribute to groundwater recharge; however, because of the generally poor capacity for recharge in the SPA, the contribution of landscape irrigation to recharge could be minor.

The project would employ a LID stormwater management system that would increase infiltration potential, evaporation, and surface storage while reducing excess stormwater runoff. See response to comment CVRWQCB-2-8 for a description of how LID would be employed in the project site to reduce runoff volume, rate, and pollutants and the DEIR/DEIS mitigation measures that would require the use of LID techniques.

As described on page 2-26 of Chapter 2, “Alternatives,” the project would conform to the 2007 BMP requirements in the California Urban Water Conservation Memorandum of Understanding (or later edition if applicable). These BMPs could include: performing site-specific landscape and interior water surveys; conducting public information campaigns and school education programs; adopting a water waste ordinance; and identifying opportunities for installation of dedicated irrigation meters, monitoring progress through billing, and providing site-specific assistance for accounts 20% over budget. In addition, the project would include installation of a non-potable water

distribution system ("purple pipe" system) that could be used to route non-potable water to parks and landscaped areas (should a source of non-potable water become available in the future), thereby reducing the use of drinking water for irrigation in the SPA.

CVRWCB-2-12 *The comment suggests that the DEIR/DEIS should include a regional-scale and 1:24,000 scale (or other appropriate scale) maps, descriptions, and estimates of the quality status of all waters potentially affected by the project. The comment further suggests that water should be tabulated and organized by watershed (drainage basin) and waterbody type (e.g., wetlands, riparian areas, streams, other surface water, and groundwater basins).*

Exhibit 3A.3-3 in Section 3A.3, "Biological Resources," on page 3A.3-19 of the DEIR/DEIS, identifies the waters of the U.S. that are located within the SPA boundary. In addition, Exhibits 3A.3-4 through 3A.3-8 beginning on page 3A.3-29 of the DEIR/DEIS depict the acreage and types of waters avoided and affected by the project alternatives, in both a map and tabular format. These exhibits do not organize waters by watershed; however, watersheds included within the SPA are discussed on page 3A.3-37 of the DEIR/DEIS and are depicted in Exhibit 3A.9-1 (page 3A.9-2).

CVRWCB-2-13 *The comment suggest that the DEIR/DEIS should include specific information about water bodies expected to be directly affected by the project, including acreage, linear feet of drainage of shoreline features, and total affected acres and linear feet by water body type.*

The acreage of creek/channel, intermittent drainages, ditches, ponds, as well as marsh, seeps, seasonal wetlands, swales, and vernal pools are displayed in both a map and tabular form in Exhibits 3A.3-4 through 3A.3-8, in Section 3A.3, "Biological Resources," beginning on page 3A.3-29 of the DEIR/DEIS. A tabular representation of this information is also provided in Tables 3A.3-3 and 3A.3-4 on pages 3A.3-34 and 3A.3-35 of the DEIR/DEIS. These descriptions are adequate to fully characterize project impacts and satisfy CEQA and NEPA requirements for the program-level analysis. (See also Master Response 10 – Programmatic Nature of EIR/EIS Analysis.)

CVRWQCB-2-14 *The comment suggests that the DEIR/DEIS should include a figure showing any isolated wetlands excluded from Federal jurisdiction.*

Isolated seasonal wetlands are depicted in Exhibits 3A.3-4 through 3A.3-8, beginning on page 3A.3-29 of the DEIR/DEIS, in Section 3A.3, "Biological Resources" in both tabular and map form.

CVRWQCB-2-15 *The comment states that where water quality impacts cannot be avoided, a description of overriding considerations must be included, and an understanding how pollution pathways would operate would be necessary for management.*

As described in the DEIR/DEIS, all of the potential impacts to water quality were determined to be less than significant or less than significant with mitigation, as summarized in Executive Summary Table ES-1 (pages ES-102 to ES-111) and discussed in full on pages 3A.9-24 through 3A.9-46) of the DEIR/DEIS. A statement of overriding considerations that addresses any significant and unavoidable impacts would be prepared by the City prior to certification of the EIR .

CVRWQCB-2-16 *The comment states that the DEIR/DEIS should specify the cause, nature, and magnitude of all proposed impacts and should provide a level of analysis appropriate to the size, complexity, and potential impacts of the project.*

See Master Response 10 – Programmatic Nature of EIR/EIS Analysis. The commenter does not provide specifics as to exactly what additional analysis he believes should have been performed. The intended uses and purpose of this EIR/EIS are discussed in detail on DEIR/DEIS pages 1-8 through 1-10. This EIR/EIS provides a program-level analysis of a specific plan. consistent with California Public Resources Code [PRC] Sections 21083.3, 21093, and 21094; Title 14 CCR Sections 15152 and 15168; and 40 CFR Sections 1500.4(i), 1502.4(b), and 1502.20, among others. As stated on DEIR/DEIS page 1-9: "A program EIR addresses a series of related actions characterized as one large project. This program-level or 'programmatic' analysis evaluates the requested actions as they relate to the proposed land use designations for the overall specific plan. The program-level analysis considers the broad environmental effects of the overall specific plan. This program EIR/EIS also identifies performance standards (e.g., setbacks, measures to protect biological and other sensitive resources) and mitigation measures that would apply to all subsequent, future project development phases under the specific plan (as conditions of approval). These performance standards will be incorporated into the Folsom Specific Plan to avoid or reduce impacts to the degree feasible. In addition, the program-level analysis addresses the cumulative impacts of development of the project and analyzes a reasonable range of alternative land use maps at an equal level of detail. A No Project Alternative is also analyzed as required by CEQA, as well as a No Federal Action (no USACE Department of the Army Clean Water Act [CWA] Section 404 permit) Alternative as required by Council on Environmental Quality (CEQ) Regulations and USACE NEPA regulations." The DEIR/DEIS contains over 2,000 pages of analysis and addresses several hundred impacts. The City and USACE believe that the DEIR/DEIS already specifies the cause, nature, and magnitude of all proposed impacts and already provides a level of analysis appropriate to the size, complexity, and potential impacts of project.

CVRWQCB-2-17 *The comment states that the impacts in the DEIR/DEIS should be quantified using appropriate modeling, the modeling approach should be documented, and any data deficiencies or factors affecting the reliability of the results should be identified.*

See Master Response 10 – Programmatic Nature of EIR/EIS Analysis. The commenter does not provide specifics as to how he believes the analysis contained in the DEIR/DEIS is deficient. For a program-level evaluation of a specific plan (as described above in response to comment CVRWQCB-2-16), a "quantification" of water quality impacts as requested by the commenter is not possible; however, as described on DEIR/DEIS page 3A.9-38, Mitigation Measure 3A.9-3 contains performance standards that require the development and implementation of a BMP and water quality maintenance plan. This plan would include a quantitative hydrologic and water quality analysis or proposed conditions incorporating proposed drainage design features and predevelopment and postdevelopment calculations demonstrating that the proposed water quality BMPs meet or exceed requirements established by the City of Folsom.

Modeling was conducted for the preliminary determination of water quality volumes required for each SPA subbasin, the results of which are presented in Table 3A.9-6 of the DEIR/DEIS. The 2007 draft Folsom Sphere of Influence Storm Drainage Master Plan engineering report that describes the modeling methodology, assumptions, and results used in this analysis is contained in Appendix H1, which was circulated with the DEIR/DEIS.

CVRWQCB-2-18 *The comment states that the DEIR/DEIS should identify whether impacts would be temporary or permanent.*

The water quality impacts described in Impact 3A.9-1 (beginning on page 3A.9-24 of the DEIR/DEIS) are identified as temporary, short-term water quality impacts. Water quality impacts described in Impact 3A.9-3 (beginning on page 3A.9-37 of the DEIR/DEIS) are identified as long-term, which would include impacts during project implementation that would be permanent.

CVRWQCB-2-19 *The comment states that the DEIR/DEIS must include an existing status hydrograph profile and include measures to maintain the pre-project hydrograph as mitigation.*

Impact 3A.9-2 (beginning on page 3A.9-32 of the DEIR/DEIS) includes an analysis of the potential increased risk of flooding and hydromodification from increased stormwater runoff resulting from implementation of the project. The 2007 draft Folsom Sphere of Influence Storm Drainage Master Plan engineering report that describes the modeling methodology, assumptions, and results in detail is contained in Appendix H1, which was circulated with the DEIR/DEIS.

Table 3A.-9-2 of the DEIR/DEIS displays the 100-year peak flow contributions from off-site watersheds that were modeled for existing/predevelopment (pre-project) conditions. Table 3A.9-3 of the DEIR/DEIS displays the modeled peak flows (existing status hydrograph) for the pre-project conditions at eight project outfall locations for the 100-year, 10-year, 5-year, and 2-year storms. The 100-year, 10-year, 5-year, and 2-year storm event peak flows for the Proposed Project Alternative with the detention basin facilities as proposed are also displayed in Table 3A.9-3. For the 100-year and 10-year storms, peak flows with the project would remain at or below existing conditions (predevelopment conditions) at the eight outfall locations. During the 5-year and 2-year events, flow rates would increase at some locations under the Proposed Project Alternative, although these increases in peak flow rates would be minor and would not be anticipated to affect downstream facilities. Modified outlet facilities would be provided to reduce the flow of these 5-year and 2-year events to pre-project conditions if it was determined during detailed design studies that downstream facilities would be affected.

Mitigation Measure 3A.9-2 (page 3A.9-37 of the DEIR/DEIS) would require preparation and submittal of final drainage plans, including an accurate calculation of pre-project and post-project runoff scenarios and runoff calculations for the 10-year and 100-year (0.01 annual exceedance probability [AEP]) storm events (and other, smaller storm events as required), based on alignments and detention facility locations finalized in the design phase. Measures to appropriately contain runoff in detention basins or manage runoff through other improvements (e.g., use of LID techniques, source controls, and biotechnical stream stabilization) also would be required by Mitigation Measure 3A.9-2.

CVRWQCB-2-20 *The comment states that the DEIR/DEIS must include a meaningful analysis of potential cumulative impacts to watershed hydrology.*

Chapter 4, “Other Statutory Requirements” (on page 4-42 of the DEIR/DEIS) provides a discussion of potential cumulative impacts to hydrology resulting from existing, planned, and foreseeable future projects. The project, in terms of both planned and foreseeable future development, would have to comply with requirements of the design criteria that are identified in the Stormwater Quality Design Manual for the Sacramento and South Placer Regions (SSQP 2007b) and would, therefore, not result in a cumulative considerable contribution related to changes in drainage and runoff patterns and

stormwater conveyance. The City and USACE believe that the analysis contained in Chapter 4 of the DEIR/DEIS is sufficient. See also response to comment CVRWQCB-2-16. Finally, the commenter does not provide any specifics as to how he believes the existing analysis is deficient.

CVRWCB-2-21 through CVRWCB-2-22

The comments state that aquatic and terrestrial habitats might be fragmented by impacts to streams, riparian areas, or other water. The comments suggest that the DEIR/DEIS should provide assurance of connectivity and viability of neighboring natural resources and corridors through the watersheds/subwatersheds and riparian corridors. The comments also state that alternative exhibits only depict features ending at the boundaries of the project and do not reveal if the proposed development would affect headwaters, adjacent habitats, or natural features, or how the project would be harmonized with adjacent natural features.

See response to comment Brown, J-7. The FPASP includes preservation of the mainstem of Alder Creek and its associated riparian corridor, recognizing that this corridor provides the most cover for wildlife movement and migration. Alder Creek provides preferable cover and access for wildlife movement across the landscape and connects the habitat that would be preserved on-site with habitat to the south and west of the SPA. The Alder Creek riparian corridor is planned for preservation to the west of the SPA, so this would serve as a movement corridor between Lake Natoma and undeveloped areas south of the SPA into the future. This would provide connectivity to Folsom Lake and the foothills eastward. The project also would include corridors along drainages on the site, to connect the eastern portion of the SPA to oak woodland habitat in the larger preserve area and to the Alder Creek corridor. Lands east and north of the SPA are already developed; however, project design would retain an open space corridor along the eastern edge of the SPA that would provide migration potential northward to Folsom Lake and eastward from there, in addition to the connection via Lake Natoma. The headwater of Alder Creek is located approximately 0.6 mile south of the SPA's southern boundary, and the on-site wetland preserve would maintain connectivity with headwaters to the south. The project's open space design would provide multiple connectivity corridors to natural habitats located south of the SPA in unincorporated Sacramento County.

CVRWCB-2-23 through CVRWCB-2-26

The comments suggest that the DEIR/DEIS should be revised to include an analysis of the regional importance of movement corridors in and along waterbodies, the potential effect of disrupting such corridors, how those disruptions would be avoided, and the potential for enhancing such corridors through mitigation measures, including connectivity and continuity with adjacent natural features or corridors. The comments further suggest that this analysis should consider sensitive plant and animal species that use the corridors and impacts to riparian habitat and other waters that could compromise future remediation of existing connectivity barriers. The comments also suggest that the DEIR/DEIS should consider terrestrial habitat connectivity related to wetland, riparian, and other aquatic resource in the analysis, including recent data on the role of riparian corridors as movement corridors in California.

See responses to comments Brown, J-7 and Brown J-8; CVRWCB-2-21 and CVRWQCB-2-22; and ECOS-9.

CVRWQCB-2-27 *The comment states that the DEIR/DEIS should include a proposed mitigation monitoring and reporting program (MMRP). The comment further states that the RWQCB has the authority to require changes in a project to lessen or avoid effects of the project part that the Responsible Agency will be called on to approve or permit.*

CEQA provides that when an agency approves a project for which mitigation is required, that agency must adopt an MMRP that ensures mitigation measures will be implemented (State CEQA Guidelines CCR Section 15097). An MMRP would be prepared by the City to describe the approved mitigation measures identified in the EIR/EIS prior to certification of the EIR and adoption of the project. The mitigation measures proposed for the project, as well as the responsibilities for implementation, the timing of implementation, and the parties responsible for enforcement, are identified within each topic area analyzed in the DEIR/DEIS (i.e., Sections 3A.1–3A.18 and 3B.1–3B.17) and are also summarized in the Executive Summary, Table ES-1.

CVRWQCB-2-28 *The comment provides references to LID resources.*

See response to comment CVRWQCB-2-8 for a description of how LID would be employed in the project and the DEIR/DEIS mitigation measures that would require the use of LID techniques.

CVRWQCB-2-29 *The comment states that the neighboring Easton Project has been designed to maintain existing habitat along Alder Creek, from Prairie City to Folsom Boulevard. The comment states that this process should be continued as Alder Creek crosses the project site.*

Grading would be required in some of the open-space tract to contain seasonal flows to an active channel and more reliably define the extent of the 100-year (0.01 AEP) floodplain in this area. Construction of several roadway crossings are also proposed over Alder Creek; however, the project would maintain at least 30% of the SPA as natural open space, including most of Alder Creek as well as most of the stream and intermittent drainage channels found in the area, as described on page 2-24 of the DEIR/DEIS. The open space would be distributed throughout the SPA but would be concentrated primarily in the western portion of the site where oak woodlands and Alder Creek are present. Buffers of at least 75 feet also would be included in the open space design, to protect preserved habitats from adjacent development. No grading, trails, or improvements would be allowed within the first 25 feet of buffer, but temporary disturbance associated with contour grading, mitigation planting, trails, benches, and other passive recreational amenities could occur in the outer 50 feet of buffer.

CVRWQCB-2-30 *The comment states that it is difficult to discern the location of Alder Creek in relationship to the proposed industrial/office park use in the northwestern corner of the project. The comment suggest that proposed industrial/office park land use should be kept away from Alder Creek and outside of the existing tree canopy that lines the northern portion of Prairie City Road (south of U.S. 50) and wraps around with Alder Creek.*

The location of Alder Creek is relation to the proposed industrial/office park use in the northwestern corner of the project site is shown on DEIR/DEIS Exhibit 2-5 (page 2-21). Furthermore, Alder Creek is shown on Exhibit 3A.3-3 (“Wetlands and Other Water of the U.S.” page 3A.3-19), which can be compared with Exhibit 2-3 (“Proposed Project Land Use Plan” page 2-15). It is not possible to create an exhibit that overlays the land uses on top of the wetland features; the large number of details that would be required on such an exhibit would make it impossible to read.

The City notes that the comment regarding preservation of tree canopy along Prairie City Road pertains to an issue that is outside the jurisdiction and authority of CVRWQCB. However, as required by DEIR/DEIS Mitigation Measure 3A.9-1, all best practices for stormwater control would be employed in all phases of development. The land use plan (DEIR/DEIS Exhibit 2-3 on page 2-15) and the FPASP (DEIR/DEIS Appendix N) demonstrate that all development would be kept clear of Alder Creek because the Creek is in a wide, open space area. Where mitigation measures to reduce conflicts between oak trees and development would be feasible and practicable, all measures to protect oak trees would be employed. See Mitigation Measure 3A.3-5 on page 3A.3-76 and Mitigation Measure 3B.3-5 on page 3B.3-59 of the DEIR/DEIS.

CVRWQCB-2-31 *The comment suggests that sections of Easton Valley Parkway and Oak Avenue that bifurcate the oak woodlands that are being preserved should be designed to maintain a continuous corridor and appropriate buffer zone to the Alder Creek preserve on the Aerojet property. The comment further suggests that this would greatly enhance the value of the open space preserve and help maintain water quality in Alder Creek.*

See response to comment CVRWQCB-2-30.

CVRWQCB-2-32 *The comment (continuation of comment CVRWQCB-2-31) suggests that Alder Creek crossings could be made sufficiently large to provide unobstructed pathways for animal migration along the length of Alder Creek and the oak woodland open space.*

The City notes that the comment regarding pathways for animal migration along Alder Creek pertains to an issue that is outside the jurisdiction and authority of CVRWQCB. USFWS as well as the California Department of Fish and Game (DFG) would have jurisdiction over this issue and would be involved in Mitigation Measures 3A.3-1a, 3A.3-1b, and 3A.3-4a (on pages 3A.3-31, 3A.3-37, and 3A.3-73, respectively, of the DEIR/DEIS) under Section 404 of the Clean Water Act.

CVRWQCB-2-33 *The comment states that the detention basin proposed for the northwest corner of the SPA should not be located within the Alder Creek channel or floodplain.*

The detention basin that would be located at the northwest corner of the SPA is proposed by the project applicants to be constructed off stream, and therefore would not be located within the Alder Creek Channel. Appendix R attached to this FEIR/FEIS contains an exhibit identifying the proposed location of the detention basin.

CVRWQCB-2-34 *The comment states that the document being discussed on page 3A.8-3 is actually an RI/FS Sampling Plan, not an RI/FS as referenced in the DEIR/DEIS text.*

The comment is correct; the document referenced here and elsewhere in Section 3A.8, "Hazards and Hazardous Materials – Land" of the DEIR/DEIS is an RI/FS Sampling Plan. As shown in Chapter 5, "Errata" of this FEIR/FEIS, all references to the RI/FS in the DEIR/DEIS have been corrected to reference the RI/FS Sampling Plan.

CVRWQCB-2-35 through
CVRWQCB-2-37 *The comments state that the summary information [regarding the RI/FS sampling presented in the DEIR/DEIS] is correct. The comments further state that, however, sampling conducted under the RI effort would further delineate the extent of contamination in Area 40. The comments suggest that more recent data should be reviewed and assessed before acceptable uses of the property are determined, and that concerns over vapor intrusion into buildings would likely influence land use decisions.*

As stated on page 3A.8-26 of the DEIR/DEIS, any future uses of Area 40 are subject to restrictions imposed by the appropriate regulatory agencies (i.e., EPA, DTSC, and/or CVRWQCB).

CVRWQCB-2-38 *The comment states that ARCADIS' assessment of potential hazards was conducted before receipt of data from the RI sampling effort, and suggests that this should be reviewed for adequacy once newer data are available.*

ARCADIS' assessment of potential hazards assumed that parks and active recreation spaces would be the future land use in areas with contaminated groundwater associated with Area 40. No buildings were assumed in this future land use. ARCADIS' risk assessment was based on 2006 data for perchloroethylene (PCE) and trichloroethylene (TCE) concentrations in shallow groundwater, and concluded that the estimated total cancer risk from exposure to PCE and TCE in ambient air would be 8x10-7 (please refer to Appendix G3 to the Draft EIR/EIS for more detailed information concerning the assumptions and methodology of ARCADIS' assessment).

After the release of the DEIR/DEIS, ARCADIS reviewed groundwater data obtained during sampling conduced in 2007 and 2008. Using the same methodology as in their 2007 assessment, ARCADIS estimated that the cumulative risk from exposure to PCE and TCE in ambient air would be $1.7x10^{-6}$. This represents a higher risk than was estimated in 2007 based on the 2006 data.

As stated on page 3A.8-26 of the DEIR/DEIS, ongoing regulatory review and approvals would ensure that any site-specific land use limitations would be identified and required when the land was made available for development. Investigation of soil and groundwater conditions at Area 40 is ongoing, and future data may reflect either greater or lesser concentrations of volatile organic compounds (VOCs) than were detected in 2006, 2007, and 2008. Future uses in Area 40 are subject to land use restrictions that may be imposed by the regulatory agencies to ensure that future land uses do not pose a risk to human health.

As shown in Chapter 5, "Errata" of this FEIR/FEIS, Mitigation Measure 3A.8-3d has been added to require that areas subject to off-gassing hazards from groundwater contamination be designated for open space use. Areas designated for open space use under this mitigation measure would be determined using risk calculations (completed in accordance with published EPA and DTSC guidance) for exposure to off-gassing from either soil or groundwater based on detected PCE and TCE concentrations.

CVRWQCB-2-39 through
CVRWQCB-2-41 *The comments ask how it was determined that 3,000 micrograms per liter (µg/L) total VOCs should be used to identify areas of possible off-gassing and associated risks, and state that similar assessments elsewhere on the Aerojet site showed potentially unacceptable risks at much lower concentrations. The comments state that until groundwater concentrations are remediated to low enough levels, risk remains for certain uses of the property.*

ARCADIS' risk assessment was based on available (2007) groundwater data and the assumption that outdoor recreation for adults and children would be the future land use; its risk assessment was based on the actual PCE and TCE concentrations (rather than total VOC concentrations) in shallow groundwater. The ARCADIS study did not identify or use 3,000 µg/L total VOC concentration as a threshold of any kind; more detailed assumptions and discussions are presented in the ARCADIS study, included as Appendix G3 to the DEIR/DEIS. The 3,000 µg/L isocontour for total VOCs was used by the project applicant to determine which portion of the SPA should be designated for open space land use for all of the action alternatives.

As noted in responses to comments CVRWQCB-2-35 through CVRWQCB-2-37 and CVRWQCB-2-38, the ultimate land use configuration would be determined based on acceptable land uses as identified by the regulators (i.e., EPA, DTSC, and/or CVRWQCB). Furthermore, as shown in Chapter 5, "Errata" of this FEIR/FEIS, Mitigation Measure 3A.8-3d would require that areas subject to off-gassing from groundwater be designated for open space and park uses

CVRWQCB-2-42 *The comment states that the location of an off-site detention basin on the east side of Prairie City Road in the Eastern OU discussed on page 3A.8-6 of the DEIR/DEIS is incorrect, and also states that based on review of Exhibit 3A.8-3, no source sites are present at the proposed detention basin location.*

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the text on page 3A.8-6 has been revised to indicate that the proposed off-site detention basin location is on the west side of Prairie City Road. The comment is noted that no source areas are present in this proposed detention basin location.

CVRWQCB-2-43 *The comment states that ERM's Phase I Environmental Site Assessment was completed before Aerojet's more recent sampling at Area 40.*

ERM's Phase I Environmental Site Assessment was completed before Aerojet's more recent sampling at Area 40. However, as noted on page 3A.8-7 and illustrated in Exhibit 3A.8-3 of the DEIR/DEIS, portions of the SPA have not been evaluated through the environmental site assessment process, and additional investigation might be required following project-level approvals. Furthermore, as described in responses to comments CVRWQCB-2-35 through CVRWQCB-2-37 and CVRWQCB-2-38, any future land uses at Area 40 would be subject to restrictions by the regulatory agencies (EPA, DTSC, and CVRWQCB).

CVRWQCB-2-44 *The comment pertains to DEIR/DEIS Mitigation Measure 3A.8-2 on page 3A.8-21 and states that unless groundwater is grossly contaminated, little sensory evidence of contamination would exist. The comment suggests that in light of this fact, for any excavation around Area 40, all groundwater encountered should be assumed to be contaminated.*

Mitigation Measure 3A.8-2 on page 3A.8-21of the DEIR/DEIS pertains to areas of the project site that would need to undergo Phase I and/or Phase II environmental site assessments. Mitigation Measure 3A.8-2 would require reporting of any previously undiscovered evidence of soil or groundwater contamination. The comment pertains to Area 40, which is on the Cortese List and the National Priorities List and is the subject of ongoing environmental investigation well beyond the level of a Phase I or Phase II investigation. Mitigation Measures 3A.8-3a, 3A.8-3b, 3A.8-3c, and 3A.8-3d (beginning on page 3A.8-26 of the DEIR/DEIS and as modified in Chapter 5, "Errata" of this FEIR/FEIS) would require coordination with regulatory agencies (including CVRWQCB), coordination of development and construction activities to avoid interference with site remediation, and written notification that obligations and/or easements were fulfilled. The concern identified by the commenter (assuming all Area 40 groundwater was contaminated) would be addressed by implementing these mitigation measures rather than Mitigation Measure 3A.8-2.

CVRWQCB-2-45 through
CVRWQCB-2-46 *The comments reference the ARCADIS assessment cited on page 3A.8-23 and Exhibits 3A.8-4 through -8 of the DEIR/DEIS. Based on more recent data, the comments suggest that the area of potential off-gassing that would require land use restrictions could be substantially larger than that shown. The comments also suggest that a screening level of less than 3,000 µg/L could be required.*

As noted in responses to comments CVRWQCB-2-39 through CVRWQCB-2-41, the ultimate land use configuration would be determined based on acceptable land uses identified by the regulators (i.e., EPA, DTSC, and/or CVRWQCB).

CVRWQCB-2-47 *The comment states that Aerojet and the regulatory agencies would need access to monitoring wells and remediation systems on Area 40, and suggests that changes should be made to the text of Mitigation Measure 3A.8-3a to set up an access agreement rather than purchasing of existing lots.*

As shown in Chapter 5, "Errata" of this FEIR/FEIS, the text of Mitigation Measure 3A.8-3a on page 3A.8-26 of the DEIR/DEIS has been revised and now requires the purchase of lots or an access agreement to permit continued access to monitoring wells and/or remediation systems.

CVRWQCB-2-48 *The comment states that if flows from the dewatering effort were to go into surface water or surface drainage courses, the project proponent would need to seek coverage under an appropriate NPDES permit issued by RWQCB.*

As described in DEIR/DEIS Mitigation Measures 3B.17-1a and 3B.17-1b (beginning on page 3B.17-11), if necessary, the City would implement a construction dewatering program in conjunction with a SWPPP. The program would encourage a preference for pumping dewatering discharges to an authorized on-site land area, existing detention facilities, or Baker tank or equivalent. If a direct discharge to surface waters could not be avoided, the City would consult with CVRWQCB to assess NPDES permitting requirements.

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STATE OF CALIFORNIA Arnold Schwarzenegger CPUC

PUBLIC UTILITIES COMMISSION
505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298

September 8, 2010

David Miller
City of Folsom
50 Natoma Street
Folsom, CA 95630

Re: Notice of Completion, Draft Environmental Impact Report (DEIR) and Draft Environmental Impact Study (DEIS)
Folsom South of U.S. Highway 50 Specific Plan
SCH# 2008092051

Dear Mr. Miller:

As the state agency responsible for rail safety within California, the California Public Utilities Commission (CPUC or Commission) recommends that development projects proposed near rail corridors be planned with the safety of these corridors in mind. New developments and improvements to existing facilities may increase vehicular traffic volumes, not only on streets and at intersections, but also at at-grade highway-rail crossings. In addition, projects may increase pedestrian traffic at crossings, and elsewhere along rail corridor rights-of-way. Working with CPUC staff early in project planning will help project proponents, agency staff, and other reviewers to identify potential project impacts and appropriate mitigation measures, and thereby improve the safety of motorists, pedestrians, railroad personnel, and railroad passengers. 1

As a responsible agency under CEQA; the traffic impact study within the traffic/circulation section of the DEIR/DEIS failed to consider safety issues to existing at-grade rail crossings within the project vicinity. There is an existing rail line that has been out of service since 1986; however it has not been abandoned. There has been discussion of opening sections of it for excursion trains. The at-grade railroad crossings need to be addressed as if there were trains running on them otherwise the traffic/circulation analysis is incomplete and inconclusive. The CPUC responded to the NOP on 11/10/08 and requested that the traffic/circulation section of the DEIR/DEIS address our concerns, however this was not done. This is a significant oversight by the project proponents and project consultants which could affect the certification process for this project as prepared and circulated. 2

Please provide a revised and or amended Traffic Impact Study to ensure that all at-grade railroad crossings are included in the DEIR/DEIS analysis. Otherwise subsequent site specific and or project level proposals will be required to provide additional Environmental analysis based on this significant oversight in the DEIR/DEIS. 3

The DEIR/DEIS is intended to disclose all available information so the lead Agency can make the best informed decision on the level of significance and mitigation measures, however when a key element of the environment such as Rail Safety if not disclosed and or analyzed in the DEIR/DEIS, what does that say for the integrity and transparency of the environmental process (Spirit of CEQA). 4

In addition to the potential impacts of the proposed project itself, the DEIR/DEIS needs to consider cumulative rail safety-related impacts created by other projects. 5

In general, the major types of impacts to consider are collisions between trains and vehicles, and between trains and pedestrians. The proposed project has the potential to increase vehicular and pedestrian traffic in the vicinity. 6

Measures to reduce adverse impacts to rail safety need to be considered in the DEIR/DEIS. General categories of such measures include: 7

- Installation of grade separations at crossings, i.e., physically separating roads and railroad track by constructing overpasses or underpasses
- Improvements to warning devices at existing highway-rail crossing
- Installation of additional warning signage
- Improvements to traffic signaling at intersections adjacent to crossings, e.g., traffic preemption
- Installation of median separation to prevent vehicles from driving around railroad crossing gates
- Prohibition of parking within 100 feet of crossings to improve the visibility of warning devices and approaching trains
- Installation of pedestrian-specific warning devices and channelization and sidewalks
- Construction of pull out lanes for buses and vehicles transporting hazardous materials
- Installation of vandal-resistant fencing or walls to limit the access of pedestrians onto the railroad right-of-way
- Elimination of driveways near crossings
- Increased enforcement of traffic laws at crossings
- Rail safety awareness programs to educate the public about the hazards of highway-rail grade crossings

Commission approval is required to modify an existing highway-rail crossing or to construct a new crossing. 8

CPUC

Thank you for your consideration of these comments. We look forward to working with the City on this project and resolving this matter as it relates to rail safety. If you have any questions in this matter, please contact me at (415) 713-0092 or email at ms2@cpuc.ca.gov. 8 cont.

Sincerely,

Moses Stites
Rail Corridor Safety Specialist
Consumer Protection and Safety Division
Rail Transit and Crossings Branch
180 Promenade Circle, Suite 115
Sacramento, CA 95834-2939

CPUC-1

The comment suggests that project development should keep the safety of nearby rail corridors in mind. The comment states that new developments may increase vehicular and pedestrian volumes at nearby rail crossings, and working with CPUC staff in project planning will help improve safety for motorists, pedestrians, and railway passengers and personnel.

One railroad line is present on the SPA. The line has not been abandoned, but it is not in active service. See responses to comments CPUC-2 through CPUC-8 for detailed responses to rail safety and compatibility issues.

CPUC-2

The comment states that the traffic study failed to consider safety issues associated with the rail right-of-way extending through the property, citing discussions regarding potential excursion rail service. The comment includes the fact that the existing rail line has been out of service for several years but has not been abandoned.

The City of Folsom maintains the portion of the Sacramento–Placerville transportation corridor within city limits and is a member of the Joint Powers Authority (JPA) (see page 7-16 of Appendix N of the DEIR/DEIS) that administers the corridor. As correctly stated by the commenter, at the date of publication of the DEIR/DEIS, the rail line was out of service but not abandoned and remains in that state. No active rail service exists within the corridor, nor are any reasonably foreseeable rail-oriented projects planned that the DEIR/DEIS is required to analyze under CEQA.

A proposal for excursion rail service was submitted to the JPA in 2008, by the Folsom-El Dorado-Sacramento Historical Railroad Society, but to date, little or no progress has been made on the proposal. If and when a viable project is submitted, it would require CEQA analysis; at that time, a rail safety analysis would be conducted.

CPUC-3

The comment states that the traffic analysis in the DEIR/DEIS should be revised or amended to ensure that all at-grade railroad crossing are included in the analysis, or else subsequent project-level proposals will be required to perform rail safety analysis as part of the project's environmental clearance.

Because no active rail service exists on the transportation corridor and no reasonably foreseeable rail service is planned, the DEIR/DEIS is not required to analyze rail safety. Should a viable rail service proposal be approved by the Sacramento–Placerville JPA and City of Folsom, a rail safety analysis would be prepared at that time. Furthermore, the policy of the City of Folsom has been and will continue to be that any project proposal for the JPA-governed transportation corridor is required to perform a rail safety analysis as a part of any transportation corridor project's environmental clearance. The project developer would be financially responsible to provide appropriate at-grade rail crossing safety equipment, if and when rail service was established along the corridor.

CPUC-4

The comment states that the DEIR/DEIS does not disclose or analyze rail safety. The comment questions how this omission relates to the integrity and transparency of the environmental process.

See responses to comments CPUC-1 through CPUC-3. An explicit discussion of rail safety is not required by the State CEQA Guidelines Appendix G checklist. However, in

the transportation section of the checklist, one factor to be considered is whether the project would substantially increase hazards because of design features or incompatible uses. Section 3A.15, "Traffic and Transportation – Land," of the DEIR/DEIS discusses existing and planned roadways, as well as their potential conflict with bicycle, pedestrian, and transit facilities (on page 3A.15-27 of the DEIR/DEIS). Furthermore, City of Folsom General Plan Policy 17.9 (on page 3A.15-21 of the DEIR/DEIS) states that the City should preserve existing railroad rights-of-way for potential future use as public transit routes.

CPUC-5 *The comment states that the DEIR/DEIS needs to consider cumulative rail safety-related impacts created by other projects.*

See responses to comments CPUC-1 through CPUC-4. An explicit discussion of rail safety is not required by the State CEQA Guidelines Appendix G checklist. Cumulative impacts related to transportation are included in Section 3A.15, "Traffic and Transportation – Land," of the DEIR/DEIS.

CPUC-6 *The comment describes the general types of potential collisions associated with at-grade rail crossings and states that the project has the potential to increase pedestrian and vehicular traffic in the project vicinity.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The City acknowledges the comment that the most common types of collisions at an at-grade rail crossing are between trains and vehicles or trains and pedestrians. See responses to comments CPUC-2 and CPUC-3. An analysis of project-related traffic impacts is contained in Section 3A.15, "Traffic and Transportation"

CPUC-7 *The comment lists general measures associated with rail safety.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted. See also responses to comments CPUC-2 and CPUC-3.

CPUC-8 *The comment states that approval from the California Public Utilities Commission is required to modify an existing highway-rail crossing or to construct a new crossing.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

DOC DLRP

DEPARTMENT OF CONSERVATION

Managing California's Working Lands

DIVISION OF LAND RESOURCE PROTECTION

801 K STREET • MS 18-01 • SACRAMENTO, CALIFORNIA 95814

PHONE 916 / 324-0850 • **FAX** 916 / 327-3430 • **TDD** 916 / 324-2555 • **WEBSITE** conservation.ca.gov

September 9, 2010

VIA EMAIL: gdepardo@folsom.ca.us
Ms. Gail Furness de Pardo
City of Folsom
Community Development Department
50 Natoma Street
Folsom, CA 95630

Subject: DEIR/DEIS for the Folsom South of US 50 Specific Plan Project – SCH# 2008092051

Dear Ms. Furness de Pardo:

The Department of Conservation's (Department) Division of Land Resource Protection (Division) has reviewed the DEIR/DEIS for the Folsom South of US 50 Specific Plan Project. The Division monitors farmland conversion on a statewide basis and administers the California Land Conservation (Williamson) Act and other agricultural land conservation programs. We offer the following comments and recommendations with respect to the proposed project's potential impacts on agricultural land and resources.

Project Description:

The proposed project includes annexation into the City of Folsom, and approval of various discretionary entitlements in support of a specific plan for a mixed-use development and related on- and off-site roadways and infrastructure. The specific plan covers an area in eastern Sacramento County, south of U.S. 50, and adjacent to the existing Folsom city limits. It supports a combination of retail and supporting services, recreational uses, and a broad range of residential uses and associated infrastructure and roads on approximately 3,510-acres that is located entirely within the City's sphere of influence, but currently under the jurisdiction of Sacramento County. 1

The specific plan area (SPA) consists of undeveloped grasslands used for cattle grazing. Structures within the SPA are limited to one residence and agricultural outbuildings located in the western portion, radio towers located in the northeastern corner, and a high-voltage electrical transmission corridor that traverses the western portion in a north-south direction between U.S. 50 and White Rock Road. The Sacramento County Important Farmland map, published by the California Department 2

of Conservation's Division of Land Resource Protection, designates the entire SPA, the off-site sewer force main alignment, and the detention basin as Grazing Land. 2 cont.

The area is designated General Agriculture 80 and General Agriculture 80/ Resource Conservation Area by the Sacramento County General Plan. The area is zoned as Interim Agricultural, 10-acre minimum lot size; Agricultural, 20-acre minimum lot size; Agricultural, 80-acre minimum lot size; and SPA. 3

Approximately 1,530 acres of the SPA consists of agricultural lands under existing Williamson Act contracts that are in the process of nonrenewal. Notices of nonrenewal were filed on these parcels in 2004 and 2006; as a result, these existing contracts will expire in 2014 and 2016, respectively. None of the land proposed for the U.S. 50 interchange improvements, sewer force main, detention basin, or the two roadway connections into El Dorado Hills are held under Williamson Act contracts. 4

Division Comments:

Although direct conversion of agricultural land is often an unavoidable impact under California Environmental Quality Act (CEQA) analysis, mitigation measures must be considered. The adoption of a Statement of Overriding Consideration does not absolve an agency of the requirement to implement feasible mitigation that lessens a project's impacts. In some cases, the argument is made that mitigation cannot reduce impacts to below the level of significance because agricultural land will still be converted by the project, and, therefore, mitigation is not required. However, reduction to a level below significance is not a criterion for mitigation. Rather, the criterion is feasible mitigation that lessens a project's impacts. Pursuant to CEQA Guideline §15370, mitigation includes measures that "avoid, minimize, rectify, reduce or eliminate, or compensate" for the impact. 5

Mitigation Measures

The loss of agricultural land represents a permanent reduction in the State's agricultural land resources. If a Williamson Act contract is terminated, or if growth inducing or cumulative agricultural impacts are involved, the Department recommends that mitigations for lost agricultural land be increased. 6

The DEIR/DEIS(page 3A.10-42) states that: "Feasible mitigation measures, such as participation in an agricultural conservation easement, are not available to reduce impacts associated with the cancellation of these Williamson Act contracts to a less-than-significant level because no such programs are available." However, mitigation via agricultural conservation easements can be implemented by at least two alternative approaches: the outright purchase of easements **or** the donation of mitigation fees to a 7

local, regional or statewide organization or agency whose purpose includes the acquisition and stewardship of agricultural conservation easements. The conversion of agricultural land should be deemed an impact of at least regional significance. Hence the search for replacement lands can be conducted regionally or statewide, and need not be limited strictly to lands within the project's surrounding area. 7 cont. 8

One source that has proven helpful for regional and statewide agricultural mitigation banks is the California Council of Land Trusts, which can be found at:

http://www.calandtrusts.org

The California Council of Land Trusts deals with all types of mitigation banks. It is suggested that when the City contacts them they specify the need for agricultural mitigation banks. 9

The Department also has available a listing of approximately 30 "conservation tools" that have been used to conserve or mitigate project impacts on agricultural land. This compilation report may be requested from the Division at the address or phone number at the conclusion of this letter. Of course, the use of conservation easements is only one form of mitigation that should be considered. Any other feasible mitigation measures should also be considered. 10 11

Williamson Act Contract Cancellations

The DEIR/DEIS (page 3A.10-41) states that, "Project implementation could result in the cancellation of Williamson Act contracts and would require the cancellation of one or more of these Williamson Act contracts before their expiration date because the proposed land uses would not be permitted under the existing contracts… Since the timing of the development of particular phases of the SPA is unknown at this time, future Williamson Act cancellation requests would be submitted on an as-needed basis, in conjunction with tentative map or other entitlement actions".

Sections 51282 through 51285 outline the steps necessary for the cancellation of a Williamson Act contract. Section 51284.1 requires the notice for a tentative cancellation of a contract to be sent as soon as the cancellation application is deemed complete, but not less than 30 (thirty) days prior to the scheduled action by the Board or Council. The Board or Council must consider any comments submitted by the Department when making their findings. A notice of the hearing and copy of the landowner's petition shall be mailed to the Director of the Department of Conservation 10 (ten) working days prior to the hearing as a separate application from any CEQA document. The notice must be mailed to: 12

DOC DLRP

Department of Conservation
C/o Division of Land Resource Protection
801 K Street MS 18-01
Sacramento, CA 95814-3528

12 cont.

Under Government Code section 51282, the city must base any approval of a request for cancellation on specific findings that are supported by substantial evidence. The Department recommends that a discussion of the required findings be included in any related CEQA document.

Thank you for giving us the opportunity to comment on the DEIR/DEIS for the Folsom South of US 50 Specific Plan Project. Please provide this Department with the FEIR/FEIS, the date of any hearings for this particular action, and any staff reports pertaining to it. If you have questions regarding our comments, or require technical assistance or information on agricultural land conservation, please contact Meri Meraz, Environmental Planner, at 801 K Street, MS 18-01, Sacramento, California 95814, or by phone at (916) 445-9411.

13

Sincerely,

DJ Otis

Dan Otis
Program Manager
Williamson Act Program

cc: Ms. Lisa Gibson
US Army Corps of Engineers, Regulatory Branch
1325 J Street, Room 1480
Sacramento, CA 95814-2922
Lisa.M.Gibson2@usace.army.mil

State Clearinghouse
FAX 323-3018

Sacramento County Farm Bureau
8970 Elk Grove Blvd
Elk Grove, CA 95624
sacfarmbur@msn.com

DOC DLRP-1

The comment states that the California Department of Conservation's Division of Land Resource Protection has reviewed the DEIR/DEIS and is submitting comments and recommendations. The comment restates information from project description.

The comment restates information that is contained in DEIR/DEIS Chapter 2, "Alternatives," Section 3A.10, "Land Use and Agricultural Resources – Land," and Section 3B.10, "Land Use and Agricultural Resources – Water." The comment is noted.

DOC-DLRP-2 through DOC-DLRP-4

The comments summarize conditions on the SPA and off-site improvement areas, including the designation as Grazing Land on the Important Farmland map, existing Sacramento County zoning and general plan designations for the SPA, and the existence of Williamson Act contracts on the SPA.

The comments restate information that is contained in DEIR/DEIS Chapter 2, "Alternatives," Section 3A.10, "Land Use and Agricultural Resources – Land," and Section 3B.10, "Land Use and Agricultural Resources – Water." The comment is noted.

DOC-DLRP-5 through DOC-DLRP-6

The comments states that although conversion of agricultural land is often an unavoidable impact under CEQA, mitigation measures must be considered. The comment refers to CEQA Guidelines CCR Section 15370 regarding the lead agency's duty to implement feasible mitigation measures. The comments further state that if a Williamson Act contract is terminated or growth-inducing or cumulative agricultural impacts are involved, the Department recommends increased mitigation for loss of agricultural land.

The commenter's blanket statement that "mitigation measures must be considered," when conversion of agricultural land is found to be an unavoidable impact is not an accurate representation of CEQA. Rather, CEQA requires that a lead agency must implement feasible mitigation measures, where they are available, to reduce the severity of a significant impact, and that the mitigation employed must be proportional to the impact.

The Department of Conservation's recommendation regarding increased mitigation is noted; however, the City as CEQA lead agency and USACE as NEPA lead agency have jurisdiction to determine whether appropriate and feasible measures that are comparable to the level of impact are available.

The agricultural land use on the SPA is classified as "grazing land" under the California Important Farmland Inventory System and Farmland Mapping and Monitoring Program (DEIR/DEIS page 3A.10-2). The conversion of "grazing land" does not meet the CEQA definition of Important Farmland; therefore, the impact is less than significant and no mitigation is required (see page 3A.10-29 of the DEIR/DEIS). No areas of active crop production exist in the SPA. The agricultural value of the land for crop production is marginal because of the shallow depth to bedrock, which is why the land is classified as "grazing land" as opposed to Important Farmland. The same is true concerning land abutting the SPA; thus, the impact from growth inducement on adjacent grazing lands would be the same as the project-specific impact on grazing land (i.e., less-than-significant impact). Therefore, no mitigation measures are required. As stated on DEIR/DEIS page 3A.10-42, because the Williamson Act contracts have already been

placed in non-renewal, the affected parcels would remain in agricultural use for only 3 to 5 more years. Also, these parcels are not areas of Important Farmland, as designated by the State. A mitigation measure which would require that replacement land be protected in perpetuity to compensate for the loss of 3 to 5 years of agricultural use (i.e., grazing) of lands with low agricultural value is not proportional to the magnitude of the potential impact and, therefore, does not constitute legally feasible or appropriate mitigation.

DOC-DLRP-7 *The comment refers to a statement (on page 3A.10-42 of the DEIR/DEIS) regarding feasible mitigation measures, such as participation in an agricultural conservation easement, as not being available to reduce impacts associated with the cancellation of Williamson Act contracts to a less-than-significant level because no such programs would be available. The comment further states that, on the contrary, mitigation via agricultural conservation easements could be included by the outright purchase of easements or the donation of mitigation fees to a local, regional, or statewide organization whose purpose included the acquisition and stewardship of agricultural conservation easements.*

The commenter suggests permanent conservation easements or fees to support purchase of such easements as mitigation for the project's impact related to cancellation of Williamson Act contracts. As noted on page 3A.10-2 of the DEIR/DEIS, the SPA consists of lands classified as Grazing Land rather than Important Farmland. Furthermore, the Williamson Act contracts that affect parcels in the SPA are currently in non-renewal and are set to expire in 2014 and 2016.

Because these contracts are in non-renewal, the affected parcels would remain in agricultural use for only 3 to 5 more years. Also, these parcels are not areas of Important Farmland, as designated by the State. A mitigation measure that would require that replacement land be protected in perpetuity to compensate for the loss of 3 to 5 years of agricultural use of lands with low agricultural value is not proportional to the magnitude of the potential impact and, therefore, is not legally feasible or appropriate mitigation. Per State CEQA Guidelines, CCR Section 15126.4(a)(4)(B), the mitigation measure must be "roughly proportional" to the impacts of the project. See *Dolan v. City of Tigard*, 512 U.S. 374 (1994). Where the mitigation measure is an ad hoc exaction, it must be "roughly proportional" to the impacts of the project. See *Ehrlich v. City of Culver City* (1996) 12 Cal.4th 854.

DOC-DLRP-8 *The comment states that the impact regarding the conversion of agricultural land should be deemed an impact of regional significance, and therefore the search for replacement lands (as mitigation) could be conducted regionally and statewide, as opposed to just locally.*

The commenter provides no justification as to why he believes the impact should be deemed "of regional significance." The impact from conversion of "Grazing Land" in the SPA does not meet the CEQA definition of "Important Farmland" and therefore the conversion of such lands is not a significant impact nor is it "an impact of regional significance." The City/USACE believe that the impact analysis and the conclusions that no feasible mitigation measures are available are appropriate. See Section 3A.10, "Land Use and Agricultural Resources," and responses to comments DOC-DLRP-5 through DOC-DLRP-7.

DOC-DLRP-9 and DOC-DLRP-10 *The comments provide information sources for agricultural mitigation banks and conservation tools.*

The commenter offers information resources and does not make specific comments related to the project or the adequacy of the environmental analysis provided in the DEIR/DEIS; the comments are noted.

DOC-DLRP-11 *The comment suggests that "any other feasible mitigation measures should also be considered."*

All feasible mitigation measures have been considered. See also responses to comments DOC-DLRP-6 and DOC-DLRP-7.

DOC-DLRP-12 *The comment provides information on the procedural requirements for Williamson Act cancellations.*

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

DOC-DLRP-13 *The comment recommends that a discussion of the required findings for Williamson Act cancellations be included in any related CEQA document and provides contact information for the commenting agency.*

A discussion of the required findings for Williamson Act cancellations is provided on pages 3A.10-6 and 3A.10-7 of the DEIR/DEIS.

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DEPARTMENT OF TRANSPORTATION
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September 30, 2010

0310-SAC0038
03-SAC-50 PM 18.991-23.136
Folsom South of U.S. 50 Specific Plan
Draft Environmental Impact Report
SCH# 2008092051

Ms. Gail Furness De Pardo, AICP
City of Folsom
50 Natoma Street
Folsom, CA 95630

Dear Ms. Furness De Pardo:

Thank you for the opportunity to review and comment on the Folsom South of U.S. 50 Specific Plan's Draft Environmental Impact Report/Draft Environmental Impact Statement (DEIR/DEIS), and for providing us with additional time to review inputs and assumptions to the traffic analysis that were not available in the DEIR and provide comment. The Project proposes 10,210 residential units at various densities on approximately 1,477 acres; approximately 363 acres are designated for commercial and industrial use, including a regional shopping center; public/quasi-public uses; elementary, middle, and high schools on approximately 179 acres; approximately 122 acres of community and neighborhood parks; storm water detention basins; approximately 1,053 acres of open-space areas and open-space preserves; and major roads with landscaping. The planned transportation system includes transit service, new bicycle/pedestrian overcrossings of U.S. 50, and parallel roads to U.S. 50 to minimize local trips on the highway. 1

Direct Impacts/Mitigation

- Caltrans concurs with the mitigation measures listed below; however the City should change the implementation and enforcement agency in many instances. The City is responsible, as the lead agency for the CEQA document, for implementation and enforcement. The City should identify the Project Sponsor that will provide the majority of the funding for each project; it is not Caltrans. 2
  - 3A.15-1o, fair share funding for eastbound U.S. 50 auxiliary lanes from Hazel Avenue to east of Folsom Boulevard
  - 3A.15-1p, improvements to SR 16/Grant Line Road intersection
  - 3A.15-r, fair share funding for eastbound US 50 auxiliary lane between Hazel Avenue and Folsom Boulevard

- 3A.15-1s, fair share funding for eastbound US 50 auxiliary lane between Folsom Blvd and Prairie City Road
- 3A.15-1u, fair share funding for westbound US 50 auxiliary lane between Prairie City Road and Folsom Boulevard
- 3A.15-1v, fair share funding for westbound US 50 auxiliary lane from Hazel Avenue to Sunrise Boulevard
- 3A.15-lw, fair share funding for eastbound US50 auxiliary lane from Folsom Boulevard merge to Prairie City Road diverge
- 3A.15-1x, fair share funding for eastbound US 50 auxiliary lane from the Folsom Boulevard merge to the Prairie City diverge
- 3A.15-1y, fair share funding for eastbound US 50 auxiliary lane form Prairie City Road on-ramp merge to Scott/Bidwell diverge
- 3A.15-1z, fair share funding for eastbound US 50 eliminate unacceptable weave conditions from Prairie City Road on-ramp to Oak Avenue off-ramp
- 3A.15-1aa, fair share funding for eastbound US 50 auxiliary lane from Oak Avenue to Scott Road
- 3A.15-1dd, fair share funding for westbound US 50 auxiliary lane from Empire Ranch Road to East Bidwell Street
- 3A.15-1ee, fair share funding for westbound US 50 auxiliary lane from Oak Avenue to Prairie City Road
- 3A.15-1ff, fair share funding for westbound US 50 auxiliary lane from Prairie City Road to Folsom Boulevard
- 3A.15-1hh, fair share funding for westbound US 50 auxiliary lane from Prairie City Road to Folsom Boulevard
- 3A.15-1ii, fair share funding for westbound US 50 auxiliary lane from Hazel Avenue to Sunrise Boulevard

2 cont.

- Funding of Improvements. The City must identify fair share funding amounts and methodology for improvements to the transportation system, including US 50 and State Route (SR) 16. The improvements are required because of local development and Caltrans is not a source of funding for the improvements.

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Cumulative Impacts/Mitigation

- Caltrans concurs with the mitigation measures listed below; however the City should change the implementation and enforcement agency in many instances. The City is responsible, as the lead agency for the CEQA document, for implementation and enforcement. The City should identify the Project Sponsor that will provide the majority of the funding for each project; it is not Caltrans.
    - 3A.15-4p, participate in Fair Share Funding of Improvements to Reduce Impacts on the Hazel Avenue/U.S. 50 Westbound Ramps Intersection
    - 3A.15-4q, participate in fair share funding of improvements to reduce impacts on Eastbound US 50 between Zinfandel Drive and Sunrise Boulevard
    - 3A.15-4r, participate in fair share funding of improvements to reduce impacts on eastbound U.S.50 between Rancho Cordova parkway and Hazel Avenue
    - 3A.15-4s, participate in fair share funding of improvements to reduce impacts on eastbound U.S.50 between Folsom Boulevard and Prairie City Road
    - 3A.15-4t, participate in Fair Share Funding of Improvements to Reduce Impacts on Eastbound U.S. 50 between Prairie City Road and Oak Avenue Parkway
    - 3A.15-4u, participate in Fair Share Funding of Improvements to Reduce Impacts on the U.S. 50 Eastbound / Prairie City Road Slip Ramp Merge
    - 3A.15-4v, participate in Fair Share Funding of Improvements to Reduce Impacts on the U.S. 50 Eastbound / Prairie City Road Flyover On Ramp to Oak Avenue Parkway Off Ramp Weave
    - 3A.15-4w: Participate in Fair Share Funding of Improvements to Reduce Impacts on U.S.50 Eastbound / Oak Avenue Parkway Loop Ramp Merge
    - 3A.15-4x, participate in Fair Share Funding of Improvements to Reduce Impacts on U.S.50 Westbound / Empire Ranch Road Loop Ramp Merge
    - 3A.15-4y, participate in Fair Share Funding of Improvements to Reduce Impacts on U.S. 50 Westbound / Prairie City Road Loop Ramp Merge

4

Traffic Analysis

- Existing Scenarios Roadway Networks. Page 3A.15-28. The Existing Plus Project traffic analysis scenario includes both of the new interchanges (Oak Avenue and Empire Ranch). The interchanges *cannot* be assumed in the Existing Plus scenario. CEQA requires that existing conditions reflect what is on the ground at the time the DEIR is prepared. Furthermore, it would require that an interim year analysis be conducted when it was anticipated these improvements would be in place. There is no mention of the construction of the new interchanges as mitigation, yet the DEIR discusses mitigating the weave between the existing Empire Ranch interchange and the proposed Oak Avenue interchange. Because

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these two interchanges are part of the Existing Plus Project scenario, the Traffic Study needs to be revised and recirculated for review and comment. 9

- Table 3A.15-15. Page 3A.15-31. The table indicates that total trip generation for the alternatives range from 168,700 to 218,500 trips per day. Using the detailed Specific Plan breakdown of land uses and ITE Trip Generation Rates, a total trip generation figure somewhere between 40,000 to 50,000 trips higher can be calculated. It is assumed that total trip generation was reduced for this project due to Smart Growth, Blueprint, and SB 375 sensitive land use and transportation initiatives included in the Specific Plan. The assumptions and techniques used to reduce the trips should be provided to Caltrans so a reasoned assessment can be made of the reduction. Detailed mode split (auto, transit, walk and bike) information for each land use and site should also be provided. 10 11 12 13

- Oak Avenue Interchange. Mitigation Measure 3A.15-4w. Fair share funding for the US 50 Eastbound/Oak Avenue Parkway Loop Ramp Merge. Page 3A.15-117. Regarding the US 50/Oak Avenue interchange, has a possible phased project been discussed? It is recommended that future traffic studies for the Oak Avenue project address the possibility of beginning with an overcrossing to connect areas north and south of US 50, and phasing in the ramp connections as needed. In addition, it is also recommended that the City analyze future southbound trips from north of US 50 to eastbound US 50 (utilizing the existing flyover) and determine if the need for this flyover exists in the future. Without the flyover, a braided ramp option for Oak Avenue may not be needed. In addition, the significant and unavoidable impacts that would occur due to the weave on US 50 between Prairie City Road and Oak Avenue (with the construction of US 50/Oak Avenue interchange) are not acceptable. The project must be designed to have acceptable weave conditions on US 50 by way of a braided ramp option or a study of US 50/Prairie City Road to see what can be done with the existing flyover, or provision of north-south connection only on Oak Avenue. In addition, the implementing agency within the mitigation is not Caltrans or the Capital Southeast Connector Joint Powers Authority; it is the City of Folsom. 14 15 16 17 18 19

- Cumulative Rock Quarry Truck Traffic. Page 3A.15-30. Regarding operation of trucks in the p.m. peak hour, the document is not accurate in stating that there won't be any trucks in the p.m. peak hour. The Project's analysis assumes that the majority of quarry truck traffic on US 50 will occur in the a.m. peak hour and not the p.m. peak hour. However, trucks will return to the quarries and back again to sites sporadically within the afternoon and evening hours, including the p.m. peak period and p.m. peak hour. On US 50, 4 p.m. to 5 p.m. is the p.m. peak hour. The Project's analysis should be revised to show quarry trucks using US 50 in the p.m. peak period and p.m. peak hour. 20 21 22

Other Comments

- Mitigation Measure 3A.15-3. The Specific Plan should be much clearer and more defined as to how the City's transportation impact fee program, Measure W, and other funding sources will fund specific transportation improvements, such as the Oak Avenue and Empire Ranch interchanges. This mitigation measure's text is confusing regarding which improvements the project applicants are responsible for. Caltrans acknowledges the City's Measure W funding framework specified that *Adoption of an Infrastructure Funding and Phasing Plan by the City Council providing for the construction of roadways and transportation improvements that are necessary to mitigate traffic impacts caused by any development of the Area. The infrastructure funding and phasing plan shall identify the timing for construction of all transportation improvements, including any required improvements along the Highway 50 corridor*. (Folsom Plan Area Specific Plan. Page 1-10). 23 24

- Transit. Because the improvements proposed for US 50 will not fully mitigate impacts, the funding commitment to transit capital and operations should be shown within the finance plan and the EIR for this project. The cumulative transit conditions, as stated on page 3A.15-30, need to be further defined as the project progresses. Mitigation Measure 3A.15-2 requires fair share participation in funding transit capital improvements and operations. The City should clarify in the financing plan how an existing city wide fee program will fund transit capital expenditures and operations, and how that does not conflict with Measure W mandates. 25 26 27

- Caltrans Priority Projects based upon the US 50 Corridor System Management Plan on and along US 50 include:
    - HOV lanes from Downtown to Watt Avenue
    - Auxiliary lanes from Bradshaw Road to Mather Road, and between the Sunrise Boulevard and Scott Road
    - Hazel Avenue interchange reconstruction and extension of Hazel Avenue south to Easton Valley Parkway
    - Adding Intelligent Transportation System (ITS) elements such as closed caption televisions (CCTV) and ramp meters
    - Parallel and connecting roadways such as White Rock Road, Scott Road, Prairie City Road, Hazel Avenue and Easton Valley Parkway

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- Project Phasing. The Project's phasing plan should be better developed to state clearly the triggers for building out the backbone infrastructure, including the transportation improvements and transit system. Please explain the basis for the assumption that the area along Scott Road will be the location of the initial development. 29 30

Caltrans looks forward to working with the City of Folsom throughout this project and to reviewing a revised document. If you have any questions regarding these comments, please contact Larry Brohman at (916) 274-0627.

Sincerely,

Alyssa Begley

ALYSSA BEGLEY, Chief
Office of Transportation Planning – South

Caltrans-1

The comment thanks the City for additional review time and restates the project description.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment is noted.

Caltrans-2

The comment concurs with the Existing Plus Project freeway and ramp mitigation measures; however, the comment suggests that the City should change the implementation and enforcement agency in many instances. The comment states that the City is responsible for implementation and enforcement. The comment suggests that the City should identify the project sponsor who would provide the majority of the funding for each project, because the project sponsor is not Caltrans.

The City agrees that Caltrans is not the project sponsor for DEIR/DEIS Mitigation Measures 3A.15-1o through 3A.15-1ii. The City of Folsom and/or Sacramento County would be responsible for funding and enforcement of these mitigation measures. Caltrans would still be responsible for review and ultimate approval of any/all improvements proposed to Caltrans facilities. The responsibility for implementation and enforcement of these mitigation measures have been clarified as shown in Chapter 5, "Errata" of this FEIR/FEIS.

Caltrans-3

The comment suggests that the City should identify fair-share funding amounts and methodology for improvements to the transportation system, including U.S. 50 and State Route 16. The comment states that the improvements are required because of local development and Caltrans is not a source of funding for the improvements.

The City of Folsom is currently in negotiations with Sacramento County to develop fair share funding methodology and amounts for improvements impacted by the proposed project. Caltrans is not assumed to be one of the funding sources in these calculations.

Caltrans-4

The comment concurs with the Cumulative Plus Project freeway and ramp mitigation measures; however, the comment suggests that the City should change the implementation and enforcement agency in many instances. The comment states that the City is responsible for implementation and enforcement. The comment suggests that the City should identify the project sponsor who would provide the majority of the funding for each project, because the project sponsor is not Caltrans.

The City agrees with the comment; Caltrans is not the project sponsor for DEIR/DEIS Mitigation Measures 3A.15-4p through 3A.15-4y. The City of Folsom and/or Sacramento County would be responsible for funding and enforcement of the mitigation measures. Caltrans is still responsible for review and ultimate approval of any/all improvements proposed to Caltrans facilities. The responsibility for implementation and enforcement of these mitigation measures have been clarified in Chapter 5, "Errata" of this FEIR/FEIS.

Caltrans-5 through Caltrans-9

The comments state that the Existing Plus Project conditions include the new Oak Avenue Parkway interchange and the Empire Ranch Road interchange. The comments further state that these interchanges cannot be assumed under Existing Plus Project conditions because CEQA requires that Existing Conditions reflect what is on the ground when the DEIR/DEIS is prepared. The comments note that the two interchanges are not mitigation measures. The comments suggest that the traffic study should be revised and re-circulated because it includes the new Oak Avenue Parkway interchange and the Empire Ranch Road interchange under Existing Plus Project conditions.

The new Oak Avenue Parkway interchange and the new Empire Ranch Road interchange are included as part of the project (see DEIR/DEIS Chapter 2, "Alternatives"); therefore, it is appropriate to include them in the "Existing Plus Project" traffic conditions analysis. Thus, there is no need to revise or recirculate the traffic study.

Caltrans-10 through Caltrans-13

The comments state that the trip generation in the DEIR/DEIS is lower than an ITE Trip Generation Rate trip generation calculation based on the land use. The comments assume that the trip generation was reduced because of Smart Growth, Blueprint and SB 375 land uses and transportation initiatives. The comments suggest that the assumptions and techniques should be used to reduce the trip generation. The comments also request detailed mode split data.

The project trip generation, distribution, mode choice, and assignment was calculated using the SACOG regional travel demand model, which estimates number and distribution of person trips and estimates the mode of travel for each trip based on an assumed roadway and transit network, transit fares, parking costs, and other information. The distribution model within SACOG's regional travel demand model estimates the amount of internal travel. Therefore, no assumptions on trip reduction or mode split were made. Data on trip generation, distribution (including internal travel), and mode split was previously provided to the commenter, Larry Brohman, on September 13, 2010.

Caltrans-14

The comment asks if the possible phasing of Mitigation Measure 3A.15-4w has been discussed.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. There have been preliminary discussions between the project applicant(s) and City regarding this phasing concept.

Caltrans-15

The comment recommends that future traffic studies for the Oak Avenue/U.S.50 project address the possibility of an initial overcrossing and subsequent ramp phasing.

The comment does not raise specific questions or information regarding the adequacy of the environmental analysis provided in the DEIR/DEIS. The comment does not specify additional information needed or particular insufficiencies in the DEIR/DEIS. The comment suggests that in the future, additional traffic studies for the Oak Avenue/U.S. 50 interchange improvements be considered. Phasing of ramps would be considered by the City in the future.

Caltrans-16 through Caltrans-18

The comments suggest that an analysis should be conducted to determine if the Prairie City Road interchange flyover ramp could be replaced by some other ramp configuration, removing the need for braided ramps toward the Oak Avenue Parkway interchange.

The Prairie City Road interchange flyover ramp could be replaced by either a loop ramp or a southbound to eastbound left-turn lane onto the existing slip ramp, thereby improving the freeway operations over the current flyover design (as shown in Tables 3.15-31A, 3.15-32A, and 3.15-33A of the DEIR/DEIS); however, the left-turn lane would worsen operations at the eastbound off-ramp and would require widening of the Prairie City Road bridge over U.S. 50. These alternate designs could potentially remove the need for braided ramps toward the Oak Avenue Parkway interchange.

Caltrans-19

The comment states that the implementing agency for improvements to U.S. 50 is the City of Folsom, not Caltrans.

The City agrees with the comment; Caltrans is not the project sponsor. The City of Folsom and/or Sacramento County would be responsible for funding and enforcement of the mitigation measures. Caltrans is still responsible for review and ultimate approval of any/all improvements proposed to Caltrans facilities.

Caltrans-20 through Caltrans-22

The comments state that the assumption in the DEIS/DEIR that no PM peak-hour aggregate quarry truck trips would occur is inaccurate. The comments suggest that the project's analysis should be revised to show quarry trucks using U.S. 50 in the PM peak period and PM peak hour.

See response to comment Tsakopoulos-2-182.

Caltrans-23 and Caltrans-24

The comments suggest that the Specific Plan should be much clearer and more defined regarding how the City's transportation impact fee program, Measure W, and other funding sources would fund specific transportation improvements, such as the Oak Avenue Parkway and Empire Ranch Road interchanges. The comments state that Mitigation Measure 3A.15-3 is confusing with respect to improvements for which the project applicants would be responsible.

According to Measure W, the City of Folsom, upon annexation of the SPA, intends to update the City's Nexus Study and Transportation Impact Fee to incorporate the major transportation improvements associated with the project and establish fair share funding allocations. These allocations would likely include community financing districts (CFDs), developer contributions, and City contributions. The City also intends to fund mass transit improvements primarily through local funds, rather than sales tax revenue, consistent with Assembly Bill (AB) 32.

Caltrans-25

The comment states that because the improvements proposed for U.S. 50 will not fully mitigate identified impacts, the funding commitment to transit capital and operations should be shown in the finance plan and EIR.

As indicated in the Draft Folsom Plan Area Specific Plan Public Facilities Financing Plan dated June 2010 (incorporated herein by reference and available upon request to the City or at www.folsom.ca.us), transit capital improvements would be funded from a number of

sources, including development impact fees, fair share contributions from developers, and possibly general fund revenues. The City also anticipates receiving other outside funding for transit improvements, such as state and Federal grants or other funds. (See Draft Financing Plan at pages 11, 12, and 14.) The City would fund transit operations through a combination of fair box revenues, state funding (such as funding from through the Transportation Development Act), and, if necessary, general fund revenues.

Caltrans-26 *The comment states that the cumulative transit conditions stated in the EIR need to be further defined as the project progresses.*

Transit conditions would evolve over time during the development of the SPA. As major roads are constructed and connected with each other, transit services would be adjusted to accommodate new transit demand. The proposed BRT system would only be implemented once Easton Valley Parkway is fully constructed between Scott Road and the Hazel Avenue Light Rail Station; the western half of this system falls outside the responsibility of the City of Folsom or the project applicants.

Caltrans-27 *The comment states that Mitigation Measure 3A.15-2, fair share funding of transit capital improvements and operations, should be more clearly defined by the City with respect to how an existing city-wide fee program will fund transit capital expenditures and operations without conflicting with Measure W.*

See response to comment Caltrans-23.

Caltrans-28 *The comment lists the U.S. 50 Corridor System Management Plan (CSMP) priority projects in the area.*

The comment does not identify how the list of projects provided in this comment is relevant to the analysis performed in the DEIR/DEIS, nor does the comment identify any specific requested changes to the DEIR/DEIS analysis; the comment is noted.

Caltrans-29 *The comment states that the project phasing plan should be better developed to clearly state triggers for building backbone infrastructure, including the transportation and transit systems.*

See response to comment Sac Cnty-2-270.

Caltrans-30 *The comment requests an explanation for an assumption that the area along Scott road will be the location of initial development.*

The assumption is based on current market trends that indicate that non-residential land uses are likely to lag behind residential growth in the foreseeable future. Initial development of any type is most likely to start along existing street corridors so that funding for future streets can be collected. The project features a substantial concentration of single family residential around the Scott Road corridor, more so than adjacent to the other existing roadway in the SPA (e.g., Prairie City Road). Therefore, the most reasonable assumption is that single-family residential would develop along Scott Road and then expand outward as funding for additional improvements is generated.